

# Solidarity, equality and opportunity:

creating strong social  
justice systems for women

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**FABIAN  
WOMEN**

## About this work:

FWN ran five roundtables with shadow ministers, Welsh government ministers, police and crime commissioners, experts by experience, academics and charity sector experts. They focused on **women, justice and:** violence against women and girls; their children; housing; welfare and work; health, to generate discussion and ideas for policy. These discussions are being converted to visual outputs by Pen Mendonça and are a partner output to this booklet.

## Acknowledgements:

This booklet would not have been possible without the kindness and expertise of: all those who wrote for or contributed to the booklet, all those who attended the policy round tables, Emily Batchelor, Christine Megson, Cllr Anya Sizer, Jen Thornton, Isaac and Inigo Sabiers, Cllr Catherine Fookes, Liz Hind and Mik Sabiers.

Thank you too to Baroness Corston, David Lammy MP and Lord Farmer for their vital work.

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Design: Hattie Barnes Design <https://www.hattiebarnesdesign.com/> @hattiebarnesdesign

Design edits: Rachel Maguire <https://www.cariadcommunications.com>

Print: Micropress <https://www.micropress.co.uk/>

**Fabian Women's Network: sisterhood, solidarity, service.**



# Solidarity, equality and opportunity

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# Foreword

Kate Green MP

Everyone knows custody is a terrible answer to women's offending. 15 years ago, the seminal Corston report made a powerful case for community-based solutions to address and prevent it. In 2018, picking up on many of the ideas in Corston, the Conservative government published its *Female Offender Strategy*, which was widely welcomed. It aimed to reduce the number of women in prison (especially on short sentences), provide support on release from prison, and increase the proportion of women managed in the community.

But in April this year, the Public Accounts Committee found that no meaningful progress had been made to implement the strategy. Worse, the National Audit Office reported that, while the government committed £200 million for 500 new places in women's prisons, only £9.5 million had been spent on community solutions since 2018. Now, this important report from the Fabian Women's Network reinforces the urgent need for a change in direction.

The case for doing so is stark. Women make up only around 4% of the prison population, many are convicted of less serious offences, and serve only short sentences. But often they are caught in a revolving door of repeat offending. This is hugely expensive for the taxpayer, highly disruptive for their children (only 5% of whom remain in the family home if their mother is taken into custody) - and it doesn't work to tackle the root causes of women's offending. Many women struggle with substance misuse or poor mental health. Some are coerced by a partner to commit crime or have themselves been the victims of abuse. Some commit crimes because they don't have enough money to pay the bills, or face homelessness on release.

A holistic strategy is therefore needed to address these challenges.



It must include help with housing, access to training and employment advice, parenting support, access to mental health services, addressing the sexual violence and domestic abuse so many women experience, and supporting women to access the financial benefits to which they're entitled.

This "whole-system" approach is one that Greater Manchester, where I'm a member of parliament, has pursued for a number of years, and women, and the wider community, have benefitted. Multi-agency women's centres, staffed by specialist organisations, work with police, local authorities, probation, voluntary and community organisations, the courts, colleges, and through the prison gate, both to deflect women from offending and to rehabilitate women who have. But the government's failure to prioritise the investment needed properly to implement a holistic, community-based female offender strategy across the country is a missed opportunity to address the ruinous financial, social and human costs of keeping women in custody.

So, this can-do report, highlighting good practice and evidence of effective work already being carried out in the community, suggesting what more could be done, could not be more timely. It makes a powerful case for the implementation of the Female Offender Strategy across government, and in partnership with specialist organisations. It shows how doing so could transform the prospects of women affected by the justice system – and secure better value for the taxpayer. I hope it will be read in the corridors of Whitehall – and, at last, be put into practice.

**Kate Green MP** is co-chair of the APPG on Women in the Penal System. She served as a magistrate from 1993 - 2009.





## What is a women's centre?

Women's centres are often charities, set up by women for women, based in local communities. Centres provide holistic, woman-centred, trauma-informed services in safe, women-only spaces. These include specialist advocacy, advice and support on housing, substance misuse, mental and physical health, employment, debt, domestic abuse and parenting support. Independent advocates at women's centres support women to overcome barriers to accessing and navigating services and prioritise women's voices in decisions about treatment and support. The core of this approach is strengths-based and collaborative support to enable women to move forward and heal from harmful cycles of trauma, disadvantage, and abuse.

These centres are independent, specialist community support services for women facing multiple disadvantages, and serve women only, in recognition of the well-evidenced need for gender-specific interventions that acknowledge the specific and different patterns of offending between men and women, and the different life circumstances that bring women into the criminal justice system. For women, this rarely involves violent offending, but instead is driven by lifelong experience of domestic and sexual abuse, substance abuse, and leads to crimes of poverty: shoplifting for food, failure to pay TV licence fines.

With thanks to Janet Veitch at the Women's Budget Group and Sarah Uncles at Women in Prison.

# Women and the justice system

*All data in this section is taken from the Prison Reform Trust's (2022) Bromley Briefings.*

1.

Women make up **4%** of the total prison population in England and Wales. There are 12 women's prisons in England, four in Scotland, one in Northern Ireland and none in Wales.

2.

**Seven in 10** women in prison (71%) reported that they had mental health issues, with 25% reporting the symptoms of psychosis. 46% of women have attempted suicide.

3.

Women released from prison are more likely to reoffend, and reoffend sooner, than those serving community sentences.

4.

**58%** of women are reconvicted within one year of leaving prison. This rises to **73%** for sentences of less than 12 months.

5.

A **third** of women in prison spent time in local authority care as a child.

6.

Of women who drank before prison, **52%** of them felt it was out of control. **Almost half** of women reported needing help with a drug problem on entry to prison.

7.

Half of women (**50%**) entering prison in 2021 to serve a sentence had received a sentence of less than six months.

8.

Community orders cost an average of **£2,800** per women per year<sup>1</sup>, compared to an average yearly cost of a prison place, **£45,619.76**<sup>2</sup>.

1. Ministry of Justice (2012) *A distinct approach: a guide to working with women offenders*, London: NOMS Women and Equalities Group.

2. Ministry of Justice (2018) *Costs per place and costs per prisoner by individual prison, HM Prison and Probation Service Annual Report and Accounts 2017-18 Management Information Addendum*, London: Ministry of Justice.

9.

Half of women (**50%**) left prison without settled accommodation in 2020–21.

10.

Women are in prison, on average, 46 miles from their home; some significantly more. There are no women's prisons in Wales.

11.

The system is not “colour-blind”. For women tried at magistrates' courts: for every **100** white women found guilty, **122** Black women and **144** Asian women were found guilty.

12.

Nearly **one in 10** women in prison are foreign nationals. Some are known to have been coerced or trafficked into offending.

13.

**72%** of sentenced women entering prison in 2021 had committed a non-violent offence.

14.

Only **4%** of women have paid employment six weeks after release.

15.

Rates of self-harm amongst women are at the **highest level** since records. In 2021 **22%** of all self-harm incidents in prison were by women, despite being **4%** of the prison population.

# Introduction: social justice not criminal justice

Cllr Sara Hyde

The path to safer communities and a more effective justice system can seem long and complex, left languishing in the “not a vote winner” or “too difficult” box. But sometimes crimes occur that sharply bring into focus the desperate need for change to avert further needless deaths, damage and trauma; the shooting of nine year old Olivia Pratt-Korbel in August 2022 did just that. From neighbours to news anchors, people repeatedly articulated the understandable desire that something must be done to prevent a reoccurrence, that this should never happen again.

Preventing crime and making the justice system work for victims, communities, those in it and affected by it will never be the sexy, shiny end of policy but it is deeply crucial if we want a safe, equitable, functional society. At present, 12 years of Tory austerity and ignoring the evidence base has given us an utterly broken system. Our police are in crisis; barristers are walking out and striking; almost two out of three prisons are overcrowded;<sup>1</sup> suicides and self-harm in prisons are at some of the highest levels ever recorded<sup>2</sup>, and

high reoffending rates persist.<sup>3</sup> There is an urgent need to break the cycle, not just at an individual level but across a whole system that allows having an incarcerated parent to mean you are more likely to be incarcerated yourself.

Although, there are approximately 81,000 people in prison on any given day, in 2021 59,440 people were received into custody and 47,014 people were released.<sup>4</sup>

Around 312,000 children in England and Wales have a parent in prison.<sup>5</sup>

Recent Ministry of Justice research estimates reoffending costs £18.1 billion each and every year.<sup>6</sup>

This publication is specifically focused on women. Three out of five women sent to prison are given sentences of less than six months, but that’s enough time to lose your home, your job and your children. A third of women in prison have spent time in local authority care; over half report childhood abuse;

1. Ministry of Justice (2021) HM Prison and Probation Service Annual digest: April 2020 to March 2021, London: Ministry of Justice

2. Ministry of Justice (2021) Safety in custody statistics quarterly update to June 2021, London: Ministry of Justice

3. Ministry of Justice (2019) The economic and social costs of reoffending, London: Ministry of Justice

4. Ministry of Justice (2022) Offender management statistics quarterly, October to December 2021 and Annual 2021, London: Ministry of Justice.

5. <https://www.crestadvisory.com/post/children-of-prisoners-fixing-a-broken-system>

6. Ministry of Justice (2019) The economic and social costs of reoffending, London: Ministry of Justice



81% were unemployed four weeks prior to custody; 25% have symptoms indicative of psychosis, and 68% report Class A drug use.<sup>7</sup> The journey to a safer society is clearly not just about prison, or even criminal justice. We have to look at every area of life and the policies that impact it - health, housing, home affairs, education, employment and more. The evidence shows us: early intervention is key. Non-siloed working is key. Enabling the retention of healthy family ties is key.<sup>8</sup>

Additionally, as David Lammy's 2017 review evidenced so starkly: the racism endemic in the system needs action to address it. He provided 35 recommendations to do so. Without that action, we will continue to see unequal systemic outcomes persist, such as racially minoritised women being more than twice as likely to be arrested than their white counterparts.<sup>9</sup>

We must also learn from those with lived experience of these systems if we are to improve them. This publication is rooted in the experiences of those who have been through it and a

third of the authors are experts by experience, with others including lived experience stories within their pieces. Some of the contributions are anonymous or pseudonymised and some of the named contributors do not disclose their conviction in their pieces. This demonstrates the stigma that still exists around having had a criminal conviction and how difficult it can be, even decades later, for that not to impact every area of your life. We are grateful to all our contributors for their generosity in writing for this booklet.

Fabian Women's Network and the partners who contributed to this work are committed to evidence-based, thoughtful policy making. This booklet reflects that. The time has come to tackle some of the more "difficult" policy topics head on, guided by decency, humanity and fairness. Social justice rooted in our Labour values - not a failing, crime-creating criminal justice system - can break the cycle and turn the damaging downward spiral around to the benefit of us all. The contributions in this booklet show us how to get on with it.

Cllr Sara Hyde is FWN chair and chief whip for Islington council. She worked in frontline roles in and after prison for a decade and is currently undertaking a PhD.

7. Prison Reform Trust (2022) The Bromley Briefings, London: PRT

8. Farmer (2019), The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Re-offending and Reduce Intergenerational Crime, London: Ministry of Justice

9. Lammy, D. (2017) The Lammy Review: an independent review into the treatment of, and outcomes for Black, Asian and Minority Ethnic individuals in the criminal justice system. London: Ministry of Justice.

# Double disadvantage for Black, Asian, minoritised, and migrant women in the criminal justice system

## Hibiscus Policy and Public Affairs Team

On 31 January 2022, a coalition of organisations: Hibiscus Initiatives, Muslim Women in Prison, Zahid Mubarek Trust, Agenda, Criminal Justice Alliance and Women in Prison, launched a 10-point action plan<sup>1</sup> designed to tackle the persistent inequalities experienced by Black, Asian, minoritised, and migrant women in the criminal justice system. The aim of the plan is to improve outcomes and reduce the inequalities and discrimination faced by these groups. Developed through consultation with women with lived experience, as well as government officials and specialist organisations, the plan provides clear steps to making a real difference in the lives of some of the most marginalised women in our community.

Too often, Black, Asian, minoritised and migrant women face the ‘double disadvantage’ of gender inequality and racism when they encounter the criminal justice system. This stops them from getting the support they need both within the system and when they try to rebuild their lives outside, which leaves them at risk of reoffending. The government has made a public commitment to tackle racial inequality in the criminal justice system, but progress has been slow. The *Female Offender Strategy* was published in 2018, but it does not go far enough to meet the needs of Black, Asian, minoritised, and migrant women. Women’s experiences of violence and abuse can drive them into the criminal justice system, with the majority serving short sentences for non-violent offences.

Many women then face further abuse and vulnerability as they experience the ripple effects of criminal justice involvement, like worsening mental health, isolation, and poverty. These experiences can be heightened by racism, prejudice, and discrimination. Women can also face additional disadvantage in the form of faith inequalities. The failure to acknowledge and support faith as an important part of their identity can further accentuate their sense of unfairness and marginalisation.

1. <https://usercontent.one/wp/hibiscusinitiatives.org.uk/wp-content/uploads/2022/01/DD-Action-Plan.pdf>

According to the most recent Criminal Justice Alliance (CJA) and Independent Monitoring Boards (IMBs) report on race and equality in the Criminal Justice System<sup>2</sup>, over 40% of Black, Asian, minoritised, and migrant women in prison have experienced some type of discrimination, whether in the form of unfair procedures and treatment, reduced access to employment, or lack of understanding of cultural needs by staff. Hibiscus works with these women and has witnessed the effects of the double disadvantage on them.

The following is a story of one of Hibiscus' clients that portrays this injustice:

*'My name is Star and I have a lot to say about the UK criminal justice system. I'm a Black woman from Nigeria who has lived in this country for over 34 years. I'm also a single mother of five children and I went to prison and was also placed in detention. As a Black woman and a single mother, I can say that my children are my life and I have a very strong bond with them. In prison I only thought and cried about my children. They were left home alone, and no one took care of them. The officers did not help me, and they never offered me a call to speak to them or asked how they were doing. I did not see any compassion and kindness from them, two things that can take you a long way and give you courage. I was unable to speak to or see my children for a long time, and no one was there for me. Even when one of my children tried to commit suicide, no one helped me. I couldn't talk to them or know how they were feeling. I understood that they put me in prison, that I had been sentenced but that is no excuse for not being treated like a human being. For me, when they put you in prison, it is not just about you, but also about your children, and that must be taken into consideration. All my children were seriously affected in different ways by the separation from me and the time I spent there. My oldest daughter had to learn how to become a mother very quickly as she had to take care of her younger siblings, one of them being diagnosed with a severe illness that required special care. Now, they all suffer from mental health problems and need therapy and psychosocial support. While I was in prison I also had my own health problems. I suffer from a disability that started before my time there but worsened during my stay. Medical assistance was not great, and my mental health deteriorated a lot, especially when I was transferred to Yarl's Wood (an immigration detention centre). I also suffer from PTSD and other mental health issues and in detention my medication was messed up, which almost killed me.'*

2. <https://www.criminaljusticealliance.org/blog/cja-imb-report-shows-discrimination-for-black-asian-and-minority-ethnic-women-in-prison/>

*I have to end by saying that as a Black woman, I know that I suffered discrimination during the whole process, and that is why I was detained after prison. If you are Black, they always try to attach deportation to whatever prison sentence you may have, and you may get longer sentences just so that they can also try to deport you. When I went to court, the entire jury was made up of white people and the lawyers were not there for my own interests. Before my sentence, the probation officer said he could not hear me well and could not understand me. I felt like I did not matter. When I received my sentence, I went straight to health care because my body was numb from my neck down. This is the reality of what I lived and experienced while in prison and detention. Even now, I am still fighting my deportation order’.*

Hibiscus are calling for urgent but practical changes to training, recruitment, and external scrutiny to end biases that disadvantage these marginalised women in the criminal justice system. We are also calling on the Ministry of Justice to analyse and publish data regarding racial inequalities in women’s contact with the prison system. Evidence shows that Black, Asian, minoritised, and migrant women are more likely than other women to face harsher treatment across the criminal justice system (Lammy, 2017)<sup>3</sup>. Marchu Girma, CEO of Hibiscus said:

*‘Currently there are unacceptable levels of inequalities in the criminal justice system that result in the suffering of many Black, Asian, minoritised and migrant women. I am certain these inequalities are not mountains that cannot be moved’.*

By working together across political parties and specialist organisations, and alongside women with lived experience in prison, we can create real change and ensure some of the most marginalised women are no longer overlooked.

**Hibiscus** is the UK’s leading organisation working with Black, minoritised and migrant women and families at the intersection of the immigration and criminal justice systems.

3. <https://www.gov.uk/government/publications/lammy-review-final-report>

No health  
without justice,  
no justice  
without health

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# Health and justice key facts

## 1.

**Prisoners in England and Wales have considerable health needs. They have multiple pathologies: a higher burden of infectious diseases, poorer vaccine coverage, a higher burden of chronic illnesses, higher rates of substance misuse, poorer mental health, higher levels of learning disabilities and poorer access to treatment and prevention programmes. (Fazel and Baillargeon, 2011; Plugge et al, 2017).**

Fazel S, Baillargeon J. (2011) 'The health of prisoners', *The Lancet*; 377:956–65

Plugge, E. et al. (2017) 'Worldwide prison health research and engagement network: a vehicle for capacity-building in prison health', *Public Health Panorama*, 3: 483-489.

## 2.

**People in prison are disproportionately affected by the social determinants of health (McLeod et al, 2020).**

McLeod K. E. et al. (2020) 'Global Prison Health Care Governance and Health Equity: A Critical Lack of Evidence'. *Am J Public Health*.110(3): 303-308. doi:10.2105/AJPH.2019.305465

## 3.

**Prison overcrowding is a causal and contributory factor for many prison health issues, most saliently mental health and infectious diseases (MacDonald, 2018).**

MacDonald, M. (2018) 'Overcrowding and its impact on prison conditions and health', *International Journal of Prisoner Health*, 14(2), pp. 65–68. doi: 10.1108/IJPH-04-2018-0014.

## 4.

**Two thirds of women in a study at HMP Drake Hall were found to have past head injuries, often as a result of domestic abuse.**

<https://www.thedtgroup.org/foundation/news/the-disabilities-trust-launch-making-the-link-report>

## 5.

**15-20% of the female prison population have Hepatitis C.**

<http://www.hepctrust.org.uk/sites/default/files/Reframing%20Reinfection.pdf>

## 6.

**In 2021, 22% of self-harm in prison was in the women's estate, despite being only 4% of the prison population.**

Ministry of Justice (2021) *Safety in custody statistics quarterly update to June 2021*, London: Ministry of Justice.

## 7.

**An estimated one in three people in prison are suffering from a serious drug addiction. 66% of women in prison report committing offences to get money to buy drugs. Nearly half of women in prison report having committed offences to support someone else's drug use.**

Home Office (2020) Review of drugs: phase one report, London: Home Office

Light, M. et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

## 8.

**70% of people in prison with a self-identified alcohol problem said they had been drinking when they committed the offence for which they were in prison.**

Alcohol and Crime Commission (2014) The alcohol and crime commission report, London: Addaction

## 9.

**Black British people are more likely to be detained under mental health legislation; although minority ethnic prisoners are less likely to have mental health issues identified on reception to prison.**

<https://digital.nhs.uk/data-and-information/publications/statistical/mental-health-act-statistics-annual-figures/2020-21-annual-figures>

<https://www.gov.uk/government/publications/lammy-review-final-report>

## 10.

**Information on the prevalence of physical and mental disability in prisons is poor and out of date. HMPPS currently has no way of establishing whether people entering prison have specific needs related to a disability. A 2012 study estimated that 36% of people in prison had a physical or mental disability.**

Prison Reform Trust (2022) The Bromley Briefings. London: Prison Reform Trust.

Ministry of Justice (2012) Estimating the prevalence of disability amongst prisoners: results from the Surveying Prisoner Crime Reduction (SPCR) survey, London: Ministry of Justice.

## 11.

**There are no statistics in the UK on the number of trans people who are arrested by the police, dealt with by the courts or are subject to probation orders. There were 197 prisoners who identified as transgender but this is likely to be an under estimate; 158 reported their legal gender as male, 39 as female.**

Bent Bars (2017) Inside Gender Identity: A report on meeting the health and social care needs of transgender people in the criminal justice system.

