

All Party Parliamentary Group on
Women in the Penal System
Chaired by Baroness Corston



Women in the penal system

Second report on women with particular
vulnerabilities in the criminal justice system

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1. Background



I was commissioned in March 2006 by the then Home Office minister Baroness Scotland to conduct a review of women in the criminal justice system who have particular vulnerabilities (Home Office 2007). This followed a series of six self-inflicted deaths of women prisoners at HMP Styal between August 2002 and August 2003 and subsequent reports on those deaths by the Cheshire coroner, Nicholas Rheinberg, and the Prisons and Probation Ombudsman, Stephen Shaw. These reports highlighted that, although the circumstances surrounding the deaths had been fully investigated, there was a need to look more broadly at the reasons and circumstances that can lead women to the point where they are in custody and at risk of harming themselves. This raised questions as well about whether prison was a justifiable and appropriate response for women with particular vulnerabilities,

such as mental health problems, drug misuse or histories of violent and sexual abuse.

The Corston report was published in March 2007 and since then an incredible amount has been achieved. In this update I wish to focus on the good work done by the government in supporting women in the penal system by charting key events that flowed from my report. However, I also wish to draw attention to certain recommendations that have not yet been met. It is important to realise that while a great deal has been achieved, there is more to be done and the new coalition government has a responsibility to continue to support women in the penal system.

The area of women in the penal system still remains an incredibly challenging environment in which to work. Ministry of Justice statistics gathered from women community projects data show that almost half of the women referred to the projects have needs in more than 4 areas. 48% have drug or alcohol problems, 40% have experienced domestic violence, sexual abuse or rape and 8% of women are involved in prostitution. 52% of the women engaging with projects have children. More than half of the women - 1,125 - who have accessed community project provision have consistently engaged with projects for longer than 3 months, an impressive achievement given that some projects have only been running since as late as March 2010.

The All Party Parliamentary Group on women in the penal system was set up in July 2009 under my chairmanship and with administrative support from the Howard League for Penal Reform. The report represents the views of MPs from all sides of the political spectrum, all of whom believe in the ideals and recommendations outlined in the original Corston Report. The group regularly holds ministers to account on the agenda of women in the penal system and its aim is to achieve political consensus and reform to make the outstanding recommendations of the Corston Report a reality.

Baroness Corston, Chair

2. Achievements

Below are listed the achievements by the end of 2008:

- The former government published the Ministry of Justice Gender Equality Scheme on 1 April 2008 (Ministry of Justice 2008). The benefits of this legislation for women in the criminal justice system are huge. Now there is a real impetus to address the specific needs of women in prison and to devote resources to specialist provision. However, the impact of this duty extends beyond women in prison to those women at risk of offending and subject to community sentences. The scheme could now provide the statutory lever needed for mainstream service commissioners - outside of the criminal justice system - to provide services which tackle the underlying causes of female offending at an early stage. This will allow the use of prison for women to be reduced.
- The former government established a cross-departmental criminal justice women's unit to manage and co-ordinate the work on Corston across all relevant departments at an official level; and an Inter-Ministerial Sub-Group to the Inter-Ministerial Group (IMG) on Reducing Reoffending was also established to drive work forward and provide the necessary governance for the work on implementing the commitments made in the Government's Response to the Corston Report. Further, the government accepted the need to appoint a ministerial champion for women, although this post has not been continued by the new administration.
- The government issued a probation circular providing guidance and encouraging greater use of female approved premises for those who may not necessarily present a high risk of harm to others, but who could benefit from the supervised, structured environment and the support that an approved premises can provide.
- As an alternative to a court appearance, the government established conditional caution pilots in the North West and Yorkshire & Humberside Together Women Project centres specifically for women. These provide women who have admitted committing a low-level offence the opportunity to be diverted from court by accepting a caution conditional upon attending a one-stop-shop women's centre for an assessment.

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- The government published a national service framework for women offenders and offender management guide to working with women, to improve the National Offender Management Service (NOMS) - and particularly probation's - response to working with women. This will ensure that the necessary changes are made to improve interventions and services for women in both custody and the community.
- The government introduced a set of gender-specific standards for women's prisons to ensure that prisons provide regimes, programmes and support that are sensitive and appropriate for women (PSO 4800).
- The IMG on reducing re-offending established a standing agenda item on cross-departmental issues relating to women's offending and provided overall governance for the work on implementing the commitments made in the Government Response to the Corston Report.

Below are listed more recent achievements from 2009/10:

- Importantly, the government completed the roll out of the new full search arrangements for women in prison. This decision effectively ended full searching for women upon reception into prison unless there is evidence to justify such a search as per Prison Service Instruction 38/2008.
- The government announced an additional £15.6 million to invest in the provision of additional services for women offenders and women at risk of offending in the community, who are not a danger to the public. This money was aimed at creating services that provided a one-stop-shop of support services, and further developing bail support services to better meet the needs of women. The one-stop-shop services delivered through women's centres provide the beginning of a radical new women-centred approach that the report called for. They provide the courts with strengthened community sentences as an alternative to custody.