Ministry of Justice (2021) HMPPS Offender Equalities report 2020/21, London: Ministry of Justice.

# Humanity, health and justice

Dr Alison Frater

‘Should we make prisons better more humane places?’ is a question often raised in discussions about women and the criminal justice system. It’s thrown down when frustration congeals around why successive governments accept the need for radical reform of the criminal justice system, yet fail to act. In the light of this government’s determination to push forward on producing 500 more prison places for women, the question about humanity, health and justice in our carceral system has added poignancy and urgency.

A vast collection of high-level reports present a consistent catechism<sup>1</sup>: failure to meet the needs of women facing multiple disadvantage often victims of crime themselves; systemic racism and disproportionality that criminalises Black and Brown women; intergenerational issues that leave the lives of children with mothers in prison “shot to pieces from the start”.

There is compelling evidence about poor facilities and care in prisons, lack of contact for women with their children and families, limited opportunities for purposeful activity, limited access to nutritious food or exercise, little social interaction and no self-determination. In short, a total environment that undermines health and wellbeing making women in prison especially vulnerable to disease, poor physical and mental health and creating what the House of Commons Justice Committee<sup>2</sup> coined as ‘prisons suffering an enduring crisis’.

Taken together there is compelling evidence that the prison system is nowhere near to meeting the WHO definition of delivering health as ‘a state of complete physical, mental and social well-being not merely the absence of disease or infirmity’. Neither does it even begin to approximate delivery against the tests of ‘equivalence’ for standards of care set up by the UK government Health and Social Care Committee in 2018 and by international committees and courts for example in the Council of Europe 2006 and the Bangkok Rules 2013 on meeting the needs of women in prison. It is clear that a different paradigm is needed.

1. Frater, A., & Bartlett, A. (2017). *Human cost of delivering healthcare in unhealthy prisons*. BMJ (Online). <https://doi.org/10.1136/bmj.j1374>.

2. House of Commons Justice Committee (29 October 2019, HC 191: para: 5).

Metrics on the effectiveness of prisons task them with “reducing reoffending”. Yet no part of the criminal justice system has agency or responsibility for any of the specific or social determinants that would make the difference. Addressing poverty and inequality, for example, are arguably cross government responsibilities with local authorities and public health bodies as system leaders; building a better skills base, educational opportunities including readiness for work, all key to providing opportunity and preventing crime, lies in the hands of the Department for Education and agencies responsible for vocational and higher education.

Implementing the Domestic Abuse Act to support the many women in the criminal justice system whose crimes are related to their dire risk of sexual and physical assault, coercion and control, is the responsibility of a multiplicity of public bodies. Upper tier local authorities lead much of the work; prison leaders rarely feature in local plans.

Drug and alcohol addiction are closely associated with women’s offending behaviour and some therapeutic services are offered in prisons, yet they’re rarely integrated with care after prison and equity of access is poor. Lack of grip on service integration for primary health care through the prison gate is a frequent cause of concern from prison inspections and is often cited in reports on deaths in custody or as a lead factor for women who breach conditions of release. In this context, holding prisons and the wider criminal justice system to account for humanity, health and justice is regressive not transgressive.

Much has been written about community-based alternatives to incarceration. The evidence base suggests that for comparable crimes women enabled to stay in the community have lower rates of reoffending<sup>3</sup>. While a probation-based service could and possibly should be enhanced to deliver this aim there is a wider responsibility. Humanity, health and justice requires a broader commitment and clear accountability in policy and practice from the full range of responsible agencies.

Incentivising joint working across government to catalyse change can begin by diverting investment from a costly and ineffective carceral system that

3. Frater, A., Bartlett, A., & Tang, H. (2016). *Women in the criminal justice system in London: A health strategy*.

excludes women from society and takes lives. Local authorities responsible for the health and social care of the populations they serve should ensure an approach that extends to include residents and their families who are caught up in the criminal justice system. As a start, being requested to bear the costs of incarceration of their residents may encourage better grip and focus on crime prevention and building an interdisciplinary platform for diverting women away from incarceration. It would at the very least move us out of policy inertia and ensure a more productive discussion on the beneficial alternatives to persistent failure.

**Dr Alison Frater** is a consultant in public health working on health and justice in research, policy and practice; she also co-chair's women's theatre company, Clean Break.



# Women's mental health and the justice system

Linda Bryant,

Chief Executive, Together for Mental Wellbeing ([www.together-uk.org](http://www.together-uk.org))

Most women coming into contact with the justice system will be in crisis, to some degree or other. The majority will have experiences of mental distress and their crimes will often be traced back to challenging life circumstances and traumatic events.

Any civilised society needs a working system of law and order. However, legislation and the powers divested to our public bodies, including our criminal justice agencies, must not operate outside of societal values based on our humanity and compassion when faced with people with life experiences that leave them vulnerable, isolated and in need of help. With a background in forensic psychology, I was a frontline mental health practitioner for many years working in our justice system, which included designing responses to address the specific needs of women.

The starting point has always been that women are faced with systems built for men and built by men, who are the dominant caste in this country – white men – so a woman is already at a disadvantage, and more so a woman who is Black, Asian or from an ethnic minority. This has inevitably led to a lack of knowledge and understanding of the needs of women by criminal justice, health and social care professionals. As a practitioner, I saw time and again, women being judged more harshly as a result. They were often at risk of being charged with offences and remanded in prison because they had committed acts in retaliation to the abuse they had suffered at the hands of partners or due to coercion or exploitation by others.

For too long we have relied on criminal justice agencies to provide mental health care and support to people they come into contact with and the number of people in prison experiencing significant mental distress remains alarmingly high. In this respect, the reform of the Mental Health Act is welcomed, with a commitment to ending the practice of using prisons as “places of safety” for defendants with acute mental illness. However, it isn't just poor mental health that is overlooked as women enter the justice

system – physical health needs are often inadequately addressed and the questions just not asked to ensure that women are safe.

Women are not a homogenous group. The experiences of foreign national women, for example, require our particular solidarity and advocacy – to end bias and discrimination when her story is not believed and to deliver equality of access to care and support including through appropriately trained interpreters. Young women also find themselves similarly disadvantaged - the use of force, physical restraint and isolation is being used increasingly and disproportionately in custody settings to manage distressed behaviour and even self-harm: experiences further compounded by racist stereotyping.

The solutions to improve the experiences of women with mental distress in contact with the justice system have been well documented and advocated for over many years by women's groups, campaigning organisations and the VCSE sector with different degrees of success. One of the most pervasive calls over the last few years is that most women should not be in prison. There are few women who present a risk to public safety and of those, they must have access to specialist support and rehabilitation in the least restrictive setting. Community options should always be considered first with prison as the last resort - prison being the alternative to a community response, not the other way around.

We need to strengthen policies of prevention – women do not experience mental distress in isolation to the rest of their life experiences. Poverty, debt, poor housing, homelessness, substance and alcohol misuse, lack of education and employment all contribute to life experiences that make women more vulnerable to finding themselves in trouble with the law. Local authorities, as the main funders of social care in the community, need to deliver support offers that demonstrate radical empathy and that address the wider determinants of poor mental health. They must educate themselves about the needs of women, listen and understand the experiences from their perspective, avoid making assumptions or judgements, and provide services that respond to what they hear. It is not enough to refer to the Equality Act – this is about being pro-women in all its manifestations.

Aligned to that are the inspirational women centres around the country that respond to what women want and need. They are local, part of our

communities, promote women-centred leadership and their efficacy is well-evidenced, but we continue to need robust policy drivers and funding to ensure equity of access to these resources for women anywhere in the country. We do have a policy of early intervention at arrest stage, however, but diversionary schemes must be more widely available and the criteria for considering a woman's eligibility needs to be expanded as too many women subject to domestic violence and arrested within that context cannot access those schemes.

A true success story, however, of health policy over the last decade has been the rollout of the NHSE-led national liaison and diversion programme which has funded the presence of mental health practitioners in all police and court settings. Services operate an all age, all vulnerability model of assessment with the aim to divert people away from custody settings to more responsive health and justice interventions in the community. There is still a need for more specialist roles within these services, trained in trauma-informed practices, to truly meet the needs of all women at risk. Yet the programme has been testament to evidence-based policy, applied with compassion and humanity, significantly improving the experiences of women (and men) with mental distress in our justice system. It also demonstrates the potential for systemic change more broadly at the intersection of the justice system and mental health if we have the will to do so.

**Linda Bryant** is the CEO of Together for Mental Wellbeing and a registered Forensic Psychologist. She was a founding member of the Bradley Report Group and is currently contributing to the DHSC C-19 Social Care Stakeholder Group: Mental Health & Wellbeing Policy & Oversight Advisory Group.

# Women in prison: mental health and drug rehabilitation services

Cllr Josie Channer

My years in prison service exposed me to the many complex reasons why women end up in prison. As a prison officer at HMP Holloway, Europe's largest prison for women until it closed in 2016, I saw two particular areas that would make a significant difference to the outcomes for women: the reform of mental health and drug rehabilitation provision.

## Mental health provision

I remember my first day at Holloway prison like it was yesterday. We unlocked the wing for breakfast and the green corridors came alive with women. The women busied themselves with getting mops and buckets to clean their cells and queued patiently outside the bathrooms. The smell of perfumed shower gels and creams drifted down the wing.

Then there was a commotion on the landing. I stood up as screams of terror engulfed the wing. I left the unit office to investigate. That morning a woman emerged from her cell wielding a full-to-the-brim bucket of excrement that she had hidden under her bed for two weeks. The wing descended into chaos. The unit officer was the first to be hit. Dark brown thick excrement dripped down his perfect white shirt. The officer ran back to his office and locked himself in, whilst screaming women banged on the door and begged to be let in. Other women hid where they could, under their beds and in the bathrooms.

The siren rang throughout the prison. The woman stood by the wing door waiting for the officers that would answer the call. She had covered herself in her own mess and stood licking the inside of the bucket, goading the officers to dare to take her down. After weeks of displaying unusual behaviour, this woman finally came to crisis point, flinging excrement around, eating it, which then resulted in her being taken by force to the segregation unit.

That first experience is an example of how the prison service responds to women in mental health crisis. Several days later she was assessed by the

mental health team and transferred to the health unit. However, several years later when I became the senior officer of the health and drug unit, I discovered just how little support staff and women were given.

Mental health provision in prison needs to be completely overhauled. Ongoing training for prison officers on mental health is vital. Although prison staff worked alongside health professionals, prison officers receive no specialist training. Women with severe mental health issues can be locked in their cells for hours due to staff shortages; spending 23 hours a day or more in cell has become more common under covid restrictions, leading to further deteriorations in mental health (Prison Reform Trust, 2021)<sup>1</sup>. Investment in community mental health to support women before they reach crisis point cannot be put off any longer.

## Drug rehabilitation services

So many women in prison have their lives stolen by drugs and are on a merry-go-round that they could not get off.

No government seems to be able to fix the broken link between prison, drug rehabilitation services and probation. It is clear that something bold is needed to cut the link between repeat re-offending and drug abuse. First and foremost, this should be treated as a public health issue. Prisons are not equipped to support people with drug addictions. Instead of wasting time behind bars, well-funded, well-resourced drug rehabilitation facilities could provide a place where women can receive specialised intensive support.

The structured daily prison routine is designed to manage time, not to instigate a change of behaviour. Prison does not rehabilitate those that will eventually become our neighbours again. From my experience as an officer, it's clear that we need specialised facilities for drug rehabilitation and mental health that are separate to prisons. The one-size-fits-all is simply not working. Is it really worth sending an eighteen-year-old caught shoplifting to prison for a few weeks, or even handing down a community service order, only to have her back again year after year because the real issue is her drug habit and/or mental health problem? Surely a better approach is to deal with the

1. [http://www.prisonreformtrust.org.uk/wp-content/uploads/old\\_files/Documents/CAPTIVE3\\_Healthcare\\_FINAL.pdf](http://www.prisonreformtrust.org.uk/wp-content/uploads/old_files/Documents/CAPTIVE3_Healthcare_FINAL.pdf)



issues at the heart of her re-offending and offer education or a trade skill, as a tangible benefit. The cost to society of the current approach is too high.

Diverting women with mental health and substance misuse issues away from prison and into services that can really deal with their issues is not being soft on crime, it is an effective way to reduce crime. Prison reform is needed so that individuals can access the support that they need to move forward with their lives and contribute to society.

**Cllr Josie Channer** has served on Barking and Dagenham council since 2010 and on the FWN exec. She worked as a prison officer in HMP Holloway and now works for the Independent Office for Police Conduct.

## Case study – Addiction and offending: the importance of anonymous fellowships in prison

Marie Tierney

Addiction is often a causal factor in why people commit crime and often that addiction is the coping mechanism a woman has for untreated trauma. Recovery from addiction is absolutely possible and accessing support when within the prison service is an ideal time to start.

For many, a twelve-step programme involving regular meetings gives an opportunity to explore what life without a drink or drug may be like, they are facilitated by those in recovery themselves. Contemplating abstinence can be frightening, particularly as it leaves a person unmedicated from whatever trauma they were seeking to avoid with a substance, but seeing others living a clean and sober life can inspire, engage and encourage. The fellowships of people involved give of their time freely and can build successful relationships within a prison environment. The “anonymous” fellowships have a huge amount to offer, many of their intergroups have a dedicated prison liaison officer who would be delighted to engage and assist.

For four years I facilitated a meeting at a Young Offenders Institution (YOI) with young women who had all sorts of stories, some horrific, beyond my comprehension. The prison officers came to appreciate our presence. Each week I would be accompanied by another sober member who would tell their story of addiction and recovery. We were introducing the concept of sobriety for many women and it was clear that we lifted the veil of denial for a short time, we were able to answer questions honestly about how accessible and immediate this real help is in the outside world. Professionals dealing with addicts will acknowledge that often the window of opportunity is small.

Resonance through truth is a remarkable thing, on so many occasions those closed off young people were able to share things that undoubtedly changed how they saw the world. That room held laughter and tears. Laughter: the day one prisoner had greeted me with ‘Sorry Miss, can’t come today, they’re sending me to anger management class’, 20 minutes later she burst

into the room 'I'm going to %\$^! the anger management teacher,' which caused me to burst out laughing, and when I explained why, she too could see the humour. She then told me she would rather be with the alcoholics telling their stories, even though she wasn't one, it was just the police had it in for her; despite the fact she couldn't remember 48 out of her 52 arrests.

Tears: for me the most poignant meeting, was with six young women, 19 years of age. It was the Friday before Christmas, five of them had two year old daughters who they would not be spending that special time with. There were women I met who had been born in that very prison to other addicts. What a failing of the system that they repeated that very same pattern.

Engagement with these fellowships can provide training for officers and highlight gaps in policy. One example I encountered was a prisoner who had a huge alcohol problem, she was abstinent in prison and sought help through the agencies, funding was denied as she wasn't a "drug" addict. Is it possible to break the chain? Yes. Recovery from addiction is possible, it is hard work, but brings enormous change. Access to this opportunity in a hopefully dry environment may just be the springboard into a new life.

<https://www.alcoholics-anonymous.org.uk/Professionals>

<https://pi.ukna.org>

**Marie Tierney**, sober 20 years, spent four years hosting fellowship meetings in prison.

# More support needed for people with an acquired brain injury in the criminal justice system

CLlr Natasa Pantelic

Acquired Brain Injury (ABI) is a leading cause of death and disability affecting over a million people in this country and costing £15 billion to the UK economy each year. It's something that affects people in every city, town and village. It has implications for army veterans, football players and cyclists, for young people in school and university, for doctors and social care workers, for probation workers, for prisoners, and victims of domestic abuse.

A joined-up approach between government departments is crucial to provide the right support for people with an acquired brain injury, including women entering and within the criminal justice system.

Repeated blows to the head or concussion can lead to brain injuries that cause a wide range of cognitive, behavioural and emotional difficulties, including: loss of memory, concentration, confusion and even increased aggression. Brain injury in women, men and adolescents within the criminal justice system is up to five times higher than the general population.<sup>1</sup> A recent Equality and Human Rights Commission report into inclusive justice found that three out of every four criminal justice professionals surveyed in England and Wales said defendants' impairments were sometimes missed.<sup>2</sup> Our justice system should ensure just, equal treatment for every person, including those with ABI, leaving no-one behind.

Last year's joint review by the criminal justice inspectorates found that around half of those entering prison have some form of neurodivergent condition, of which acquired brain injury is one. This impacts their ability to engage, whilst prisons offer no consistency in the screening tools used, nor any follow-up for the conditions identified.<sup>3</sup> The Ministry of Justice's 2022 action plan, published in response to the recommendations of the review, are ambitious and welcomed by organisations such as the UK Acquired Brain Injury Forum

1. <https://ukabif.org.uk/news/610087/UKABIF-and-Criminal-Justice-Acquired-Brain-Injury-Interest-Group-welcome-Neurodiversity-Action-Plan.htm>

2. [https://www.equalityhumanrights.com/sites/default/files/ehrc\\_inclusive\\_justice\\_a\\_system\\_designed\\_for\\_all\\_june\\_2020.pdf](https://www.equalityhumanrights.com/sites/default/files/ehrc_inclusive_justice_a_system_designed_for_all_june_2020.pdf)

3. <https://www.justiceinspectorates.gov.uk/cjji/wp-content/uploads/sites/2/2021/07/Neurodiversity-evidence-review-web-2021.pdf>

but the proof will be in the actual delivery of this plan.<sup>4</sup>

The research conducted by The Disabilities Trust between 2016 and 2018 found two thirds of injuries happened prior to their offences and as a result of domestic violence. This is shocking context is important to understand in order to help those affected. The report says:

*'Our research found that of 173 women within HMP/YOI Drake Hall, who were screened using the Brain Injury Screening Index tool, 64% reported a history indicative of brain injury, and of those, almost all (96%) reported a history indicative of traumatic brain injury (TBI). From the women supported through the service, 62% reported they had sustained their brain injury through domestic violence.'*<sup>5</sup>

Individuals with a brain injury are typically failed by the criminal justice system because of barriers to access justice, lack of recognition of the impact of impairment on offending and limited specialist service provision. Training and information about ABI is required across all services including the police, court, probation and prison services. The All-Party Parliamentary Group for Acquired Brain Injury published a report in 2018 calling for all prison and probation staff to receive basic brain injury awareness training. This still hasn't been implemented in a consistent way across the system.<sup>6</sup>

Pertinent too is the research into concussion in sport, which is generating learning that can be applied to support victims of domestic abuse within the criminal justice system. Dr Elisabeth Williams of Swansea University shared her 2021 findings on the physical differences between women and men, as they pertain to the effects of head impacts in sport. This can also be extrapolated to the impacts on people following vehicle accidents and domestic violence. For example, women have 47% lower neck strength than men, so a blow to the head can cause greater damage.

We know that early access to neurorehabilitation services and joined up support is vital to ensuring there is better long-term recovery for people with an acquired brain injury. There must be consistent access to local services

4. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1087204/MaJ\\_Neurodiversity\\_Action\\_Plan\\_30\\_06\\_2022\\_001\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1087204/MaJ_Neurodiversity_Action_Plan_30_06_2022_001_.pdf)

5. <https://www.thedtgroup.org/foundation/news/the-disabilities-trust-launch-making-the-link-report>

6. <https://ukabif.org.uk/page/time-for-change>

rather than people having to travel across the country for help. I spoke to one parent recently living in south west England who travels all the way to Cambridge to get support for his son. Years of under investment by successive Conservative governments has depleted support, despite the evidence that neurorehabilitation results in long term costs savings; specialist centres such as the Oliver Zangwill Centre are still being closed.

There is much more work to be done to ensure that women in the justice system with a brain injury are provided with effective support, so that they can engage in rehabilitation programmes and reduce the likelihood of reoffending. There is hope with the establishment of the Acquired Brain Injury Programme Board this year which will publish a strategy in 2023 to bring together government departments to work together to change the lives for those with an acquired brain injury. ABI survivors cannot wait any longer for the right support from our justice system. The time for action is now.

**Cllr Natasa Pantelic** is the cabinet member for social care and public health in Slough and works with Chris Bryant MP, Labour Member of Parliament for the Rhondda.



## Case study: woman with lived experience

My most recent sentence was five years for supplying cocaine; I had several sentences before that for possession, and for shoplifting. I have admitted to myself now that I have a load of issues that I was then trying to deal with by using illegal drugs, but it never felt like that in the middle of active addiction. It is true I've broken the law by using drugs since I was 18. It is true; I've hated it and enjoyed it simultaneously and it is this use of drugs, this need to use drugs..... this enjoyment of using drugs.... this obsession with drugs.... this addiction to drugs that has kept me in the criminal justice system for the majority of my adult life.

I've harmed myself primarily with the drugs. I have harmed my children, I have harmed my family, Yes, I've broken laws and even though I've now gone to prison I still think we need a real conversation about prohibition and whether it works. For all those women in prison for using drugs, being involved in the

distribution of drugs funding their own habits; we owe them that. I don't use drugs anymore but millions of people do and those millions of people don't have a voice because they hide away (just like I used to) in a subculture which is largely invisible to people who don't use drugs. So, the conversation about drugs is always one sided because the people who use drugs actively aren't in it. It is a one-sided conversation, full of belief that punishment works to deter drug uses (it doesn't) and ignorance.

Why did I go to prison? Maybe the question is why I was using drugs in the first place and maybe that was the question that needed to be asked right from my very first arrest. The criminal justice system could do better at safeguarding. Maybe it should be stop, search and safeguard. At the first arrest, somebody should have said 'what's happening to you?', 'how can we help you find out why you're doing this?'; maybe somebody should have

referred me to a counsellor. Maybe somebody should have helped me. Then maybe I could have talked about childhood abuse, about how that damages your ability to trust, about how it damages your childhood, about how it makes you doubt yourself in your choices and relationships, and how it makes you confused and angry and vulnerable, how it puts you on a path which, for me, ended up in drug use and numbness - even though on the outside I looked normal. And it isn't an easy subject to raise as a child, as a teenager, even as an adult. Sometimes we just do not know how much stuff that has happened to us actually affects us, or how poverty, how poor schools, how living in stressful conditions shapes us, until one day we realise that others are better at life because they aren't carrying the same baggage.

So, the message I am trying to get across is that there is a human story behind a criminal conviction and a political story too. The political story with a small p, is the question to what degree is our society involved in this crime? What could we have done better, where did we fail? In my case we should have provided opportunities as a young person to ask relevant questions and offer support when I was always late or truanting from school; when I was first arrested at 18; and then when arrests escalated and prison sentences started maybe we should have questioned what the state thinks mistakenly, that you curb drug use emanating from pain through inflicting more.

Housing first?

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# The role of Housing First in supporting women involved with the criminal justice system

**Louisa Steele - Standing Together Against Domestic Abuse**

The Housing First model has an important role to play in housing and supporting groups of women who experience long term homelessness associated with high and complex needs, and who are involved in the criminal justice system. Independent, stable housing coupled with the right type and intensity of support can reduce reoffending and increase safety and positive outcomes around health and wellbeing.

Nearly half of the twenty women supported by the Westminster VAWG Housing First project<sup>1</sup> in its second year have offending histories or are currently involved in the criminal justice system. The project provides permanent, independent housing and intensive support for women experiencing long term homelessness, any form of violence against women and girls (VAWG) and multiple disadvantage. Specialist provider Solace builds relationships with women and provides intensive “woman led” support to help them maintain a tenancy and improve physical and mental wellbeing. Standing Together Against Domestic Abuse (STADA) coordinate the housing element of the project, managing partnerships with a coalition of housing partners who provide units for the project.

## Case study

Selma’s story shows the difference Housing First can make to the lives of women involved in the criminal justice system. When Housing First workers first made contact with Selma, she had been sleeping rough and in and out of various forms of temporary accommodation for four years. Her current partner was abusive; she had tried to flee the violence on several occasions but the various temporary accommodation options she was given always broke down and she ended up back on the streets. She had a long offending history and had been in and out of prison multiple times for offences that included theft and assaulting a police officer; she was on probation when the team started working with her. Selma was also using crack, heroin and alcohol heavily.

1. <https://www.standingtogether.org.uk/housing-first-1>

Selma was referred to the Westminster VAWG Housing First project in September 2020 and supported by Housing First support workers from Solace. The workers slowly built trust with Selma and supported her into her own independent tenancy in March 2021 provided by one of the project's housing partners, L&Q. Her worker liaised with partners at STADA and L&Q to support her to settle in her new home.

Selma has now maintained her tenancy for over a year. She is engaging with drug and alcohol services; since being housed she has reduced her methadone script from 50ml to three ml. She is still drinking but has managed to reduce her alcohol intake. She has not reoffended since she started working with the project. She suffers from depression and anxiety and describes how being on the streets has had a lasting impact on her mental health, but says she is feeling better and safe for the first time. She is trying to socialise with people who she feels are a positive influence and has no contact with her abusive ex-partner.

The Westminster VAWG Housing First service, alongside other innovative Housing First services for women across the country, has evidenced that the Housing First model is well placed to support women involved in the criminal justice system to exit homelessness, maintain tenancies, and reduce reoffending. However, it is important to bear in mind that Housing First is only suitable for a relatively small proportion of women, those with recurrent homelessness associated with high and complex needs, and therefore isn't a catch all housing solution for all women involved in the criminal justice system with a housing need. It also cannot fulfil the role of rapid-rehousing for women coming out of prison; careful planning and time are needed to build relationships and ensure the service is right for someone.

Wider systemic and legislative change, such as ring-fenced funding around housing and homelessness provision for women, is needed to provide a suite of options and services across a spectrum of need that are both trauma informed and gender responsive. Ring-fenced funding would encourage local areas to look at the "mainstream" homeless population differently and recognise how and where women are excluded. Evidence has shown that the way rough sleeping is currently defined and counted excludes women<sup>2</sup>, and that contrary to previous assumptions, women do experience long term

2. <https://www.mungos.org/publication/women-and-rough-sleeping-a-critical-review/>

and recurrent homelessness. In order to end women's homelessness<sup>3</sup> and reduce women's involvement in the criminal justice system we need services that recognise and respond to their needs. Housing First can play a key part in this, but only as part of wider systems and policy change that recognises that women's experiences are inherently different.

**Standing Together Against Domestic Abuse** work to build a coordinated community response (CCR) that brings services together to ensure local systems truly keep survivors safe, hold perpetrators to account and prevent domestic abuse.

3. <https://www.shp.org.uk/Handlers/Download.ashx?IDMF=5fee2c27-c387-4a68-b574-8d00a6ce7e76>



# Houses of Hope: an interview with Mandy Ogunmokun - Founder, Treasures Foundation

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Treasures run houses for women who are willing to be abstinent from drugs and alcohol and take referrals from prison, probation, rehab, charities, as well as self-referrals.

## **How do the Treasures houses work in practice?**

We staff our houses 24 hours a day and run a full day programme. That includes a morning people, a group at 11 am, an activity or something else in the afternoon, for example, a holistic therapist comes in and does all kinds of interventions, teaches the women how to look after their body and their skin. It's really powerful and beautiful – it's a way of confronting the trauma in their body. There's a nutritionalist comes in – teaches the women how to cook healthily. An art therapist. All the women have trauma therapy and it's ongoing – and even when they leave, they stay in the trauma therapy.

## **What's it like for recovering addicts coming out of prison?**

You need help with everything. You don't take drugs for the fun of it and go to prison. We're talking about trauma. When you're powerless over drugs and you put that before your children. Your head tells you you could stop if you want, why don't you stop? But you couldn't, you're powerless. It effects every part of day to day life. When you go to prison and you're a prolific offender, in out in out, you've lost everything – your dignity, your self-esteem, you've got nothing. You've got all these masks, that you're not aware that you've got to cope with life.

Drug addiction is a mental illness – it really is a mental illness. For me – I used to think – what's wrong with me? But when I realised, I had an illness I could work with that, I could understand that – there is a solution. People talk ridiculous – they minimise it. I can't do that.

I still get flashbacks, I was getting flashbacks of a face last week. I know whatever it is can't hurt me any more – but if you haven't got recovery in the

bank, things like that happen and you're going to use. Using means that you don't even know what it is that you're running from half the time, it's been buried so deep. A lot of the women who come through, their issues don't come out for a year, more. We've got a girl who's bulimic, anorexic, she's clearly that but she won't talk about it - it takes time to let people know, it'll take her a while.

### **What's the importance of housing for women after prison and in recovery?**

The women need to feel safe. When they feel safe, then stuff comes out. Then stuff comes out. For example, we've had girls in a house, they've been there for well over a year before they can say they were a prostitute. It takes time. But they do make progress and move on. One girl couldn't get out of bed when she first came to us, she didn't wash, she was hoarding stuff in her room. Now she's started to do work with the NHS and has an interview for a permanent job. Two other women are working for Drug and Alcohol teams, another woman just got engaged and is volunteering.

Just giving people flats with no life skills is back to front. If you're isolated and can't communicate, just being in a house isn't enough - you're going end up back on drugs or in an unhealthy relationship. It's taken me years to feel safe in my home, a house is not automatically a home. My saving grace is that I've had a purpose in helping another human being and that's what's kept me going. It's taken me years and I really mean years to feel at home in my house.

The thing about supported housing, is that hostels don't help. You've got street homeless people given flats who don't know how to run their flat and then the whole block becomes a crack house. It's back to front. You can't just get a house and get a job if you've experienced a lot of trauma.

**Mandy Ogunmokun - Founder, Treasures Foundation**

# Anawim's Dawn House: the impact of residential facilities in women's centres for women leaving prison

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## About Anawim

Anawim – Birmingham's Centre for Women, is a multi-service charity catering holistically to the needs of Birmingham's women. We are a non-judgemental space for women dealing with emotional, practical, domestic and personal problems to access advice, a safe space or simply a listening ear. We specialise in supporting women who have been caught up in the criminal justice system, and offer open services such as counselling, creative activities, probation support and confidence building for all women.

Dawn House is Anawim's residential facility for women transitioning back into the community after serving a prison sentence. Dawn House currently has the capacity to house and resettle up to six women at a time, and is staffed 24 hours a day, seven days a week. Women are offered multiple forms of emotional and practical support including counselling, personal development courses (such as Stop and Think, The Freedom Programme), staff presence at probation meetings, and more. Each woman's individual case is assessed by us and tailored according to her needs.

We recognise the need for community support for women trying to adjust to life after prison, and are committed to making sure that access to suitable support is available. This is especially important as experiences such as this prove difficult (and in some cases, traumatic) for women. Dawn House is therefore a much-needed, free resource for vulnerable women, circumventing the severe problems, such as homelessness, risk of substance/offending relapses, and danger to safety, that they face by not having a home after prison.

## Anna\*

Whilst in prison, Anna was referred to Anawim through the Offenders Management Unit, and her case was assessed by probation officers. Having no fixed place to stay post-release, Anna's case was considered by a weekly panel who approved her space at Dawn House. Prior to moving in, she was peripherally aware of Anawim but knew little of the services that Anawim offered.

After moving into Dawn House, Anna was enrolled onto our courses, including Stop and Think (which helps women find practical solutions to their problems), the Freedom Programme (dealing with domestic violence) and counselling. Whilst she found the counselling challenging, she was subsequently able to start building her confidence, emotional resilience and practical approaches to challenges through the activities that were made available to her with us. Additionally, Anna was able to sit down and discuss any worries or problems she had with her caseworker or members of staff at Dawn House.

### Positive outcomes

As a result of being at Dawn House, her caseworker noted a major confidence boost in Anna. Anna herself has felt extremely positive and supported through her transition from prison to Dawn House, and is excited about the next steps in her future.

Anna's lack of a support network prior to prison had made her somewhat apprehensive; however, she has described her experience of Dawn House being 'a big world under one roof', where she has 'never felt so safe', sharing that 'this place has saved me'. The involvement, perceptiveness and care of our staff also allowed her to focus on 'staying clean and being the woman I know I am'.

Furthermore, being at Dawn House has mobilised Anna for stronger personal relationships – she has been able to engage with her children unsupervised due to the rehabilitation and care provided by our Dawn House team, which has positively impacted her tremendously. She is looking forward to moving in with family and staying in touch with Anawim to access ongoing, long-term support after she leaves.

## Forward steps

It is clear that the support network available within a residential rehabilitation facility such as Dawn House has far-reaching implications for women leaving prison. Anna's case in particular highlights that someone with little experience of a support network prior to leaving prison, is indeed able to thrive and progress under the care, concern and guidance provided by facilities such as women's centres. One of our missions has been to emphasise the importance of community support in diverting women from reoffending: the effects of which are undeniable through Anna's experience. Moreover, Anna's personal relationships and sense of self has continued to improve, and she feels mobilised to resettle post-prison and continue her progress. To reduce crime and improve quality of life for all, it is therefore vital that women's centres and organisations such as Anawim are given the resources and assistance needed. Then we can continue to help more women like Anna to transition successfully from prison to life within the wider community.

**Anawim – Birmingham's Centre for Women**, is a multi-service charity catering holistically to the needs of Birmingham's women.

\* Anna is a pseudonym used for our Dawn House client

# Women, probation and the criminal justice system

Amanda Greenwood - CEO, Lancashire Women

Lancashire Women supports women to address issues that are affecting their lives. Issues which prevent them from having the choices that many of us take for granted, for example, a home, safety, a positive sense of self and mental wellbeing, skills, a chance to work and secure income.

We have extensive experience of work with vulnerable women in and around the criminal justice system (CJS). We have for the last eight years delivered women's rehabilitation services as commissioned by the Ministry of Justice across Lancashire.

## From our experience

The CJS is shaped for men – it doesn't work for women at all and merely reflects a society where women are viewed through a prejudicial gender lens when it comes to criminal behaviour – and this still includes how the judiciary and police treat and respond to women.

The majority, if not ALL women within the system have suffered trauma and / or abuse - primarily by men. The system not only fails to recognise or account for this, it is responsible for re-traumatising women, while negating their experiences and needs with limited implementation of trauma informed working. For example, in the new North West Reducing Reoffending Plan trauma informed working is specifically mentioned only in relation to women known to have experienced the care system – this simply does not reflect the reality.

One of our women is seen to constantly re-offend, because she "assaults" police officers when they approach her based on information received that she is violent and aggressive. This information comes from her ex-partner, who physically abused her for years and so she reacts when male police officers arrest her by manhandling her, on the grounds she is "dangerous". She is, in reality, afraid, a victim and her history ignored.



The constant requests for women to keep telling their story for various forms to be filled in and processes across multiple siloed services also further retraumatise them.

We have seen the level of complexity in need and distress escalate in the last 12 – 18 months with rising issues in securing appropriate (and safe) accommodation for women exiting custody, mental health services including alcohol and substance misuse and dwindling finance and debt support. The majority of women are still being sent into custody for sentences that are 12 months or less for non-violent crimes despite the commitment to reducing these in the *Female Offender Strategy* 2018. What we see are women whose lives and the lives of any dependents are repeatedly disrupted, no matter how temporarily, with devastating long-term consequences – and all kinds of costs.

With many years' experience working with women, we know what works...

1. See the person – relationships matter - our approach at LW has always been “in reach” – we work with women as they go in to prison and we don't stop at the gate as we begin the relationship with them at that point. This enables the process of trust building where it has been shattered and we get to know women by working with them to have structure, a plan and support ready for when they exit custody.
2. The approach needs to be holistic. It is really unhelpful to separate out accommodation, substance / alcohol misuse support, finance / debt support, social exclusions, wellbeing etc. Everything is connected – there should be holistic services for the whole person especially when they are so vulnerable.

3. Ensure all agencies working with women in the CJS are trauma informed – ALL women in the CJS and specifically in custody have come from lives of trauma and abuse in some shape or form.
4. The role of women's centres remains ignored in understanding how they are best placed to deliver much of what is needed for female offenders as we have been working in this way in the community for years. This needs to be properly funded, formally recognised and used, as has been done historically, to aid rehabilitation and preventative work which creates better outcomes. This also remains by far the best economic model, saving money whilst providing the best care.

**Amanda Greenwood**, CEO of Lancashire Women since 2017, is passionate about the work of the voluntary and community sector in challenging social injustices, from a career spanning 30 years.

Women,  
work,  
welfare

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# Women and cycles of criminalisation

Lizzy Jewell

Head of Communications and Engagement, Working Chance

Meaningful employment, the support to get there, and a benefits system that can be safely relied upon, to avoid women resorting to offending to make ends meet. This article suggests simple support and policy changes which could be the difference between a happy future and a cycle of poverty and criminalisation.

## Why do women offend?

Working Chance is the UK's only employment charity solely for women with convictions. When we look behind a woman's conviction, it is often the lack of a financial safety net that led her there. 68% of the women who entered prison in 2021 are there for non-violent offences. This is predominantly theft; more women were sent to prison to serve a sentence in 2021 for theft than for robbery, sexual offences, drugs, possession of weapons and motoring offences combined.<sup>1</sup>

Systems need rethinking so that women are not swept into poverty, trying to support families and make ends meet and women's offending would be dramatically reduced. This then would result in huge savings to the public purse, far fewer families being ripped apart, and fewer children enduring the trauma of having a mother in prison.

Women with convictions are not a homogenous group: each woman caught up in the criminal justice system has her own unique story and circumstances. But there are systemic problems that require systemic solutions, to stop thousands of women from being subjected to the harm that the criminal justice system poses. Of the women we support into work, less than 1% of them reoffend.

1. <https://prisonreformtrust.org.uk/wp-content/uploads/2022/07/Prison-the-facts-2022.pdf>

## Prison is not the answer

Women make up just 4% of the overall prison population. Nearly three-quarters of women in prison are sent there for less than a year.<sup>2</sup> But a prison sentence, even a short one, can be hugely traumatic to a woman and her family. Half of the women sent to prison are there on remand, meaning they haven't been convicted of anything yet.<sup>3</sup> Two thirds of these 'innocent until proven guilty' women are found not guilty when they are sentenced, or go on to receive a community order instead.<sup>4</sup>

While in prison, women are more likely than men to report mental or physical problems, and drug or alcohol issues. Almost half of women in prison self-harm while they are in there.<sup>5</sup> Poor mental health is a long-term, ongoing factor in their lives when they are released, and is one of many barriers to looking for work when they are back in the community.

The government's 2018 *Female Offender Strategy* recommends, in no uncertain terms, to have far fewer women in custody. And yet, the government is still planning to build 500 new prison places for women at an eye-watering expense to the taxpayer.

## Life after prison: when are women 'ready for work'?

Even though their crimes are much less serious than men's, employment outcomes for women prison leavers are worse. 96% of women are still unemployed six weeks after leaving prison, and women are three times less likely to be in work after prison compared to men.<sup>6</sup> This isn't about their motivation or ability, we see the determination and resilience in the women we support, but rather the barriers to employment that women face.

The majority of women released from prison are not in a position where they are ready for a job straight away. The most urgent needs must be met

2. <https://www.russellwebster.com/too-many-women-sent-to-prison-for-short-sentences/>

3. <https://www.thejusticegap.com/women-in-prison-remand-in-custody/>

4. <https://www.thejusticegap.com/women-in-prison-remand-in-custody/>

5. <https://www.theguardian.com/society/2021/oct/28/self-harm-among-women-and-children-in-uk-prisons-rises-to-record-levels>

6. Ministry of Justice (2021) *Community performance quarterly, update to March 2021*. London: Ministry of Justice.

first, before a woman is in a position where she can find, and keep, a job. These needs are predominantly: regaining custody of children and other family or caring responsibilities, finding somewhere safe to live, managing any substance misuse or addiction issues, finding support around her mental health, and managing the psychological impacts of experiencing trauma.

### **Why is employment the answer?**

Once a woman has been given the tools to overcome the barriers to employment, the impact of having a meaningful job can be utterly transformative. As well as income, employment gives structure to life and a reason to get up in the morning. At its best, it creates a shared purpose with colleagues, a common mission, and motivation for positive personal change. It means that a woman can use her talents and learn new skills. It helps her to feel accomplished, useful, appreciated, and hopeful. This mindset, research shows, makes people far less likely to engage in criminal behaviour.

But having a criminal conviction significantly affects someone's chance of getting a job. For some women, it can necessitate a career change, as their conviction may mean that they are barred from some types of work. Add to that the struggles with trauma, self-worth and confidence that many women with convictions contend with, and it's easy to see why women struggle to find work. But support from organisations like Working Chance is transformative: 90% of the women who use our service get a job.

### **Universal Credit: why we need better benefits**

Failures in the benefits system are both the reason why women end up in the justice system in the first place, and the reason they can't escape it. Too many women with convictions are struggling to keep their heads above water, let alone find work. Due to the disruptive nature of receiving a conviction, many women are left struggling and have to turn to social security. Universal Credit can be a vital lifeline while women with convictions look for work.

In February 2022, Working Chance launched #BetterBenefits, a research project and campaign informed by those who know the issues best – our clients who have lived experience of the criminal justice and benefits systems. Changemakers was a group of six women dedicated to informing



policymakers and the general public and creating real change for other women in the same position.<sup>7</sup>

A claim for Universal Credit cannot be made from inside prison, meaning that the five-week wait for a first payment starts once people are out in the community; practically guaranteeing they are locked into either poverty or debt. Universal Credit payments are not updated in line with inflation, resulting in real-term cuts, and not enough money to live on. Payments are also unpredictable, and deductions are made in such a way that women can't always accurately budget or make ends meet.

When rebuilding life after a conviction, these problems with benefits can only make life harder, increasing the risk of reoffending. But it doesn't have to be this way. Changemakers are proposing a benefits system that tangibly helps women with convictions and enables, rather than hinders, their journeys to employment; supporting them to find work and contribute positively to society.

## Conclusion

Women with convictions need systems that understand them and support them. The criminal justice system and prison can be damaging and harrowing. Many women therefore need to rely on the benefits system and employability support services to build a future for themselves and their families.

**Working Chance** is the UK's only employment charity solely for women with convictions. We support women to develop the confidence, skills and self-belief they need to overcome any barriers to their employment, find jobs and build careers.

7. <https://workingchance.org/about-us/our-policy-focus/betterbenefits/>

## Finding work and living life after prison - woman with lived experience

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'As soon as people hear you've been in prison, everyone is judged. Everyone has a story and there are reasons for what happens. The conviction doesn't define that person and people aren't allowed to continue to live. It never goes away. I live it every day. I can't ever be normal. The world won't allow me to live and to be normal again.'

A prison sentence shouldn't define people. People need to be given a chance both inside and when they leave. They have to carry it forever. When can you be forgiven? Who's gonna forgive you? It's hard for people in the rest of society to understand. It's so life-changing.'

# The role of employers in the recruitment of women with convictions

Jo Keane

Volunteer and Business Liaison Manager, Bounce Back

In Britain we have a saying, “if you can’t do the time, don’t do the crime”, with “doing the time” referring to time in prison. But what people often don’t understand is just how much time you do when you receive a conviction.

Leaving prison, or finishing community service, is not the end of it. The women we work with at Bounce Back often tell us that a conviction affects every aspect of their lives: it can ruin close relationships, they could lose their house and savings, they are almost certain to lose their jobs, they might become addicted to drugs. It certainly shatters confidence and lowers self-esteem. In the very worst cases, they lose custody of their children. Additionally, women suffer stigmatisation and discrimination from potential employers when applying for work. These attitudes then impact and influence the ability of women with convictions to gain employment.

## Why is employment important?

Women account for 15% of arrests, 4% of people in prison, and 15% of people on probation. Consequently, they often get forgotten when discussing programmes and reform of the criminal justice system.

Only two in five (43%) of men in prison who had held a prison job at some point felt that it would help them on release. Women are generally more positive than men about the benefits of purposeful activity in prison in helping them on release. However, just 4% of women were in paid employment six weeks after release from custody—compared to 11% of men.<sup>1</sup>

Reasons for offending are complex, and can include multiple disadvantage, mental ill-health, domestic abuse, harmful substance use, childhood trauma, homelessness, or poverty. But employment can help to prevent reoffending. For many people, a job is a sense of purpose and a reason to get up in the morning. It creates a shared mission with colleagues, and motivation for

1. Ministry of Justice (2021) *Community performance quarterly MI, update to March 2021*. London: Ministry of Justice.

positive change. It means that an individual can use their talents or learn new ones. They can feel accomplished, appreciated, and hopeful. This mindset, research shows, makes people less likely to resort to offending.<sup>2</sup>

Employers have a huge role to play in recruitment of women with convictions. By embedding inclusive business practices, taking measures to attract a diverse workforce, ensuring that recruitment is fair and inclusive, and providing in-work support for all employees, employers can recruit, support and retain minoritised women as employees.

Employers must commit to taking deliberate actions to provide equal opportunities for all potential and current employees. They can do this by ensuring that the workplace has an equality, diversity and inclusion policy that all staff receive training on and are obliged to comply with; by considering how their organisations are portrayed online and at recruitment fairs to attract a diverse pool of applicants; by partnering with organisations or groups that are experts in the recruitment of and issues faced by minority groups to benefit from their knowledge and to collaborate on recruitment efforts.

Recruitment processes should be inclusive on the basis of gender, ethnicity and criminal convictions, as well as other protected characteristics. This can be done by carrying out blind reviews of job applications, with personal details removed; focusing on the applicants' mindset, skills and potential rather than qualifications; using interview panels which include individuals from diverse backgrounds; understanding the laws around DBS checks<sup>3</sup> and when it is legally required to ask for criminal record disclosure; ensuring that all Human Resources staff, and any other staff involved in recruitment, are trained in unconscious bias and know about inclusive hiring practices. Employers should understand and prevent cultural biases in the workplace, including microaggressions or speech that may perpetuate discriminatory views towards women and match employees with a career mentor wherever possible. They can also ensure that flexible working conditions are available, including flexible working hours and the possibility of remote working; they can provide equal pay and benefits.

2. Ministry of Justice (2018) Education and employment strategy, London: Ministry of Justice.

3. Disclosure and Barring Service, replaced the old CRB check and enables an employer to check whether a potential employee has any criminal convictions.

Inclusive practice should impact employees from before the application stage right through to in-work support, and must be embedded in the entire hierarchy of a workplace. It is systems, more than individuals, that perpetuate the inequality that has such a harmful impact on the lives of minoritised women. Working with women with convictions is good business sense too. Evidence demonstrates the loyalty and diligence of employees with conviction.<sup>4</sup> and in post-Brexit, post-Covid world with recruitment and retention issues in so many sectors, there is an opportunity for employers to expand their horizons and access this largely unrealised, latent talent.

The job market should operate fairly and equitably. Employers implementing these actions would be a significant step in the right direction.

**Jo Keane** has spent a decade working in the charity sector, helping eliminate barriers to employment for people with convictions.

4. Prison Reform Trust and Working Chance (2020) *Working it Out: Improving employment opportunities for women with criminal convictions*, London: Prison Reform Trust.



## Case study – work after prison

### Mundill Mahil

I was raised to believe that hard work was the key to success. As a teenager who wanted to save the world, getting a place at medical school was how I planned to work hard and do well. However, a series of tragic and unexpected events led to my criminal conviction and a six-year custodial sentence. None of this was part of my life plan.

I did everything I could to engage in what's known as "purposeful activity" while I was in prison. I completed courses, supported other women writing letters, helped them with their appeals, contacted their family. I spent the months ticking all the boxes to show that I was rehabilitated and ready to re-enter society. I assumed I was developing relevant transferable skills in prison, giving myself a chance of getting a job. It never occurred to me that years later my options would still be limited.

After prison, like many other women with convictions, I found my previous experience and skillsets were at odds with jobs I could apply for – I was barred from working in healthcare and despite a qualification and

three years working in the prison gym, local gyms wouldn't consider me even for entry level roles. I quickly realised applying anywhere and everywhere on job sites didn't work. As soon as I ticked "the box"<sup>1</sup>, I knew I had no chance. Even those employers who didn't require checks would see me as a risky hire after a swift Google search.

I decided instead to apply to university, but my first application was rejected due to the 'risk' I posed to myself or others should my conviction become known. Things started to change when King's College London accepted me onto their course studying Politics, Philosophy and Economics. I had a glimmer of hope of an ordinary student life. But it wasn't without complications. My election as a student trustee resulted in painful e-mail exchanges, awkward disclosures and behind closed doors decision-making processes, reminding me of my new "liability" label.

1. Some employers ask applicants at the first stage of application to tick a box stating if they have a conviction



Eventually, I secured a job with a charity. However, despite disclosing my conviction, once my background became known, attitudes towards me changed. I was informed that 'some colleagues now find it difficult to work with you'. The message was made clear that I was no longer welcome. Legally I knew I had the right to stay, but I took the hint and resigned.

A decade later and after much soul searching, I'm grateful to have found employment at Working Chance, a workplace that genuinely values my experience and can see beyond my past. I've been lucky to have family support and a strong financial safety net. Sadly, most women with convictions don't. My time in prison taught me that not all people with convictions are career criminals. More often than not, women who get caught up in the criminal justice system do so for reasons connected to trauma, poverty, social exclusion and coercion, rather than rational decision-making.

Like so many others, I want a fair criminal justice system that delivers for the victims of crime and strikes the right balance between deterrence, punishment and rehabilitation. But I also want a system that doesn't forever consign women to a life of poverty, humiliation and unemployment. The continued "tough on crime" focus, without any focus on the causes of crime, does little to respond to the unique challenges women face when entering and leaving the criminal justice system. We must promote fairer recruitment processes, such as Ban the Box and alternative community-based solutions, if we're seriously going to give women with convictions a chance.<sup>2</sup>

2. Ban the box, Fairer chance <https://unlock.org.uk/project/ban-the-box/>

# Children of women in the justice system

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# Prison, Mum and me

Ellie Anderson

It's a common misconception within the prison and justice system that women choose to be there; that it is somehow seen as an "easier" option to enter prison than face an alternative.

I can guarantee you that is never the case. Prison is never the "easy" option, but often the only option left. Failed by service after service and passed on to the next available operator, it would be a fair assessment to see our women's justice system not as a safety net for society but as a failing conveyer belt.

My mother was no exception. After facing a childhood of trauma, watching my grandmother go through electrotherapy against her will at the behest of my grandfather, she then entered into a marriage of domestic violence. It almost seemed inevitable that something was going to crack. Offered no support throughout her life, it was only when she made the decision to kill herself and failed, that she was picked up by the system.

Entering the school playground with bruised eyes and reeking of the alcohol which she used as her sole coping mechanism, wasn't enough. With an absent husband, she had no choice but to look after her three children – all under five – in a world where there was no support offered and little available.

Her cry, or scream for help, as she drove her car down a mountain road at over 150mph, would go ignored as she had been her entire life, by services which should have known better. She was arrested that night and spent the next three years in and out of holding cells in between drinking sessions whilst still caring for my sisters and me. It took my father to come home one night from a trip abroad and see my mother cowering over me with a smashed wine bottle for her to be entered into rehab.

Between 2005, just as I had started primary school and now, I couldn't tell you how many times my mother has been arrested. Her guess is around 100 times. South Wales Police had mastered the art of her arrests: she would be

arrested for drunk and dangerous behaviour (oftentimes it would be me or my sisters who made the phone call to the police), be held overnight, and returned to our family house the following day. At one stage, I knew most of the policemen across Cardiff on a first-name basis.

There was no intervention. There was no multiagency approach. As she bounced from halfway houses to the streets to jail cells, the only constant in her life was the knowledge she would be in a cell before too long – only to be released the following day. It would only be a matter of time before a holding cell became a prison cell. To see my mum, I'd have to travel the 80 minutes by car to Eastwood Park Prison in Gloucestershire.

There are no women's prisons in Wales.

The reality of my mother's story is one of failure. Where she should have been helped and supported, she was punished. Where she should have been given a safe place, where she could have accepted help for her bipolar and mania, she was laughed at. My life, and my family's life, would have looked so different.

Instead of having the label of a care leaver, instead of being an 'at-risk' child for as long as I was at school, I could have had a mum. That hope was lost years ago, as the bureaucracy of the women's justice system, alongside complete negligence for abused women, took precedent.

My mother's story is not a unique one. This happens far too often in a society taught to look the other way. Faced with cases that require – and deserve – multifaceted and multiagency approaches, they are handed off to a police service and ignored. Instead of offering women safety and security, our rigid system teaches us that they should be punished. In my mum's case, she was punished for alcoholism and drug addiction—an illness, not a crime, and certainly not a choice.

With around 4,000 women within the prison system across the UK, the need for understanding and for a holistic approach has never been more urgent. Women are more likely than men to have been abused, suffer from substance abuse, and suffer mental health issues. Instead of incarceration, they need help. Although this is found in pockets across the UK, it's certainly

not enough. What must come next is to support women in our justice system, support their families, and learn to care for them – not punish them.

Statistically, I am an anomaly. I should not have more than five GCSEs, I should not have A levels, and I certainly should not have a degree. Instead, my experiences should have meant that I ended up offending and relying on drugs or alcohol.

My mother couldn't look after me. Instead, she was forced into a world where she will remain for the rest of her life: a world that forgets she is a victim, a mum, and a person. We must act, learn, and prevent women from facing the same fate as my mum.

**Ellie Anderson** is an organiser for Labour To Win and Campaign Coordinator for Labour 4 Europe. She is also the daughter of a mother who spent time in prison.



# Building Bridges of Support

Nina Champion

Director, Criminal Justice Alliance

## The need

One of the reasons I still go onto Facebook is to see updates from the mums I worked with as part of the Re-Unite project at Women in Prison. Over a decade later, seeing photos of their children celebrating milestone birthdays, passing their GCSEs, and enjoying family life, long after their mother's release gives me optimism. It shows me that holistic family support helps people to succeed and contribute to society after leaving prison, enabling their children to thrive too. This is important as over half of women in custody have children under 18 years old<sup>1</sup> and for most mothers (85%), imprisonment is the first time that they have been separated from their children.<sup>2</sup>

A review of the effects of imprisonment on children, undertaken by the Labour government in 2007, found that there was no consistent support offered to the children of prisoners.<sup>3</sup> Little has changed despite knowing the impact of maternal imprisonment on children.<sup>4</sup> As Lord Farmer set out in his review<sup>5</sup> the trauma of separation, social isolation, shame, and lack of support for their needs 'increases the risk that they will follow their mother into the criminal justice system.'

Our outdated and ineffective criminal justice system is holding our country back: it not only separates parents from their children, but it also makes it hard for people in and leaving prison to reconnect with their families to build essential supportive relationships. The Criminal Justice Alliance is therefore proud to be part of the Positive Pathways from Prison Project, through which we are collaborating with other organisations, such as St. Giles Trust and Pact, to address this issue.

1. HMIP (2022) HM Chief Inspector of Prisons for England and Wales Annual Report 2021–22. London: HMSO.

2. Caddle, D. and Crisp, D. (1997) Imprisoned Women and Mothers: Home Office Research Study 162. London: HMSO.

3. Department for children, schools and families and Ministry of Justice, (2007) Children of Offenders Review. London: HMSO.

4. Criminal Justice Alliance (2022) Children's Commissioner Family Review response. <https://www.criminaljusticealliance.org/cja-resources/childrens-commissioner-family-review-consultation-response/>

5. Farmer, M. (2019) The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime. London: Ministry of Justice.



## The solution

When people leaving prison have supportive relationships, they're far more likely to be able to live positive lives free from crime. The project has found that these relationships are like strong bridges, keeping people above water as they start their journey in society. Just like bridges, these relationships must be maintained so that they are ready to support a person leaving prison. But the current system makes it hard for these vital relationships to continue while in prison. Practical solutions are available, like investing in holistic family services. These services work with people in custody and after release by liaising with family members, advocating for access to services, and offering practical and emotional support during the transition. Crucially, this support should be based on the needs of the individual and contact only reduced as their needs are met. Other common-sense ways of building supportive relationships include greater use of day release to spend time with family at home, regular child-friendly visits, in-cell telephony, access to technology, as well as a dedicated social worker to support mothers during family court proceedings.

### Case Study 1: St. Giles Trust, Strengthening Family Ties Project

The Strengthening Family Ties project run by St Giles Trust employs two caseworkers at HMP New Hall who provide holistic support to women transitioning from custody through to the community. For example, they received a referral for a young woman staying on the wing for mothers and babies who was very anxious as she didn't have anywhere to live on release, as the baby's father was in prison. She explained that the relationship with her own mum had been up and down for many years, so she wasn't sure if it would be possible to live with her. With the woman's consent, the caseworker contacted her mother and offered support to the family. On the day of release the caseworker drove the young woman and her baby to her mother's address and applied for funding for a bed and a cot. Over the coming weeks, the caseworker called and visited, supporting her to apply for housing and providing advice on how to manage living in an overcrowded home with a baby. The young woman valued these weekly check-ins saying, 'I just feel better talking to a friendly voice'. She said that she and her mum had made a family meal together, something she never

thought they would be able to do. The young woman is now feeling positive about the future, and she feels that she has a strong connection with her baby and family.

## Case Study 2: Prison Advice and Care Trust, Together a Chance Project

The Together a Chance project by Pact employs two qualified social workers at HMP Eastwood Park and HMP Send. A social worker for mothers in women's prisons has long been recommended by previous research studies<sup>6</sup> and was a recommendation in Lord Farmer's Review in 2019<sup>7</sup>. The social worker is an advocate for women whose children are involved with social services, collaborating with other agencies in the best interests of the children while promoting the mother's parental rights. They ensure that the mother in prison has every opportunity to be directly involved in decision making, is represented at key meetings, and is empowered to actively plan for her family's future. The social worker delivers one to one and group interventions, such as parenting courses, family group conferencing and supported visits. There is often a lack of trust in social services felt by mothers in prison, sometimes due to their own negative experiences of the care system as children. The project's evaluation<sup>8</sup> showed that having a social worker employed by an external agency, such as Pact, provides an opportunity to build trust with social services. One mother commented that the benefits of the project were 'seeing/believing social workers can help and support, guidance, contact with my children and help with the court processes.' The evaluation also found positive impacts on the mothers' wellbeing and mental health. As one mother described 'she's there for me when I'm sad, stressed, angry, confused. She helps me understand, she never ever lets me down or doesn't turn up'.

6. Rees, A., Staples, E. and Maxwell, N. (2017) *Evaluation of Visiting Mum Scheme*. Cardiff University. <https://orca.cardiff.ac.uk/id/eprint/112243/1/Final-PACT-report-Final-version.-12.7.17.pdf>

7. Farmer, M. (2019) The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent

8. CASCADE (2022) Evaluation of 'Together a Chance'. Available at: <https://cascadewales.org/research/evaluation-of-together-a-chance/>. Reoffending and Reduce Intergenerational Crime. London: Ministry of Justice.

## Conclusion

The pandemic caused significant disruption to family contact for people in prison with negative impacts on wellbeing and mental health for both mothers and their children, and their ability to build positive relationships. The Chief Inspector of Prisons recently reported that progress to rebuild opportunities for family communication has been too slow.<sup>1</sup> This is due to a variety of factors including staffing recruitment and retention issues, the slow-paced roll out of technology, and inadequate investment in family support services<sup>2</sup>. Building more prison places, separating more mothers from their children, families and support networks, is not the answer. Instead, a presumption against short sentences, investment in community solutions such as women's centres, and rolling out court-based bail information services, would reduce the prison population.<sup>3</sup> Providing holistic family support to women, so that they have strong bridges to walk across to the new chapter of their lives, reduces the chances of them returning to prison. It makes sense for our criminal justice system to unlock people's potential when they leave prison, so they can thrive and contribute to their families and society. We have the solutions; they just need to be implemented.

**Nina Champion** is the Director of Criminal Justice Alliance.

1. HMIP (2022) HM Chief Inspector of Prisons for England and Wales Annual Report 2021–22. London: HMSO.
2. Clinks (2021) Time to invest in families: Representation to the Spending Review 2021. Available at: [https://www.clinks.org/sites/default/files/2021-10/clinks\\_response\\_time-to-invest-in-families\\_V3.pdf](https://www.clinks.org/sites/default/files/2021-10/clinks_response_time-to-invest-in-families_V3.pdf)
3. Criminal Justice Alliance (2021) Purpose and connection: A briefing in advance of the Prisons White Paper. Available at: <https://www.criminaljusticealliance.org/cja-resources/purpose-and-connection-a-briefing-in-advance-of-the-prisons-white-paper/>



## Case study: social worker pilot for mothers in prison

Together a Chance is a pilot programme of prison-based social workers whose role is to support mothers in custody to maintain links with their children. The project, funded by The Sylvia Adams Trust, has been developed by Pact, the Prison Advice & Care Trust, and currently operates at HMP Send and HMP Eastwood Park and aims to improve the health and wellbeing of some of the most vulnerable people in our communities.

### Why is this needed?

When a mother goes to prison, her children often “disappear” through the process of her imprisonment. There are no official records kept about how many children are affected by imprisonment of their parent, no routine data about them, nor any national strategy for attending to their needs. ‘The Ministry of Justice recognises that there are around 200,000 children affected each year - and the figure could be as high as 300,000’, based on research by Crest Advisory<sup>1</sup>. There is currently no structure in place for children whose mothers are in custody. In her 2007 report, Baroness Corston refers to the “catastrophe” of separation, a situation where children whose mothers are imprisoned face hardship and challenges that severely limit their ability to reach their full potential. The recent Crest Advisory report, *Counting the Cost of Maternal Imprisonment* similarly highlights the long-lasting emotional trauma of maternal separation for both mothers and children<sup>2</sup>.

Together a Chance puts into practice Lord Farmer’s recommendation that all women’s prisons should have an on-site social worker as part of a multidisciplinary custodial team:

1. <https://www.crestadvisory.com/post/children-of-prisoners-fixing-a-broken-system>

2. <https://www.crestadvisory.com/post/report-counting-the-cost-of-maternal-imprisonment>

*'Currently community social workers have no obligation to visit the mother of a child designated to their caseload if she is in prison. The unfamiliarity of the prison system and distances involved can make it difficult to locate a prisoner even if they are minded to do this. Having social workers in the prison would help ensure effective liaison with social workers in the community who would have a direct link to help them organise a visit to assess the mother'* (Farmer, 2019: 99)<sup>3</sup>.

### **Lord Farmer Review for Women (2019)**

With the support of HMPPS colleagues, Together a Chance aims to create a systematic change in the way imprisoned mothers and their children are dealt with, responded to, and cared for. As Lord Farmer highlights, this will make a 'significant difference to women's ability to maintain and strengthen their family ties, where appropriate' (Farmer, 2019: 14). Government research shows that people in prison who maintain family ties are 39% less likely to reoffend, and on-site social workers are just one of the ways that we can encourage desistance and ensure better outcomes for mothers, children, and wider society.

### **How does the project work?**

Social workers from Pact ([www.prisonadvice.org.uk](http://www.prisonadvice.org.uk)) have been embedded in HMP Eastwood Park and HMP Send and offer intensive one-to-one support for women, empowering them to engage in matters involving their child, speak for themselves at court, and to understand processes and how to work with them. They also provide a vital link with community social workers who have children of female prisoners on their caseload and who may be reluctant to encourage familial visits or contact.

### **During the project, the prison-based social worker role has**

3. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/809467/farmer-review-women.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/809467/farmer-review-women.PDF)



**included:**

- Establishing contact between mothers and children (where this is in the best interests of the child).
- Building relationships with social services to encourage better partnerships.
- Working out details around the adoption of children
- supporting women with court matters and acting as a McKenzie friend - someone who supports or encourages an individual representing themselves - in court proceedings.
- Promoting the inclusion of mothers in local authority family proceedings.
- Supporting attendance at Initial Child Protection Conferences (ICPCs) - these take place when a child is considered at risk of significant harm.

As part of the project Pact are developing a toolkit for social workers. Pact staff, prison and external staff and are part of ongoing meetings with one local authority to create a best practice guide for community social work teams to improve engagement with prison systems. We have also been actively working with another local authority to pilot an alternative and more inclusive approach to working with mothers who have babies in prison.

There has also been a significant wider impact on social work as a discipline. In addition to conversations with leading universities on creating a module on engaging people in prison as part of their social work courses, the Together a Chance team has presented and delivered workshops at conferences across the UK and worked with the criminal justice leads at the British Association of Social Work to create a new CPD module for members.

Pact is spearheading this work to share practice and know-how, in the expectation that the government will implement Lord Farmer's recommendations across the whole women's estate. The pilot is being evaluated by Cascade, the Children's Social Care Research and Development Centre, for which there is an interim report available<sup>4</sup>.

4. <https://cascadewales.org/research/evaluation-of-together-a-chance/>



## Hayley's story

One Pact social worker (Becky) has been supporting a woman named Hayley\*, whose own mother is seeking a Child Arrangement Order in relation to Hayley's son. Hayley's son is currently being supported through the child in need process under local authority social services.

Hayley has experienced a challenging relationship with her mother over the years and finds relationships with professionals can often feel strained due to her being particularly direct in her communication, which others sometimes interpret as hostile. Over the course of Pact's involvement, Becky has supported Hayley to think critically about her feelings and what is best for her child, and to be more mindful of her communication style. This has had a positive impact on all parties and has enabled Hayley to feel that she has a more active role in her son's case.

Becky has enabled increased contact between Hayley and her son's social worker through video link and telephone calls, promoting a positive working relationship, more open communication and greater information sharing. Becky has also advocated for and supported Hayley to access legal advice prior to the family court process beginning. She attended the first hearing with Hayley as a McKenzie friend, which ensured emotional support at the time and meant Hayley had someone to with whom to discuss the hearing. This support has reduced Hayley's stress and anxiety around the process, enabling more positive contact with her mother, her son and her son's social worker.

For more information about this project, please contact:  
[info@prisonadvice.org.uk](mailto:info@prisonadvice.org.uk).

\* name changed to protect identity

**With thanks to Pact.**

## Being pregnant in prison – a snapshot

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Between July 2020 and March 2021, 31 prisoners gave birth, three on the way to hospital. Data collected by the Observer found that jailed women in the UK are five times more likely to have a stillbirth as those living in the community.<sup>1</sup>

The Nuffield Trust found that 30% of prisoner obstetrics appointments are missed.<sup>2</sup>

Premature birth rates for women are higher in prison than in the community.<sup>3</sup>

NHS Health and Justice services have now reclassified every pregnancy in prison as a high-risk pregnancy. This begins to acknowledge the specificity and difficulty of pregnancy in prison.

There have been two recent tragic, high-profile deaths of babies in prisons. In September 2019, an 18 year old woman had given birth, alone, to a stillborn baby at HMP Bronzefield. The woman, who was not serving a sentence – but simply on remand, passed out during the labour. She then climbed into bed with her dead baby. Fellow prisoners raised the alarm the next morning when they entered her cell after it had been unlocked and saw blood everywhere. The previous evening she had rung the cell bell to summon help but received none. The report into the baby's death described the mother as "difficult, challenging, uncooperative". This is indicative of the judgement applied to women in the criminal justice system which is a barrier to their receiving care.

1. <https://www.theguardian.com/society/2021/dec/05/jailed-women-in-uk-five-times-more-likely-to-suffer-stillbirths-data-shows>

2. Davies, M. (2022) Inequality on the Inside [https://www.nuffieldtrust.org.uk/files/2022-07/1658157477\\_in-equality-on-the-inside-web.pdf](https://www.nuffieldtrust.org.uk/files/2022-07/1658157477_in-equality-on-the-inside-web.pdf)

3. Ibid.

Then in June 2020, Louise Powell, who did not know she was pregnant, spent several hours in labour begging for help. A prison nurse failed to visit her despite three emergency calls, including one from a guard saying she 'looked six months pregnant'. Her baby girl was unresponsive after a breech birth in a prison toilet. Powell, who had been in prison for the first time said, 'if I hadn't been in prison, I would have dialled 999 because I knew it was a pain I hadn't felt before. I felt like I was dying. I would have got to hospital when the pain first started'.<sup>1</sup>

According to UK law, women who have given birth in prison may possibly keep their children with them in mother and baby units for the first 18 months. What happens after that period, however, is often unclear.

For more information see Epstein, R., Brown, G. and Garcia De Frutos, M., (2021) Why are Pregnant Women in Prison? Coventry: Coventry University. Available at:

<https://www.coventry.ac.uk/globalassets/media/global/08-new-research-section/cawr/pregnant-women-in-prison-a4-final-report.pdf>

1. '<https://www.theguardian.com/society/2022/jan/16/call-to-stop-jailing-pregnant-women-in-england-after-baby-dies-in-prison-toilet>



## Case study: child of a woman in prison

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When our mother went to prison for four years, to all intents and purposes she died. I know we heard from her on the phone for a couple of minutes most days; well that was if I was at home at the time when she rang, and I know that we saw her briefly for a prison visit, sitting opposite her on blue chairs never being able to touch her, except for a hug at the beginning. But the pain every single day of her not being there was exactly the same feeling I had when my grandmother died. The loss and the grief was the same and she just wasn't there anymore.

But what made it worse was that nobody talked about her at all in a nice way. We couldn't talk about her because she was a shameful family secret. Nobody spoke with warmth about her, like you do when somebody you love dies; she was the unspeakable but we loved her and we were missing her so badly, the pain silenced us. Nobody saw our pain, nobody asked at school about how we were doing, nobody in our wider family rushed to our aid. We struggled emotionally; we didn't even talk to each other about our mom because we would have all burst into tears. We were broken and we had to keep going, to keep going carrying the shame of our mother's crime as if it were ours. We were the children with a mom in prison, like we had done something. We weren't the victims, it is as if we were also the perpetrators. It was a really, really tough time emotionally.

Suddenly we weren't invited to play with children that we had played with for years. We knew immediately that it was because of what our mom had done and how we were tainted by association. That was painful too because it was so unfair to link children to the crimes of their parents, even we could see that as young children. We were angry, frightened, lonely, deeply sad and traumatised from the imprisonment of our mother. And from the aftershock, the ripple effects, all sorts of things happened to us in those four years that our mom was away. And these ripple effects continue to happen to us even now she's home, because those scars don't heal that easily and they've shaped us and bent us in ways that it takes time to straighten out.

My brother got into a fight at college and went to prison when mom was away. If you ask him now he would tell you the anger of what happened to our mom spilled out into every single punch that day. Nobody asked him about that at his trial. At his arrest. My sister had two children whilst my mom was away at 17 and 19, looking for love, looking for emotional security; she will tell you now that wouldn't have happened if our mum had been at home. My younger sister started smoking weed at 13, bunking off school and struggling with school; that wouldn't have happened if our mom had have been at home. I went to live with my boyfriend's family, running away in my mind from the association with the shame. I was trying to find a new identity.

I hated my mother for putting me in that position as a child and I also I hated the world that took her away. I hated everyone who left me, who left me as a child to deal alone with that trauma. It's taken me many years of self-healing, of counselling and of education about addiction to move past the anger to compassion for my mom and to come to a point of readiness to hold a challenging conversation with anyone who says that drug use is a criminal justice problem. Drug use is a health issue and it actually isn't solved for the person involved or importantly for their children or for society by the current approach.





# Saving money, keeping women out of prison: the case for investment in women's centres

Janet Veitch OBE  
Chair, UK Women's Budget Group

What are women's centres, and why do they matter? They support women in prison (around 5% of the whole prison population)<sup>1</sup>, as well as those at risk of involvement in the criminal justice system. The government's own Female Offender Strategy states, 'Women's Centres are often central to Whole System Approaches...analysis found a reduction in the one year proven reoffending rate of between 1 and 9 percentage points for female offenders who received support provided by 32 Women's Centres'.<sup>2</sup> They are demonstrably the most effective specialist services available to women in the criminal justice system as evidenced by, among other things, the *Corston Report*<sup>3</sup>, and *Why Women's Centres Work: An Evidence Briefing*<sup>4</sup>. So, we can be confident that women's centres cut the costs of reoffending and repeat victimisation. However, the full benefits are not being realised as a result of inadequate funding, with some services even at risk of closure. With so much focus on value for money in public services, how have we reached this state of affairs?

## Our research

Just before the pandemic five leading women's centres<sup>5</sup> opened their books to the Women's Budget Group to analyse the costs and benefits of their service model and publish *The Case for Sustainable Funding for Women's Centres: A report from the UK Women's Budget Group*.<sup>6</sup> This report collated a plethora of previously published independent costings and calculated

1. <https://www.gov.uk/government/statistics/women-and-the-criminal-justice-system-2019/women-and-the-criminal-justice-system-2019#offender-characteristics-1>

2. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/719819/female-offender-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719819/female-offender-strategy.pdf)

3. <https://webarchive.nationalarchives.gov.uk/ukgwa/20130128112038/http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>

4. [https://www.tavinstitute.org/wp-content/uploads/2019/05/Women-and-Girls-Briefing-Report-Final-\\_web.pdf](https://www.tavinstitute.org/wp-content/uploads/2019/05/Women-and-Girls-Briefing-Report-Final-_web.pdf)

5. Brighton Women's Centre, The Nelson Trust, Together Women, Women in Prison and Anawim. We acknowledge their expertise in providing the current costings we use in the report.

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

new ones; it then set out the economic case for investment to make significant savings in the justice system and other services.

## Crunching the numbers

The government's *Female Offender Strategy* is quoted thus in the report, 'female offenders cost the government approximately £1.7 billion in 2015/16, including estimated police costs of around £1 billion. This excludes wider social costs, such as the cost of intergenerational offending.' It costs £52,121 to keep a woman in prison for a year. These are direct costs only, and take no account of children going into care, lost housing and lost economic output. In 2011 Revolving Doors estimated that over 13,000 women fall into the core target group in England,<sup>7</sup> and it was subsequently calculated that around £50 million could pay for a network of centres to meet their needs. Another assessment in 2018 found that the full cost of providing holistic, women-centred services to all women subject to criminal justice supervision is up to £70.7m per annum.<sup>8</sup> But in its strategy, the government only committed to, 'Invest £5 million Government funding over two years in community provision for women... We recognise that the availability and sustainability of these services, such as Women's Centres, is essential for ensuring that we can deliver the vision we have outlined. An additional £1.5m will be invested to support the development of community-based provision for female offenders.' There is a colossal gap between the overall costs of current provision, in excess of £1.7 billion, and the one-off investment in diversionary services over two years of £6.5 million (i.e. £3.25 million a year). This disparity exists despite the government's overt commitment to the women's centre model and acknowledgment of its effectiveness in preventing recidivism and reducing the costs to other services.

7. <https://www.bl.uk/collection-items/counting-the-cost-the-financial-impact-of-supporting-women-with-multiple-needs-in-the-criminal-justice-system>

8. <https://www.clinks.org/community/blog-posts/ensuring-distinct-approach-ministry-justice-launch-their-female-offender>

## The potential for savings

These figures make an indisputable economic case for sustainable funding of a national network of women's centres delivering holistic, women centred services. What funding is needed? In our analysis, we found a range of examples that demonstrate the true costs of delivering effective women's centre services to be significantly higher than previously estimated, although still delivering big returns. The costs vary according to the level of support: intensive support for women who regularly present at different services with highly complex needs costs £4,125 per woman, while at the other end of the spectrum, basic support for women diverted from the criminal justice system can be as low £1,223 per capita.

## What's wrong with the current funding model?

In a word, inefficiency.

Funding is often short-term, leaving centres unable to plan for the future and staff at constant risk of redundancy. Commissioners' and funders' focus on "innovative projects" can leave proven services struggling. Commissioners and funders are often unwilling to meet the full cost of services, including essential overheads and so, women's centres find themselves having to managing multiple small funding streams. This results in a massive duplication of management costs and is highly inefficient. The creation of a competitive market through the procurement process attracts large generic service providers who lack the specialist knowledge of women's centres, but bring apparent economies of scale that allow them to undercut centres on price, in a market that prizes costs over quality. Women's centres are often unable to compete for a range of reasons, including lack of resources to enter bureaucratic tendering processes and because their specialist skills in the needs of this group of women are inadequately recognised in generic tender criteria. And when large generic providers fail, women's centres who have been subcontracted to deliver services on their behalf, are left bearing the cost. There is no central strategic overview of provision, meaning that many areas of the country are not covered by services. Charitable trusts and other voluntary funders are making up for the shortfall in statutory funding. But one funder commented, 'We are not in a position to provide long-term delivery of public services as philanthropic funders. At the moment we are

providing a safety net to try and keep vital centres open – which is masking the failure of the state to secure essential services. That can't go on'.

## What's needed?

To maximise savings and provide the right services, a significant amount of core funding must be provided centrally, and matched funding granted from a local consortium of commissioners (police and crime, NHS, local authorities) in each area. Charity funds should only be sourced for extra services above this core requirement; and the government must provide and oversee mandatory commissioning guidance to local commissioners to ensure that a high quality network of appropriate services is secured nationwide.

**The Women's Budget Group** is an independent and not-for-profit membership network consisting of women's voluntary organisations, academics and policy expert whose aims are to promote a gender equal economy.

## Case study: woman with lived experience

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I have been asked to write about why I consider that I ended up in prison. I think I can summarise it with one line. I have been in the care of the state since I was seven years old, but the state didn't care very well for me and I didn't do very well in the care of the state. It moved me from home to home for the majority of my childhood. I was in three children's homes and in one foster care placement. I missed out on love all my life and I am still struggling. I had stuff but not that much; it always fitted into a small bag when I had to leave the current placement.... placement being the word, not the home I loved and felt safe in.

I had clothes, I ate but I wasn't loved, and I knew that. I worked it out really early in my life when a worker at the children's home took me to McDonald's after an afternoon at the cinema. I felt cared for by her; I even thought that she liked me, even loved me. But I was enlightened into the reality of my position on that day. As we were at the counter paying for the food she asked for a receipt. I remember thinking, why does she need a receipt? Your mum or dad, your aunty, they don't ask for a receipt when they take you to MacDonalds, and then it dawned on me, she was asking for a receipt so she could claim back the money from work, because this was her job. Her work was to be nice to me. It wasn't because she wanted to take me to the cinema and spend time with me and be in my company, it was because she was paid to do that, it was a transaction that was all, maybe she enjoyed her job but it was a job, it wasn't real.



So that realisation is really at the bottom of why I adopted a way of being in the world that was about transactions. I realised you can make a transaction with most people. When you are really on your own, it really is all about you. It gives you permission to be selfish, it gives you permission to be heartless and even cruel. Trading your body to live, trading your body for goods, for money, when deep down you don't even care about your body that much: well, it's just a transaction.

Prison and punishment didn't save me; it just made the anger deeper both with myself and with everyone around me. Prison isn't a place where people listen to you; for sex workers like me, prison is just working class rehab, just a break from the relentless grafting for work and drugs; it doesn't help in any meaningful way for me to sort my life out. I bet the people reading this will be shocked; they probably think prison does work because it works for them. In their minds it would terrify them, but they haven't lived our lives, where coldness rules and pain is our companion. Genuinely what would help me now is somewhere to live away from everything that I know, counselling, opportunities to fix the gaps in my education, a society that doesn't look upon people with convictions with horror, and a world that treats children in care with true care.

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# School exclusions: how they impact girls and why we must end them

## No More Exclusions

**In the academic year 2018/19 1,885 girls were permanently excluded from school.**

**Black Caribbean girls were permanently excluded at twice the rate of White British girls.**

All statistics in the opening section are taken from: Agenda (2021), Girls at Risk of Exclusion Briefing <https://weareagenda.org/wp-content/uploads/2021/09/Girls-at-risk-of-exclusion-Agenda-briefing-September-2021.pdf>

**Girls from Gypsy, Roma communities were permanently excluded at more than four times the rate of White British girls.**

**The permanent exclusion of girls rose by 66% in the five years prior to the pandemic (this rose by 27% for boys).**

Once excluded, girls may encounter greater risks and greater adverse outcomes. All children that are moved from mainstream schools to alternative provision (such as Pupil Referral Units), are put at a greater risk of experiencing harassment, abuse and violence. For many girls, being excluded also exacerbates existing issues and only accelerates their journey into further marginalisation and often, criminalisation (Agenda, 2021).

This is one of the many reasons No More Exclusions (NME) is calling for a moratorium on all permanent exclusions.

### **What is a moratorium on school exclusions and how would it work?**

Prior to the pandemic, there was already overwhelming evidence that school exclusions were connected to mental health challenges,<sup>1</sup> criminal justice pathways,<sup>2</sup> and deep distress for families. With the pandemic causing increased difficulty for children (especially children from disadvantaged backgrounds), and resulting in widespread bereavement and distress, it is urgent that the government halts school exclusions.

1. <https://www.newstatesman.com/spotlight/2020/12/extreme-manifestation-system-link-between-school-exclusions-and-mental>

2. <https://www.redpepper.org.uk/reversing-the-flow/>

NME is calling for a moratorium on school exclusions in the wake of the pandemic. A moratorium in this context is a call for a temporary suspension of headteachers' powers to exclude. A moratorium on school exclusions poses no legal problems and can be done by updating the statutory guidance on the School Discipline Regulations.

In October 2020, the government issued new statutory guidance describing temporary changes to school exclusions due to coronavirus.<sup>3</sup> This shows that it is ordinary and orthodox for the government to update school exclusions rules in light of the pandemic. The guidance set out amended arrangements, including for use of remote access technology.

In light of what we know about the consequences of the pandemic on pupils and families, the government could issue new guidance to accompany the *School Discipline (Pupil Exclusions and Reviews) (England) Regulations* that could order a halt to school exclusions, set out any alternative processes, and establish safeguards. In the medium-term legislation may be desirable, but no legislation would be needed in the short-term for a moratorium on school exclusions to be established.

### Why is NME calling for a moratorium on school exclusions?

School exclusions should be halted in the wake of the pandemic for many reasons. NME are just one amongst the growing number of voices<sup>4</sup> calling for this emergency measure to be implemented alongside other emergency national responses following on from the COVID-19 pandemic.

Firstly, if we are 'all in this together', we shouldn't give up hope on anyone, and should do more to ensure young people are able to stay in school and keep learning. The pandemic has exacerbated racialised disparities in our education system – exclusions treat already-marginalised young people as disposable. Exclusions turf young people out of their school community and stigmatise them, just as they are building their identity. All communities face challenges, and schools are places where we learn to live in a community. The Conservative government's own call for children to return to school, which involved the Prime Minister mentioning the "effect on the life chances"

3. <https://www.gov.uk/government/publications/school-exclusion>

4. <https://www.voice-online.co.uk/opinion/comment/2021/04/09/the-time-to-end-school-exclusions-is-now/>

of children being out of school,<sup>5</sup> recognising the value of keeping children within school in order to improve wellbeing and strengthen participation in the broader community.

Secondly, exclusions ruin lives – and young people who are excluded during the pandemic are already likely to be facing extremely difficult circumstances. Experts told the government's 2019 Timpson review<sup>6</sup> that 'the current patterns of exclusions were perpetuating society-wide stereotyping and discrimination', especially along the lines of class, race, gender and disadvantage. Continuing this during the pandemic and as we recover, when teachers are already overstretched dealing with new rules and regulations, heaps even more stress on young people and families that may already be facing health challenges, financial insecurity, or other burdens. It risks widening inequality.

Thirdly, as the incoming Prime Minister considers the ongoing responsibility of pandemic recovery, we need investment in caring approaches, rather than casting people out of communities.<sup>7</sup> Exclusions do not solve problems associated with challenging behaviour. They move young people identified as "problems" into another space, exacerbating prejudices and disadvantages. And as households enter even more unstable and uncertain times, with an ever increasing cost of living crisis imposed, we know many children and families' health will be further impacted, physically, mentally and emotionally. The government should ensure teachers are properly supported (including through improved teacher training and school funding), and provide adequate financial support and stability to all families.

**No More Exclusions** is a Black-led and community-based abolitionist grassroots coalition movement. Our organising centres the voices and experiences of children and young people who have experienced oppressive education and exclusion.

5. <https://www.gov.uk/government/news/prime-ministers-statement-on-returning-children-to-school>

6. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/807862/Timpson\\_review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807862/Timpson_review.pdf)

7. <https://cypmhc.org.uk/wp-content/uploads/2021/05/CYPMHC.Letter-to-Gavin-Williamson.April-2021.pdf>

# Taking an evidence-based approach for women in the criminal justice system

**Sarah Uncles - Policy and Research Coordinator at Women in Prison**

Around 100,000 women are swept into the criminal justice system in England and Wales every year.<sup>1</sup> The criminalisation of women is often underpinned by social and economic inequalities and experiences of poverty, debt, mental ill health, disability, harmful substance use, violence and abuse, and poor housing. For racially minoritised and migrant women their experiences are often compounded by racism and discrimination. Black women in particular are more likely to be overpoliced, criminalised and receive disproportionately harsh treatment by the criminal justice system.<sup>2</sup>

Around two thirds of women in prison are reported to have experienced domestic abuse,<sup>3</sup> although the true figure is likely to be far higher, and one third were in the care system at some point during their childhood.<sup>4</sup> Rates of self-harm in women's prisons have continued to reach record levels over the past decade,<sup>5</sup> and too many women leave prison with nowhere safe to call home.<sup>6</sup>

It has long been accepted that the way the criminal justice system responds to women causes harm and does not work. Almost six in ten (58%) women reoffend in the first 12 months of leaving prison, which increases to over seven in ten (73%) for women who have served sentences of less than a year.<sup>7</sup> Published 15 years ago, Baroness Jean Corston's seminal report was clear that we need to invest in community solutions, such as

1. The average number of arrests of women per year in England and Wales between 2016/2017 to 2020/2021 is 99,600.

2. Ministry of Justice (2016) Black, Asian and Minority Ethnic disproportionality in the Criminal Justice System in England and Wales; Lammy, D. (2017) The Lammy Review

3. Ministry of Justice (2018) Table 4.3 Supporting Data Tables Female Offender Strategy

4. Ministry of Justice (2012) Prisoners' childhood and family backgrounds

5. Ministry of Justice (2022) Safety in Custody quarterly to March 2022

6. An inspection by the HM Inspectorate of Prisons at HMP Bronzefield, a women's prison in Surrey, found that 65% of women were released without safe and stable accommodation.

7. Prison Reform Trust (2019) The Bromley Briefings

local women's centres, where women can access help to tackle the range of issues that meant they were swept into the criminal justice system in the first place.

## **The value of women's centres**

In the vast majority of cases, women's centres are voluntary organisations run independently of public bodies such as the local authority, police and probation service and do not have a role in punishment or enforcement of sentences. This independence is vital, particularly because women coming to women's centres have often lost trust in state agencies over a long period from childhood.

These services have been proven to reduce offending and save money. New independent analysis by Alma Economics shows that a hypothetical example women's centre receiving £1 million investment in a given year can support over 650 women and generate £2.75 million in socio-economic benefits, including savings for public services and significant gains in welfare for women and their children.

Through prevention and early intervention, support from women's centres can mean reducing long-term or crisis-point demands on services such as health and housing, more survivors accessing support for domestic abuse, and a reduction in the number of children entering the care system. Among the agencies and departments that benefit from this, nearly half (47%) of this benefit is returned to the local authority, 17% to the Ministry of Justice and 15% to NHS.

The full potential of women's centres and the benefits that could be gained from their services is not currently being realised due to unsustainable funding arrangements. The provision of these projects and services is geographically inconsistent and many are unable to plan for the long term. Even where services do exist, the level of provision does not always match local demand.

## **We need to act now**

In its 2018 strategy, the government committed to reducing the women's prison population. It also acknowledged the value and benefits of women's centres in supporting women and reducing offending. It finally felt as though

the tide was starting to turn for women caught up in the criminal justice system.

Regretfully, this did not last long. In 2021, disappointingly the government announced 500 additional prison places for women at the cost of £200 million. This high capital spend will further increase once annual yearly revenue costs of maintaining and running the new prison places are taken into account. Based on current average figures per women's prison place, this could amount to more than £26 million a year. These sums significantly out scale the levels of funding in women's services. In the five-year period since the strategy was published, only £9.5 million has been provided to community-based women's services in England and Wales.

Three reports published this year have outlined the government's lack of progress in achieving the aims of its strategy to improve outcomes for women in contact with the criminal justice system.<sup>8</sup> We know what works. We do not need more prison places that exacerbate the conditions that lead women to come into contact with the criminal justice system in the first place. What we need is a focus on alternatives to custody through investment in services like women's centres that enable women to address their needs and not just survive, but thrive.

We can collectively work to end the harm of the criminal justice system to women, their families and communities by ensuring there are effective community-based services across the country. And the time to act is now.

**Women in Prison (WIP)** is a national charity that delivers support for women affected by the criminal justice system in prisons, in the community and through their Women's Centres. They campaign to end the harm caused to women, their families and our communities by imprisonment.

8. Justice Committee (2022) Women in Prison; Public Accounts Committee (2022) Improving outcomes for women in the criminal justice system ; National Audit Office (2022)



# The adultification of Black girls

Cllr Abena Akuffo-Kelly

When does a child become an adult? In England it's 18, a transition codified in law. The age of consent is 16. Yet the age of criminal responsibility is 10 years old and the lowest in Europe. This is in contravention of the recommendation of the UN Committee on the Rights of Child (UNCRC) which stipulates the age of criminal responsibility should be no lower than 14 years of age. In addition, the idea that using criminal penalties to punish a child, who cannot understand the wrongfulness of their actions, is without moral justification, known as *doli incapax*. *Doli incapax* should be used in conjunction with the age restriction to ensure that no person below that age can be held criminally responsible, unless the prosecution can prove that the child understood the severity of their actions.<sup>1</sup> This matters because UNCRC research demonstrates children below the age of 14 do not have the cognitive capacity to consistently distinguish between right and wrong as 'their frontal cortex is still developing. Therefore, they are unlikely to understand the impact of their actions.'<sup>2</sup>

The current system is not fit for purpose. We have enshrined 18 in law as an age when co-dependency to parents and guardians ceases and children have sufficient maturity to make their own decisions. At 16 they can make choices about their sexual consent and it would be nonsensical to say that a child is sufficiently developed to make decisions about their sexual activity at 10. Yet the law states they have the level of maturity to understand criminality and can therefore be subjected to punitive measures.

Children who are involved in the criminal justice system are often subject to multiple issues of deprivation, mental health, welfare concerns and economic hardship. These children are also more likely to be from ethnic minority backgrounds and to be in care. Their complex needs would be better served by early intervention by social services rather than exacerbating their already present difficulties.

**In the case of Black girls, adultification bias coupled with racial stereotyping**

1. <https://justice.org.uk/youth-justice/>

2. <https://www.ohchr.org/en/treaty-bodies/crc>

and misogyny creates a fertile ground for over-policing and increased victimisation.

Adulthood bias means that Black children are often not afforded the same protections as other children. Black children are often read as being “streetwise,” resilient and independent. Thus, their vulnerability is erased, the need to safeguard them is diminished and the onus is put on them to save themselves. A 2017 study showed ‘that adults believe Black girls aged 5-19 need less nurturing, protection, support and comfort than white girls of the same age’.<sup>3</sup>

Adulthood also means that the same negative stereotypes that are attributed to Black women are also attributed to Black girls. They are categorised as the angry Black women. They are sexualised and fetishised, perceived to be more mature, experienced and knowledgeable in sexual matters than other girls. This means that there is a lack of compassion for their needs. They are not seen as innocent, nor as victims but complicit and consenting participants in criminal and/ or sexual acts. This therefore qualifies harsh treatment in schools and interrogation and detention by police; rather than empathy, support and safeguarding of their needs.

The now notorious Child Q case illustrates this. This 15 year old girl was strip searched in school with no suitable adult supervision because of alleged possession of cannabis. No cannabis was found. However, irrespective of the supposed crime, this was a gross dereliction of duty by both the police in attendance and the school. These are two professions who are tasked with protecting the most vulnerable in society, who failed in their duty of care to a child. The case review concluded that this was unlikely to have happened if this was not a Black child.

What may be read as anxiety, childish behaviour or immaturity in other children is often seen through the dehumanising lens of racism and interpreted as oppositional behaviour, defiance and aggression when exhibited by a Black child. Black children are not allowed the privilege of innocence. Instead of Child Q being given the benefit of the doubt and treated with compassion, she was criminalised. Instead of her teachers remembering their status as being in-loco parentis (in place of her parents) and therefore

3. Epstein, R., Blake, J.J., and González, T. (2017), *Girlhood Interrupted: The Erasure of Black Girls' Childhood*. The Georgetown Law Center on Poverty and Inequality.

responsible for her welfare, she was classified as a perpetrator and treated as an adult. But unlike an adult she had limited autonomy, she lacked the maturity to be able to advocate for herself and the agency to say no and refuse to follow the instructions of authority figures who had reneged on their duty to safeguard her welfare. This is the insidious nature of the adultification bias.

Adultification is the dominant driver of the school to prison pipeline. There is a disproportionate exclusion rate for Black children, with some local authorities six times more likely to exclude Black Caribbean children than their white peers.<sup>4</sup> Their subsequent removal to alternative provisions such as PRU's (Pupil Referral Units) may mean that they are ostracised, separated from their friends, disenfranchised and disaffected: factors that influence children falling into extremism or being susceptible to criminal exploitation. Those seeking to groom children into crime know this and often stand outside PRUs waiting to recruit their students.

Adultification bias means that many Black children experience an accelerated escalation from minor infractions in school to a life of crime and deprivation. Once a child is known to the police and "in the system," this begins a chain reaction that enhances the likelihood of further contact with the judiciary, leading to criminalisation and stigmatisation. Evidence suggests a better model is to use diversionary strategies and therapeutic support (McAra and McVie, 2007<sup>5</sup>; O'Brien and Fitz-Gibbon, 2017<sup>6</sup>). The rate of reoffending is higher amongst children than in adults – over 40% of those prosecuted reoffend within a year.<sup>7</sup> Prosecution of children does not lead to rehabilitation but deterioration in their life chances and the beginning of a long and possibly lifelong relationship with the justice system. This a catastrophic failure to help some of the most vulnerable in our society.

So, to answer my initial question: when does a child become an adult? The

4. <https://www.theguardian.com/education/2021/mar/24/exclusion-rates-black-caribbean-pupils-england>

5. McAra L., McVie S. (2007) 'Youth Justice?: The Impact of System Contact on Patterns of Desistance from Offending'. *European Journal of Criminology*. 4(3): 315-345. doi:10.1177/1477370807077186

6. O'Brien W, Fitz-Gibbon K. (2017) 'The Minimum Age of Criminal Responsibility in Victoria (Australia): Examining Stakeholders' Views and the Need for Principled Reform'. *Youth Justice*. 17(2): 134-152. doi:10.1177/1473225417700325

7. <https://www.theguardian.com/membership/2020/jun/13/youth-justice-exposing-a-system-that-is-failing-our-most-vulnerable-children>

reality is at the age of 10 and for Black children even younger, as early as 5 years old. We must raise the age of criminal responsibility to bring us in line with the evidence and the guidelines set up by UNCRC. Instead of punitive measures against children we should invest in community-based programmes, and early identification and signposting of services for vulnerable children. We should return to the presumption of *doli incapax* in regards to all children under the age of 18.

We must also be deliberate and explicit in ensuring that Black children are seen and treated as exactly who they are - not adults, but simply children with all the innocence and vulnerability of other children.

**Abena Akuffo-Kelly** is an FWN mentee and Jo Cox Women in Leadership graduate. She is chair of Folkestone and Hythe Independent Police Advisory Group and leader of her Labour group of councillors.

# Courts, sentencing and probation

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# The feminised probation service needs to become feminist

Su McConnel

The last few years have been punishing. Years of austerity weighed heaviest on women and minority groups, disproportionately represented in the poorly paid. The devastating pandemic has again impacted most heavily on them. We now approach a winter where the cost of living crisis will do the same.

For women and minorities caught up in the criminal justice system, this intersectionality of disadvantage compounds the trauma. Punishment indeed. The 2007 Corston Report identified a justice system designed by and for men, and which frequently inflicts trauma on women already traumatised.<sup>1</sup> The 2017 Lammy report identified that women of colour are doubly disadvantaged. Women caught in the justice system are disproportionately the victims of abuse by men.<sup>2</sup> As the author of the report David Lammy succinctly remarked, 'I have never met a woman in prison who wasn't there because of a man.'

The 2019 All Party Parliamentary Group Inquiry also identified that police arrest and charge distressed and vulnerable women in the misguided belief it will help them get the support they need, and that the system punishes people who exhibit non-typical behaviour. 60% of women leave custody homeless. Only 4% of them will find work.

The 2019 Commission on Justice in Wales found that since 2011 there has been a 25% increase in women sentenced to custody, of which 78% to less than one year, 25% to less than one month, and of custodial sentences, 80% were for nonviolent, less serious offences.

Following the publication of this report, the Welsh government released *Delivering Justice for Wales*, which takes account of the social context of crime:

'This publication attempts to set out how the objective of improving the traditional justice system cannot be achieved without providing social justice.

1. <https://www.asdan.org.uk/media/ek3p22qw/corston-report-march-2007.pdf>

2. <https://www.gov.uk/government/organisations/lammy-review>



There is no other sustainable way of reducing pressure on the justice system. Providing social justice involves tackling society's greatest challenges, including poverty, intergenerational inequality and building cohesive, tolerant communities. It means tackling hate, misogyny and discrimination.'<sup>3</sup>

What more could probation do to improve outcomes for women? While the caseload is predominantly male, the workforce is predominantly female. This "feminising" of the workforce might arguably play to advantage in working with women under probation supervision. However, while the culture of probation remains welded to that of the prison system and underpinned by the language of current HMPPS policy and practice, there will be little or any advantage. Lip service is paid to gender-informed and trauma-informed practice in practice manuals that few overworked practitioners have time to read, but the everyday approach is set in the mindset of control and punishment. The language of "compliance," "management," "sanctions," "enforcement". The "trauma-informed therapeutic alliance" suggested in the manuals has little chance of developing when, if a woman misses an appointment, she is immediately sent a standard letter which says, 'You have FAILED to attend ...You may be returned to custody'.

Of course, public protection is paramount, but the current rhetoric of criminal justice is oppressive. It's all got very macho. As noted, the majority of women in our caseload have not committed serious or violent offences, the overwhelming majority are complex, traumatised, and vulnerable, even where they are also dangerous. We must rediscover a probation culture that embraces a therapeutic approach, that uses words like "healing," "nurture" and "care." The feminised probation service needs to become feminist.

The provision of probation pre-sentence reports has become in the main "fast delivery reports" prepared after a short interview on the day of the hearing. Full length assessments and reports, subject to quality control and "gate-keeping", prepared by qualified probation officers, are reserved for those convicted of the most serious offences. The revolving door syndrome, where people are sentenced to short custodial sentences, fail to comply or re-offend and then re-sentenced, is disproportionately the case for women and people of colour. If the work of establishing better equity in sentencing

3. <https://gov.wales/delivering-justice-for-wales>

is to be achieved, the gold-standard court reports should be required for all people in these groups, and robustly monitored. A presumption against short custodial sentences should be the starting point.

The Post Sentence Supervision requirement was introduced in the Offender Rehabilitation Act 2014: the idea that a person who has reached the end of their sentence is nonetheless required to comply with probation supervision is exacerbating the revolving door phenomenon. It was sold as providing ongoing support and rehabilitation to those given short custodial sentences. In practice, it re-legitimises the increasing use of short sentences (Cracknell 2018)<sup>4</sup>, and consumes, to no good effect, limited probation resources. This legislation must go. There is an argument for a period following a short sentence during which the subject can request support, advice and advocacy. The Pareto Principle, also called the 80:20 rule, is as good a start as any.<sup>5</sup> If post sentence supervision took the form of “after sales service”, i.e. voluntary engagement, arguably some 20% of our clients would engage to good effect for themselves and their communities.

Probation staff who lived through the disastrous Transforming Rehabilitation (TR) reforms – Chris Grayling’s austerity-driven reforms that carved up probation and fast-tracked its privatisation - would cheerfully wind back the clock and repeal TR and the act in its entirety. Instead, they are struggling through the upheaval of piecemeal reforms of the reforms. Top of their wish list, a campaigning point for Napo, is the devolution of probation in Wales. If the cultural and professional identity of probation is to be repaired, including improving the work with women, it is necessary to remove probation from the prison service and civil service: to allow probation to be the effective, indeed transformative thing it really can be.

**Su McConnel** is the Vice Chair of Napo Cymru.

Napo is the trade union, professional association and campaigning organisation for probation and family court staff.

4. Cracknell, M. (2018) ‘Post-release reforms for short prison sentences: Re-legitimising and widening the net of punishment’, *Probation Journal*, 65(3), pp. 302–315. doi: 10.1177/0264550518776779.

5. The Pareto Principle, also called the 80:20 rule, is the idea that 80% of any given output is produced by 20% of input.

# What the decline in pre-sentence reports in court mean for women

Cllr Kelly Grehan

When I first trained as a probation officer in 2002, pre-sentence reports (PSRs) were an essential part of our work. We would spend at minimum of two hours with each person prior to their sentencing discussing with them how the offence happened, what their reflections on it were now, whether they felt contrition or not. We would talk about their previous offending, their family, their childhood, education, addictions, health, work, hopes and what they thought the causes of their offending were.

We then wrote the report: a comprehensive document, setting all this out, offering professional analysis (probation officers are highly trained after all) and giving a full assessment of the risk the individual posed to others and themselves, and examining which sentence was most likely to address this risk. Sometimes the sentencer went with the proposal and sometimes they didn't, but the report gave them the opportunity to make an informed decision. The PSR document then followed the person it was written about throughout their sentence. If the same officer who wrote it supervised the person on a community sentence or after release it meant that the rapport was already developed, as was the tone for the relationship – that of honesty and openness - so future work was easier. For another officer taking the case it meant that they could form a good understanding of the person before they met and could avoid having to ask them to repeat information already given.

Gradually I found that fewer PSRs were written, some replaced by Fast Delivery Reports – written on the day at court and including various boxes to tick or Oral Reports, where the person in court would speak with the probation officer for around 20 minutes and then they would give their conclusions to the judge in open court. Official figures record there being a decrease in the number of PSRs written between 2010 to 2018 - from more than 212,000 to fewer than 114,000.<sup>1</sup> What they don't record is the shift in dynamics this causes – that all the in-depth assessment work takes place post sentence, too late for it to impact sentence suitability and too late for it to aid the relationship between officer and person who committed the crime.

1. <https://www.clinks.org/community/blog-posts/pre-sentence-report-pilot-2021>

This is particularly relevant in the case of women. Although women make up a tiny percentage of those appearing in court, all probation officers will tell you that a woman on their caseload will invariably take up a considerably disproportionate amount of their time. I learnt never to look at an offence by a woman and assume the case would be simple – it never was. Women convicted of theft, would have complicated child protection issues, women who had taken drugs into prisons would have decades of abuse in their past, women convicted of receiving stolen goods with complex mental health issues.

It was also often far more difficult for women to tell their full stories in short interviews, their stories simply did not allow for them to be told succinctly. The idea of their circumstances being read out in court, in the case of an Oral Report was not one that led to honesty from a lot of women – and who can blame them?

The lack of a full report did not mean any less work for probation staff. They spend most of their time on the OASys (Offender Assessment System), a very lengthy document where probation staff record all the details of their clients' life and risk but without the functionality.

Although it's not generally a good idea to assume causation from correlation, I do think the rise in the number of women in prison is at least partly linked to a failure by the court system to understand the women it sentenced. This is particularly relevant when we consider that cases with PSRs are more than ten times more likely to receive a community sentence, falling numbers of PSRs is strongly linked to the decline in community sentences.

In 2021 the government decided to run 15 pilot studies into the impact of written short format reports for vulnerable groups including women. It is disappointing that the opportunity to bring back consistent use of old style report was not considered. Unfortunately, when women receive the wrong sentence it often means any opportunity to end their offending is lost. This can easily be avoided and the lives of women, their families and communities changed for the better by a re-introduction of thorough PSRs, expertly prepared by seasoned probation staff.

**Kelly Grehan** is leader of Dartford Labour Group and a member of Kent County Council. She worked in the probation service for almost two decades before pursuing a career in politics.

# The government are failing women in the justice system

Ellie Reeves MP

It's frustrating in opposition to watch a government that consistently says the right things about female offending and then does the opposite. In office Labour will break the cycle of female reoffending by taking a robust approach to reforming community sentences.

We have known for a long time that the causes of women's offending differ significantly from men's and so cannot be addressed with the same approaches. The government's 2018 *Female Offender Strategy* seemed to recognise this, and I hoped that this might drive a change in the government's approach. Instead, the government have decided the way forward is to increase the number of prison places by 15% at a cost of £150 million.

In the review of the *Prisons Strategy White Paper*<sup>1</sup> the government defended their plan, proclaiming that, 'We still consider that custody should be a last resort for most women but there are crimes for which a custodial sentence is necessary, and we need the space to be able to accommodate these women.'

The truth is that very few of the women in prison are there for reasons that require a custodial sentence. Most women serving a sentence (72%) have committed a non-violent offence<sup>2</sup>. While a staggering 46% of women entering prison do so on remand,<sup>3</sup> with the most common offence for which women are remanded to prison being theft. Most of these women don't go on to receive a custodial sentence—in 2019 70% of women remanded by the magistrates' court and nearly three-fifths (59%) tried by the crown court were not sentenced to prison, so the idea that women are only in prison as a "last resort" is clearly ludicrous.

What we see – despite all government rhetoric to the contrary - is that prison is more often becoming a "first resort" for women. The proportion of women

1. Ministry of Justice (2022) *Prisons Strategy White Paper - Response to Consultation Questions*. London: Ministry of Justice, p. 12.

2. Ministry of Justice (2020) Criminal justice system statistics quarterly: December 2019— Remands: magistrates' court data tool and Remands: Crown Court data tool, London: Ministry of Justice

3. Ministry of Justice (2020a), Table 2.1



being sent to prison to serve very short prison sentences has risen sharply. In 1993 only a third of custodial sentences given to women were for less than six months—in 2020 it was almost three in five (58%). The government's own *Female Offender Strategy* was clear that these sentences are ineffective, but has continued to preside over their increase.

The government defend their plan to expand the female prison population by stating that they expect a greater number of convictions to occur based on a rise in the number of police officers. The government have failed to produce any evidence that any of these "extra arrests" will be of very dangerous women, for whom custody is the only option. This policy is also in complete ignorance of the needs of these women. For example, more than seven in 10 of women (71%) in prison reported having a mental health problem compared with nearly half of men (47%)<sup>4</sup>. 60% of women in custody or supervised by probation have been victims of domestic abuse<sup>5</sup> and 48% of female prisoners said they committed their offence to support the drug habit of someone else.<sup>6</sup> The rate of self-harm is more than six times higher in the female estate than the male<sup>7</sup>. In all likelihood, incarceration will serve to reduce the likelihood of these women breaking the cycle of reoffending and leading purposeful and fulfilling lives.

We also know that the repercussions of a woman being in prison - either on remand or to serve a short sentence - are often devastating and often lead to the causes of the original offence becoming more entrenched. For instance, many women lose their accommodation while they are imprisoned: data from HMP Bronzefield, for example shows that about 65% of inmates are released without stable accommodation.<sup>8</sup>

The plan to increase cells in the female prison estate, is not an adequate enough plan to cut crime and does not necessarily offer value for taxpayers, with the annual average cost of a women's prison place being around

4. HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

5. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/719768/infographic-for-the-female-offender-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719768/infographic-for-the-female-offender-strategy.pdf)

6. 2005–6 Prisoner survey (figure used by Justice Inspectorate)

7. <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-december-2021/safety-in-custody-statistics-england-and-wales-deaths-in-prison-custody-to-march-2022-assaults-and-self-harm-to-december-2021>

8. <https://www.shropshirestar.com/news/uk-news/2022/05/11/most-women-freed-from-bronzefield-prison-lack-safe-accommodation--report/>

£52,000.<sup>9</sup> A place at a woman's centre ranges from £1,223 to £4,125 per woman depending on needs and, most significantly, they are shown to cut re-offending to less than 5%.<sup>10</sup>

The government like to argue that they are investing in alternatives for women's custody. But the touted £2 million of investment for community services for women offenders is minuscule compared to the cost of the new prison places and confirms the government's actual priorities.

Our plan is about using everything we know about the causes of women's offending to address those causes and break the cycle of offending. Women committing crimes should be punished, but it is clear that robust community sentences with probation staff implementing them, alongside highly trained staff from the voluntary sector, can better end the cycle of women's offending than custodial sentences in our broken prison system. It's time the government listen to their own *Female Offender Strategy* and what works, rather than being led by their own ideology.

**Ellie Reeves** is the Labour MP for Lewisham West and Penge and is the Shadow Minister for Prisons and Probation.

9. <https://www.nao.org.uk/wp-content/uploads/2022/01/Improving-outcomes-for-women-in-the-criminal-justice-system.pdf>

10. <https://wbg.org.uk/analysis/the-case-for-sustainable-funding-for-womens-centres/>

## Case study: woman with lived experience

Women are being failed by a system that overlooks mental illness. Sending women to prison for short sentences for predominantly non-violent offences, does nothing to help the individual, whilst their problems await them on their release.

I served three months in prison and struggled with depression that I had desperately tried to hide from the world. Before going to prison I worked for a blue-chip company in the city, and managed to hide my suffering, until it all came crashing down. Whilst I served my sentence, I worked on the mental health wing where I saw disorders ranging from depression and anxiety to psychosis. It was acknowledged by the staff that this was not the right place for these women to be, they needed specialist treatment and care that the prison officers were not trained to provide. Self-harm was rife and was often met with a lack of empathy from staff, which resulted in more distress for the woman.

As a Black woman I know there is another conversation to be had about the disproportionately high numbers of Black women in the criminal justice system. How mental health is viewed in Black community, the social stigma and trauma that is passed on through generations. Most of the women I came across myself included, all had a story and desperately needed someone to listen.

# An equitable, anti-racist justice system?

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The 2017 *Lammy Review: An Independent Review into the Treatment of, and Outcomes for, Black, Asian and Minority Ethnic Individuals in the Criminal Justice System*<sup>1</sup> found:

For women tried at magistrates' courts (the lower court for less serious offences): for every 100 white women found guilty, 122 Black women and 144 Asian women were found guilty.

Once charged with an offence, Black and Asian women were more likely than their white counterparts to be tried in a crown court (the higher court for more serious offences). For every 100 white women, 163 Black women were tried.

Those charged with drug offences from Black, Asian and Minority Ethnic backgrounds were 240% more likely than their white counterparts to get a prison sentence.

Black, Asian and Minority Ethnic people are over-represented at every stage of the system.

The Lammy review made 35 policy recommendations to respond to the disproportionate representation of Black, Asian and Minority Ethnic people in the justice system, based on three core principles:

1. there must be robust systems in place to ensure fair treatment in every part of the justice system
2. to restore trust in the system
3. the justice system must have a stronger analysis about where responsibility lies beyond its own boundaries and not simply rely on statutory services.

Neither the 35 recommendations nor the core principles have been implemented and racial injustice continues to be present and perpetrated in every part of the system.

1. Lammy, D. (2017) *The Lammy Review: An Independent Review into the Treatment of, and Outcomes for, Black, Asian and Minority Ethnic Individuals in the Criminal Justice System*. London: Lammy review.

A system  
built on  
Labour  
values

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# Restoring dignity: involving those with lived experience of the criminal justice system in our Labour movement

Paula Harriott, Head of Prison Engagement, Prison Reform Trust

Who populates our prisons? If you have read the preceding chapters of this book you will have encountered some of the facts about who is in prison: from whence they came, under which circumstances, and the challenges both personal and structural that they have encountered in their life journey on the way to incarceration.

Yet most prisoners, aside from those with celebrity/notoriety status prior to imprisonment, remain nameless in public narratives; depicted as devoid of humanity, to be banished from our company and held in distrust and othered as ex-offenders for eternity. There is no real redemption. Those who have ever in their lives been to prison are shamed, stigmatised and made to suffer, often excluded from the employment market for the rest of their days as a continuous punishment for acts of wrong doing. People in prison are used as political footballs; each opposing political party jostling for the gold medal position of being tough on crime. In the crescendo of rhetoric about crime and justice, the actual voices, the actual experiences and the leadership of those who have lived through the experience or are indeed living through the experience remains invisible, unheard and are often refused an audience.

The Labour movement is founded in principles of inclusion, protection of the vulnerable and tackling the structural causes of inequality and poverty in the defence of wider social justice. Speaking as a person with direct personal experience of imprisonment and a Labour member, we need in this work to have a more sophisticated conversation about how we respond as a society when people offend our moral, ethical and legal codes, and what works (from the evidence) to correct this: where personal responsibility lies and where society is accountable. It is an important conversation to have because as a person with the lived experience, I can add to the conversation with a perspective that adds value, breadth and depth to our holistic understanding of the what needs to change.

Lived experience of an issue provides a passion for solving that issue. For example, we know the facts about racial disproportionality in our prisons. We can extrapolate therefore that racial inequality in broader society is directly linked to likelihood of imprisonment. Labour leaders such as David Lammy made this really clear to us in his important review (2017)<sup>1</sup>, using the lens of race to highlight the issue of how race affects the journey to incarceration.

David Lammy has personal lived experience of what it feels like to navigate a life in this country as a person of colour, as a Black man. His lived experience ignited his passion about the problem and a deep connection to naming the issues, finding a way forward, seeking to educate others as to where and why we have been going wrong and, crucially, what needs to be done to fix this. Personal connection to the issues at hand brings our work alive and drives our commitment to seek change, for it is no longer abstract but lived. That lived experience, in combination with the academic learned experience and those in the frontline, is a powerful diversity of perspectives that builds a deeper knowledge that moves us all on in our understanding of what we need to do to find a way forward.

In the same way those with personal experience of the justice system, those with lived experience bring a perspective and insight into the debate about what works and what does not, that is vitally important to hear and to include. We will not solve the thorny issue of creating true justice without those with lived experience, not just at the table but alongside us. People who have been in prison are part of our movement and despite everything, we do not disenfranchise the ex-prisoner community from voting. Yet we do disenfranchise them with our singular narratives and depictions of people who go to prison and our continued race to the bottom in our public facing conversations about sentencing lengths and the use of prison in the effort to win electoral support.

1. Lammy, D. (2017) *The Lammy Review: An Independent Review into the Treatment of, and Outcomes for, Black, Asian and Minority Ethnic Individuals in the Criminal Justice System*. London: Lammy review.

Without the lived experience in the room contributing with a different lens and broadening understanding, we will remain in stasis, wedded to imprisonment, retribution and othering as the only means to keep ourselves safe and to uphold social and moral values. However, if we were to follow the evidence, if we were to listen to the people who have lived it, we might change our minds. We might explore different options, we might have a more sophisticated conversation about justice. As Labour members true justice and dignity is our quest and our duty.

**Paula Harriott** runs the Prisoner Policy Network at PRT and is an expert on using lived experience in policy making. She previously worked at Revolving Doors Agency and User Voice; she is a trustee of Community Chaplaincy Association, Changing Tunes, PACT and chair of MAC UK.

# The role of restorative justice

Cllr Liz Dixon

Restorative justice (RJ) is a form of restorative practice that seeks to acknowledge and repair the harms caused through conflict and crime. These practices were developed by indigenous first nation communities which were largely suppressed with the colonising effect of western criminal justice systems (CJS). In restorative justice those impacted by an offence and those responsible for the act are brought into communication to resolve matters arising from the incident and to work toward reintegration. Restorative approaches contrast sharply with the criminal justice approach where punishment and restitution feature significantly and where victims and those who commit crime are represented by the state.

RJ is enshrined in criminal justice legislation in Northern Ireland and in Youth Justice in England and Wales. In the adult CJS, RJ can be requested at any period during a person's journey through the criminal justice system. There is clear guidance about Restorative Justice in the Victims Code - victims should be informed about restorative justice and signposted to providers should they want to learn more and participate. RJ can only be progressed if the trained facilitators have completed risk assessments and assess that it is safe and if both parties agree to engage.

There are four pathways: direct and indirect communication, letter writing and reparation. Restorative principles (RP) and values are central to all forms of RP and are now enshrined in United Nations policy and European Directives. RP principles include voluntarism, neutralism, respect, accessibility, safety and restoration. A key value is that there must be equal opportunity to speak – non-domination - and that there must be “no further harm”. In the UK most statutory and voluntary organisations seek direction from the Restorative Justice Council. There are National Occupational Standards (NOS) – and the RJC promotes accreditation for organisations and practitioners.

In this article I hope to consider issues that arise for women who commit crime, whom we refer to as harmers. Kathleen Daly (2006) observes, ‘there are few empirical studies of how gender and other social relations (such as class, race and age) are evinced in RJ practices. Major projects on conferencing, such as the Re-Integrative Shaming Experiments (RISE) in

Australia and associated research on victims' experiences (Strang, 2002), have little to say about 'gender'. She asks the question, 'does Restorative Justice help or hinder female offending?' (Daly and Stubbs, 2006: 15).<sup>1</sup>

I will refer to two pieces of recent research with girls and women who engaged with restorative justice and reflect on my own experience as a restorative justice practitioner and probation officer.

Women carry the stigma that is associated with female offending which brings an extra level of shame: they experience the added pains of imprisonment as the vast majority are separated from their children and subject to more intense monitoring and scrutiny. Those women that I worked with in HMP Holloway and those I have met on licence and in community supervision have had challenging and often brutal life experiences. Their experiences of the CJS have also been negative and discriminatory – their needs are rarely acknowledged and barely met. Black women suffer from racism and sexist stereotyping during all stages of CJS (Corston, 2007).<sup>2</sup>

'Given the significantly higher risk of multiple needs and or vulnerability, consistently identified in official data and other research, these factors should be given particular attention by practitioners when considering whether a woman is able to undertake such a potentially emotionally charged restorative conference. This does not mean that the woman will never be able to undertake a restorative intervention, but that it may be more challenging, and more time consuming, to get a female offender case to conference due to the range of issues that need attention before the woman reaches the point of "readiness"' (Masson and Österman, 2017:35)<sup>3</sup>.

In the London Probation and Restorative Justice Unit we have learnt to attend to diversity and wellbeing in a very practical way throughout the RJ process. We consider inclusivity and recognise issues around inequality when working with female harmers. This has really helped us learn more about the

1. Daly, K., and Stubbs, J. (2006). Feminist engagement with restorative justice. *Theoretical Criminology*, 10(1), 9–28. <https://doi.org/10.1177/1362480606059980>

2. Corston, J. (2007) *The Corston Report: A Review of Women with Particular Vulnerabilities in the Criminal Justice System*. London: Home Office.

3. Masson, I. and Österman, L. (2017) 'Working with female offenders in restorative justice frameworks: Effective and ethical practice', *Probation Journal*, 64(4), pp. 354–371. doi: 10.1177/0264550517728784.



female participants and has improved engagement. We work with their case workers and learn about the needs of the women. These case workers often act as supporters to the women. Women have often been so traumatised by their life experienced that they need specific interventions and services prior to engaging in communication with those they have harmed. Preparation and assessment is key in all RJ processes but especially so in women's cases. It can be hard for women to express their emotions and feelings about the offence when their own victimhood has so often been neglected or denied. We have found that talking about their own experiences of victimhood can help prepare for restorative justice encounters. RJ facilitators have to develop trust, a great premium is put on relationship building before we ask them to tell their story about what happened. We have adopted an empowering approach so that the women are properly prepared and ready to engage in RJ.

A recent study interviewed 15 girls who participated in a RJ conference and 13 RJ practitioners working in the Youth Justice Service about their experiences of RJ (Hodgson, 2022)<sup>4</sup>. The study highlighted a distinction between predominantly positive attitudes towards RJ conferencing, on behalf of practitioners, and comparatively negative attitudes expressed by the girls. They stated:

*'I live and breathe restorative justice, so the positive elements are fantastic to me . . . I see victims healed and young people making amend's. (Lynn, Restorative Justice Victim Worker)'*

*'It was negative. The whole thing was negative. We were constantly reminded what we done and how wrong it was and fair enough that's what the point of the meeting was but it was the way they said it, it was horrible. (Sarah, 17years)' (Hodgson, 2020: 174)*

Hodgson suggested that practitioners perceived girls were suitable participants for RJ conferencing because they have more empathy and understanding given the socialisation process for women. She referred Gilligan's theory 'women's moral reasoning is guided by an "ethic of care" and men's moral reasoning being guided by an "ethic of justice" (Gilligan,

4. Hodgson, J. (2020) 'Offending Girls and Restorative Justice: A Critical Analysis', *Youth Justice*, 22(2), pp. 166–188. doi: 10.1177/1473225420967751.

1982: 74)<sup>5</sup>. Hodgson reflects that this is unhelpful as it reflects deterministic thinking, with regard to female pathology, informed by the social construction of femininity. In her study the girls felt that 'they were there for the victims' benefit' and there was no attempt to really hear about what happened from their perspective. This made them withdraw. RP principles include balance, neutrality, active listening and non-judgmentalism. In this study the women did not feel listened to and it seems their needs were neither acknowledged or attended to.

Masson and Österman's 2017 research was similar to Hodgson's drawing on semi-structured interviews with both restorative justice practitioners who had experience of working with women with convictions in restorative justice contexts and women who had first-hand experience of going through a restorative justice conference. They suggest that a 'more tailored restorative justice practice may indeed translate to a more effective and ethical conference process with women. In turn, this is suggested to significantly reduce the chances of restorative justice conferences being experienced as an additional form of penalty, ultimately producing further pains of punishment' (Mason and Österman, 2017: 356).

The findings indicate that gender plays a role in the conference process, and that there are factors that need to be considered at each stage to maximise the benefits of restorative justice for women. They found that there should be a more open approach to what have been presumed to be victimless crimes such as shop lifting. They recommended that facilitators pay greater attention to women's needs in the preparation and delivery stage of RJ. Practitioners should be cognisant of how emotions of shame and guilt are different to men's emotions so should be better managed throughout the conference process. Finally, they found that there needs to be a greater awareness of balanced attendance.

RJ facilitators can meet the needs of women who elect to engage in RJ where there may be real benefits for them. It should not proceed if these benefits are not identified by facilitators and the women themselves. This may include accounting for themselves and relaying what progress they have made since the incident happened. It may release them from the shame that they are carrying around with them. Like Masson and Österman, I feel that great

5. Gilligan, C. (1982). *In a different voice*. Cambridge, MA: Harvard University Press.

attention needs to be paid to assessment and readiness. In my experience RJ with women and men works well when the facilitators work closely with the supervising officer to signpost the women to the extra support that they will need – so multidisciplinary work is critical to good outcomes.

In summary: follow the RP values and principles which are enshrined in United Nations policy and legislation. Work with trained preferably accredited and experienced facilitators. Seek feedback as you progress – seek out supporters for the harmers if that is helpful to the women. Help the women communicate and express themselves in ways that enable maximum participation. Ensure that you acknowledge the barriers they have faced in the past and the prejudices and discrimination they still experience. Above all help the women find their voice, empower them to meet their obligations arising from the offence and help them find closure and potentially forgiveness, even if it is only self-forgiveness.

**Liz Dixon** has worked in the Probation Service for over 35 years. She was a Lecturer at the University's of Brunel and Hertfordshire and is currently a restorative justice facilitator and Brent councillor.

# Transforming women's justice: a trauma-informed, gender responsive approach

Edwina Grosvenor  
Founder and Chair, One Small Thing

I set up One Small Thing in 2014 in response to unacceptable levels of suicide and self-harm across women's prisons in England, and feedback from prison staff who wanted to better understand and respond to the underlying trauma behind this.

Through my work as a prison philanthropist, I met Dr Stephanie Covington who was leading the implementation of trauma-informed and gender responsive approaches across women's prisons in the US. I visited and saw first-hand in Californian prisons that staff and residents were learning to create a culture that was safer and more humane for everyone. They found that trauma is so often at the root of why people offend, so an approach that doesn't address this is unlikely to be successful. Evaluations of this work proved that incidences of mental health crises for women were significantly reduced as a result.

Having witnessed the success of this work in huge capacity women's prisons in the US, I set out to fund and organise the roll out of the Becoming Trauma Informed programme<sup>1</sup> across the much smaller women's prison estate in England. One Small Thing was set up to deliver this, with Dr Covington frequently coming to the UK to train the prison estate. The Becoming Trauma Informed programme is now well established across prisons in England and Wales with over 6000 prison staff trained and over 1200 residents participating in the peer led trauma interventions.

The approach empowers staff to know that when they only have a few minutes with a person, they can still make a difference. Our name reflects the value of those small things – empathy, compassion, respect – and their combined power to make a big difference to the individual - and to society as a whole.

However, redesigning the justice system is not only about making existing

1. <https://onesmallthing.org.uk/training>

prisons less likely to traumatise women, it means funding community alternatives, reducing women's imprisonment, and giving far greater consideration to the wider impact on communities when women, including those with children, are sent to prison. The work of One Small Thing has expanded to facilitate and fund trauma-informed and gender-responsive programmes for criminal justice and community sector organisations. This includes training, trauma-informed regional networks for professionals and a national quality mark<sup>2</sup> to benchmark and recognise good practice in trauma-informed working.

Services are commonly based on a model developed for men, but we know that someone's gender greatly impacts their experiences of trauma and what support they might want from services. Being "gender responsive" for women in the justice system means creating an environment through site and staff selection, programme and service development that reflects an understanding of women's lives, their strengths and their challenges.

### **Pioneering women's community residential services**

In 2019, after years of planning and consultation, we began working directly with women to design and build a pioneering residential community for women and their children affected by the justice system across Hampshire called Hope Street<sup>3</sup>. The project is due to open early 2023, and throughout we will be sharing our learning as a blueprint for national systemic change. We are working with the University of Southampton, Prison Reform Trust and EP:IC to deliver a five year longitudinal evaluation of the project.

Hope Street will pilot a new approach to working with women involved in the justice system. From within a healing, trauma-informed and residential environment, women and their children will have access to a range of specialist support including mental health, domestic abuse and substance use services.

The county-wide residential network aims to be a community-based alternative to women receiving short custodial sentences, being unnecessarily imprisoned on remand or released with no safe housing to go

2. <https://onesmallthing.org.uk/quality-mark>

3. <https://onesmallthing.org.uk/hopestreet>



to. Most women entering prison to serve a sentence (72%)<sup>4</sup> have committed a non-violent offence and more than 17,500 children were estimated to be separated from their mother by imprisonment in 2020.<sup>5</sup> Hope Street will allow women to stay with their children, preventing the devastating intergenerational traumatic impact of the justice system we often see today.

Having worked in the area of women's justice involvement for over 20 years, the solutions have been continuously highlighted and proposed to government. We have a network of women's centres across the UK which show that a community-based approach works for women and children and prevents reoffending. I was part of the Advisory Board for the 2018 *Female Offender Strategy* which sought to reduce women's imprisonment. What we need now is for this widely supported and evidence based strategy, to be properly invested in and delivered.

**Lady Edwina Grosvenor** is a prison philanthropist, and founder and chair of One Small Thing, a charity whose vision is a justice system that can recognise, understand, and respond to trauma. Their mission is to redesign the justice system for women and their children, and they are currently building Hope Street, a pioneering residential community for women and children in Hampshire.

4. Source: Table A2.9i, Ministry of Justice (2021) *Offender management statistics quarterly, Prison receptions* 2020, London: Ministry of Justice

5. Kincaid, S. et al. (2019) *Children of Prisoners: Fixing a broken system*, Crest Advisory, London

# Leading the way, Labour in power: Labour making improvements for women affected by the criminal justice system

Joy Allen

I have recently completed my first year in office as Durham Police and Crime Commissioner (PCC). Very early on I set out my vision 'to make the communities of County Durham and Darlington safer, stronger and more resilient to crime, drugs and anti-social behaviour'. In my first term of office my focus has been centred around improving the services and support for victims, preventing crime and deterring people who offend.

I have listened to what those impacted by crime need and want, and the services I have launched during my first year in tenure have been designed around lived experiences both of victims and people who offend. I passionately believe this approach will be critical to our success in Durham if we are to prevent crime, victimisation and offending.

Labour PCCs are incredibly well placed to deliver real change and make a difference to the lives of those affected by crime – this opportunity to make a positive difference extends to both victims and people who offend. We don't have to wait for a Labour government to implement Labour policies: Labour PCCs can and are delivering what matters by tackling the broken, sometimes dysfunctional institutions which are failing the public, victims and perpetrators.

Following a call from a previous Labour PCC and current Victims' Commissioner, Vera Baird, I appointed a Victims' Champion and then went further still and appointed an Anti-Social Behaviour Champion and Domestic Violence and Survivors' Champion. These Champions help me hear and respond to the voices of victims (including those serving a prison sentence). In conversation with victims, they identify what went well and what didn't go well at different stages throughout the criminal justice journey from a victim's perspective. Then, as chair of the Local Criminal Justice Board I use this insightful information to inform and influence the partnership agenda and hold partners to account. Although there are many local and national innovative initiatives which aim to improve the victim/perpetrator experience

of the criminal justice system, from my perspective, there is an urgency to deal with the here and now and what is happening locally to make tangible improvements that will reduce crime, reoffending and victimisation.

Recently I visited Low Newton Women's Prison with North East Prisoner After Care Society (NEPACS) who have been supporting prisoners and their families for over 130 years. Originally founded by former chaplain of Durham Prison, George Hans Hamilton, and a group of clergy, magistrates and local worthies to support men and women leaving prison, it is now a registered charity committed to supporting a positive future for prisoners and their families. This is another positive example of how Labour PCCs (past and present) are commissioning specialist community and voluntary sector agencies like NEPACS to address the gaps and deficiencies in the current criminal justice system. They help connect the inside with the outside world, making critical contact with loved ones, facilitating family visits/days and providing women, often leaving prison with very little, with breakfast and toiletry packs via their aptly named "Departure Lounge".

Whilst at Low Newton I met with the senior leadership team and prison officers. I then heard from women there about their offending journey and criminal justice experience and what changes could and should be made to improve their rehabilitation. The women's experiences ranged from those with first time offences to those committing repeat offences, with short term and long-term sentences. The insights shared by the staff and inmates were powerful and compelling. Unfortunately, what they had to say has been said many times before but for whatever reason their voices and call for transformational change has fallen on deaf ears and successive ministers have come and gone far too frequently to grasp the very thorny criminal justice nettle that would improve the life chances and successful rehabilitation of women.

However, as a locally elected Labour PCC and chair of the Local Criminal Justice Board I can help champion the long overdue need for change by putting my shoulder to the wheel to give a voice to these women, those working with them and their families by:

- Commissioning services to prevent offending and reoffending
- Helping to improve magistrates' knowledge and understanding of women's offending behaviour and the disproportionate impact a

custodial sentence has on children, families and communities

- Promoting alternatives to custody
- Helping to prepare women for a custodial sentence
- Advocating a co-ordinated approach to information distribution i.e. pre-court, day of court, reception and induction
- Raising awareness of inefficient prisoner transport and influencing future contracts
- Working with housing providers to support successful rehabilitation and resettlement after prison
- Encouraging local employers to support people with criminal records into work.

As a FWN mentoring graduate, I know and appreciate the value of collective action and sharing our common values and desire to effect positive change in the public sector. This was very clear during a recent Fabian Women's Network roundtable on women, justice, work and welfare when it became evident from the contributors that we have so much national best practice and experience to draw upon to make a positive difference to the lives of women and their families affected by the criminal justice system.

Whilst in power as a Labour PCC I have an ideal opportunity to build on these strong networks, commission services that meet the needs of the service users, influence powerful decision makers and most importantly stand up and fight for what's right and just for those whose voices would otherwise be unheard and ignored.

**Joy Allen** is the Labour Police and Crime Commissioner for Durham; she is the Association of Police and Crime Commissioner's joint lead for Addictions and Substance Misuse. She was previously the cabinet member for Stronger and Safer Communities on Durham County Council.

# Leading the way, Labour in government: solidarity, equality, opportunity and justice in Wales

Jane Hutt MS

Devolution in Wales is now more than two decades old. One of the areas where we have seen some of the most interesting and creative policy work undertaken in that time is in the field of women's interaction with the justice system.

There are many complex reasons why women come into contact with the justice system and although justice is not devolved to the Welsh government, it's an area where we have taken a proactive approach in making, and advocating for, changes in the way women and their families are supported through better infrastructure, advice and transition support. That is why I welcome the interest of the Fabian Women's Network and am delighted to contribute to this important publication. As a campaigner in this area for more than thirty years, for me this is the very definition of social justice.

We recognise that there are many women in the criminal justice system who are extremely vulnerable and who have complex needs, particularly women who are violence against women, domestic abuse and sexual violence (VAWDASV) survivors. Under the current system, women are too often imprisoned for minor offences which can then have a hugely disruptive impact on their own lives and those of their families – especially as there are no custodial places for women in Wales.

In the Welsh government we are committed to a trauma-informed approach, empowering women to live healthy, crime-free lives that emphasises prevention and diversion as much as possible and we are putting this into practice through our collaborative work. A key part of our work has been to develop Women's Justice Blueprints that can highlight excellent partnership working between devolved and non-devolved services in Wales, including Her Majesty's Prison and Probation Service, the Ministry of Justice, the Youth Justice Board and the Office of the Police and Crime Commissioners.

Key achievements of our Women's Pathfinder Whole Systems Approach has to date included supporting new diversion services for women



across each of the four police force areas in Wales and helping establish an innovative new pilot to strengthen support for young females transitioning from youth to adult services in South Wales and Gwent. Our Female Offending and Youth Justice Blueprints both have a clear focus on early intervention and prevention, one that focuses on how we provide support to divert people away from crime in the first place, embedding the “children first” rights approach we’ve championed here in Wales.

A key linkage with the blueprints is through the new residential women’s centre in Swansea, a major step forward in women’s justice. It will provide a more rounded approach to those who find themselves involved in the criminal justice system in Wales by helping women to access the services they need, closer to home. Importantly this will help mothers in maintaining crucial family ties, especially with their children, another key priority within the Female Offending Blueprint. Our Visiting Mums Service, established in HMP Eastwood Park and HMP Styal, is vital in helping pave the way for Welsh mothers to maintain positive relationships with their children throughout their prison sentence. An approach that is key for a successful rehabilitation. Women are often sent to prison for low-level crimes, having short-term sentences but which can then have huge long-term impacts. Often when women are serving short-term sentences this has multiple impacts on their families, especially their children and so we’ve set out to tackle the disruptive impacts that can have.

More widely, recently the Welsh government recently published *Delivering Justice for Wales*, outlining our approach to improving justice system outcomes in Wales. As well as making the case for devolution, it shows how the work being undertaken by different areas in Welsh government comes together to form a distinct approach to justice – one built on our own values of care, fairness and humanity. There is more to do, but we know by continuing to foster the successful partnerships and initiatives, we have built the foundation for those future improvements.

Underpinning all of our work in Wales is an anti-racist approach to criminal justice. There is evidence of systemic racism across the justice system and we are determined to tackle this. This includes the experiences of women from ethnic minority backgrounds. Our *An Anti-Racist Wales Action Plan* includes a dedicated chapter on crime and justice and sets out the actions we are taking, including improving our approach to data. In particular, it highlights

the joint work we are taking with criminal justice partners, including Policing in Wales and Her Majesty's Prison and Probation Services in Wales, on a collectively owned Criminal Justice in Wales Anti-Racist Action Plan. This plan will include a range of actions we will take together to address the racism that we know is embedded across the system.

As part of the Women's Justice Blueprint, we are taking forward specific involvement work with women from racially and ethnically diverse backgrounds to better understand their experiences of the criminal justice system. Finding out more about the distinct experiences of women from ethnic minorities is the first step to addressing the discrimination they face.

What is perhaps most heart-breaking of all is that at least 57% of women currently coming into contact with the criminal justice system are victims of domestic abuse and violence. 63% of girls and young women serving sentences in the community have experienced rape or domestic abuse in an intimate partner relationship. These facts and statistics are a tragedy and show that women and girl's alleged offending is often linked to the horrendous experiences they encounter through domestic abuse and violence. This is why the Welsh government *Programme for Government* commits to strengthening and expanding the *Violence against Women, Domestic Abuse and Sexual Violence Strategy* to include a focus on violence against women in the street and workplace as well as the home to make Wales the safest place in Europe to be a woman.

The Welsh government published its five-year *VAWDASV National Strategy* in May 2022 which was developed alongside a group of key partner organisations including the police, specialist sector providers and survivors. The strategy will be delivered through a blueprint approach which brings together devolved and non-devolved organisations as well as the specialist sector to tackle the misogyny, male violence and gender inequality that are the cause and consequences of VAWDASV.

There is a lot of work going on in this area, but a lot more work still to do. As Minister for Social Justice I want to keep working with the Fabian Women's Network and others to get the fair and equitable system we need for women and their families in Wales.

**Jane Hutt** is the Labour Member of the Senedd for the Vale of Glamorgan.

## Concluding remarks

Today there are around 3,200 women in prison<sup>1</sup>. Some went to sleep last night not knowing where their children are. Some have left families knowing that their incarceration means those family members will now be homeless. Some are awaiting mental health diagnosis, others treatment. Almost all will have suffered abuse: child sexual abuse, child neglect, domestic abuse; and others will have committed their offence because of coercive control, being utterly dominated by a partner or relative. A third of the women have spent time in local authority care.<sup>2</sup> Many of these women are in poor health and have had poor experiences in the education system. Over half of people in prison have the reading age of an 11 year old.<sup>3</sup>

Each one has a story, that led them to be in prison today.

Crimes committed by women may be rarer and less numerous than their male counterparts, but the devastation the incarceration causes to families and communities is immeasurable.

The causal factors of crime committed by women are complex, but almost always include roots of trauma and poverty. They therefore cannot be fixed by the justice system alone. It is the wrong tool for the wrong job. For many of the women in prison their history is one of being failed by system after system or even by one patriarchal, racist system after another patriarchal, racist system.

The system, therefore owes it to them, and to all those impacted by their crimes, to work systemically to help these women improve things.

Social justice not criminal justice.

Trauma-informed, gender responsive systems.

Systems built on relationship and human dignity.

1. <https://howardleague.org/prisons-information/prison-watch/>

2. <https://prisonreformtrust.org.uk/wp-content/uploads/2022/02/Winter-2022-Factfile.pdf>

3. 'Prison education statistics 2019–2020', Ministry of Justice, August 2021.

Working holistically with health, housing, education, employment and VAWG services in a person-centred way to prevent damaging intergenerational cycles.

A judiciary and magistracy fully educated on the impacts of adverse childhood events and committed to restorative practices.

A significantly reduced use of incarceration and where it's necessary, in Labour peer Baroness Corston's small custodial units, enabling those all-important family ties to be retained.

Forever tough on the causes of crime – if we want to make policy from a strong evidence base.

The evidence is clear about transformational actions for the women's estate, measures that result in less crime, less victims, less devastation. Our Labour values of fairness, justice, equality and opportunity demand we stand in solidarity with all those affected by our broken, failing justice system and work collectively for the change our communities so desperately need.

## **Fabian Women's Network**



# Solidarity, equality and opportunity

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creating strong social  
justice systems for women



# Fabian Women's Network: sisterhood, solidarity, service.

## About us:

Fabian Women's Network is the volunteer-run women's section of the Fabian Society. We exist to ensure that diverse women's voices are influential in politics, public life and policy making. Our work is underpinned by values of sisterhood, solidarity and service. FWN was founded in 2005 by Seema Malhotra MP, is run by a committee of elected volunteers and has no paid staff.

We aim to be an intersectional feminist network. This means we understand the barriers women face when entering and progressing in politics and public life are not the same for everyone, with some women facing multiple and intersecting layers of discrimination. FWN works to elevate a range of voices and promote those in political and public life who are under-represented.

Our policy work encompasses a wide range of topics, includes experts by experience and platforms unusual voices to enrich the policy landscape, influencing the Labour movement and policies.

We run a yearly mentoring scheme, designed to help women develop their political skills and increase the impact and influence they have on political and public life. The scheme launched in 2011 and over 250 women have now completed the scheme, across eleven cohorts.

Fabian Women's Network Executive Committee are:

Cllr Sara Hyde (Chair), Lucy Caldicott and Cllr Marianna Masters (Co-Vice Chairs), Dr Liz Hind (Secretary), Caroline Adams, Emily Batchelor, Cllr Josie Channer, Cllr Catherine Fookes, Cllr Kelly Grehan, Rach Maguire, Christine Megson, Tele Ogunyemi, Lisa Raftery, Cllr Dr Kindy Sandhu, Cllr Anya Sizer and Cllr Jackie Taylor.

We'd love to hear from you:

[www.https://www.fabianwomen.org.uk/](https://www.fabianwomen.org.uk/)  
@fabianwomen

The logo for Fabian Women is a solid red square. Inside the square, the words "FABIAN" and "WOMEN" are written in white, bold, sans-serif capital letters. "FABIAN" is on the top line and "WOMEN" is on the bottom line.

**FABIAN  
WOMEN**

Fabian Women's Network: sisterhood, solidarity, service.