- To date a total of 38 projects have been supported, including 9 jointly funded with the Corston Independent Funders Coalition (CIFC). To date a total of 2,120 women have been referred against an overall target of 6,047 for the lifetime of the initial funding.
- Additional projects have also been supported through a joint £2m fund which was established between the Ministry of Justice and the Corston Coalition of Trust Funders to help divert women from the criminal justice system. The fund is being managed by CIFC and, following the launch of the fund in February 2010, a total of 20 projects (including some of the 38 initial projects) have been supported in two rounds of funding to further build capacity of the voluntary sector and fill geographical gaps.
- The government committed to provide up to £5 million to improve approved premises accommodation for women who have been in prison and are being closely supervised on release from custody, and for women in the community with high levels of need to keep them out of custody.
- The government agreed with NOMS that women will be included as a specific group in the performance monitoring of both probation and Directors of Offender Management (DOMs). As a consequence a target to reduce the women's prison estate by 300 places by March 2011 and 400 places by March 2012 was set. It was hoped the resources for these prison places could be diverted from custody to the community to sustain the multi-agency community services we have established through grant funding.
- To embed the one-stop-shop support into mainstream service provision, both budgets and contracts for the funded projects are monitored by DOMs. The DOMs are working with probation and have the lead role in sustaining successful projects through joint local commissioning and partnership arrangements. All DOM regions and probation have women's leads in place championing the needs of women offenders and supporting the agenda to divert women from custody and crime.
- The former government introduced provision of enhanced bail support led by the voluntary sector from June 2010 to provide mentoring and other provision to help up to 500 more women settle in accommodation.

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- The former government also earmarked funding of over £1 million provided to pilot a new project, from April 2010, to explore benefits of early intervention for women with multiple needs from their first point of contact with the criminal justice system. The objective is that Family Intervention Projects will target women at risk and their dependent children in up to 20 areas in England to provide intensive personalised support in a community setting. Dedicated key-workers will provide intensive support to vulnerable women and their families.
- A number of Criminal Justice 'Champions' including judicial champions have been identified and are promoting the new effective alternatives to remands through the women's enhanced bail provision, and alternatives to short sentences for the courts using the expertise of the voluntary sector in delivering one-stop-shop services. Probation are communicating details of the funded Women's Community Projects and how they support community sentences and women at all stages of the criminal justice system with judges and magistrates at a local level through existing local links to ensure that local judiciary are aware of community services within their area.
- Ten Women in Focus events have been held across England and Wales to increase awareness of the gender duty, to drive ownership regionally and engage the judiciary in the agenda for women.
- NOMS has developed the Women Awareness Staff Programme (WASP), a course for all staff and volunteers who work with women in prison. Since its inception 1,225 staff have been trained. The course has also been adapted for use in the community (as WASP ITC). This is currently being piloted and is delivered in partnership with community based workers to multi-agency audiences to encourage maximum information and best practice sharing. It includes an overview of the benefits of alternatives to custody, diversion from court and conditional cautioning. 32 staff have participated in the three pilots to date and feedback has been very positive.
- A training programme for staff called 'Sex Workers in Prison' (SWIP), has also been developed and is being delivered alongside existing specialist programmes provided by local sex work projects. The training enables women to disclose their experiences and receive appropriate support whilst in prison to assist them in leaving sex work.

The programme was piloted in five prisons and has since been rolled out across the estate, with 192 staff trained to date. The course has recently been updated and renamed 'Sex Workers in Custody and the Community' (SWICC) in order to raise the profile of community based support agencies who work specifically with this group of women, and includes an overview of human trafficking into sex work.

- In his report, Lord Bradley acknowledged the recommendations I made in my report and highlighted areas where a gender-specific approach might be appropriate (Department of Health 2009). The previous government agreed that the health elements of the Corston Report should form a cross-cutting theme of the overall health and criminal justice work programme developed in response to the Bradley Report.

3. Targets for the future

Despite delivery of a number of the Corston recommendations, the government has still not fully complied with the Corston Report (Ministry of Justice 2007). The following matters have not yet been fully resolved:

- The report's most significant recommendation in relation to women in prison was that existing women's prisons should be replaced with suitable, geographically dispersed, small, multi-functional custodial centres, and that these should be phased in over a period of 10 years. There are still 14 women's prisons in England and Wales.
- A six month project was set up to consider the recommendation advocating small custodial units for 20 to 30 women. Whilst the former government fully accepted the principles identified in the original report they suggested that units of that size were neither feasible nor desirable. They felt it would not be possible, for instance, to deliver the range of services required to meet the full range of women's specific needs.
- The report expressly laid out the requirement that custodial sentences for women should be reserved for serious and violent individuals who pose a threat to the public. However three years on, 68% of women are in prison for non-violent offences, compared with 47% of men.
- The report also recommended that women unlikely to receive a custodial sentence should not be remanded in custody. Despite this recommendation the number of women entering prison on remand has seen an increase since 1997, rising by 12%, from 5,124 female remands in 1997, to 5,724 in 2009.
- It is a positive step that a target of a reduction of 400 fewer women in custody before March 2012 was introduced. Despite this the number of women in prison has increased by 236 since 8 January 2010 (Ministry of Justice 2010a and Ministry of Justice 2010b).
- While the achievement of funding for 2009-11 is significant, if we are to rely on the one-stop-shop women's centres to play a key role in the diversion of women from custody and in giving women alternatives to reoffending after custody, then these centres will need funding to continue. The fact that they currently have no dedicated funding past March 2011 is a challenge that must be faced in the coming months and weeks.

4. Conclusions

Three and a half years on from the publication of my original report there is clearly a lot to celebrate. In particular the scrapping of automatic strip searches for women upon reception to prison is a breakthrough of real merit. Following the election of a new government we must ensure what has been achieved so far is maintained. On this note there are promising signs, as the following oral response in the House of Commons from the new minister for prisons, Crispin Blunt MP demonstrates:

“Short sentences for men have proved pretty ineffective, and I think that short sentences for women are even more ineffective and deleterious. We support the conclusions of the Corston report, we are conducting an analysis of the effectiveness of different sentences as part of the current sentencing review, we are committed to reducing the number of women in prison, and a network of women-only community provision is being developed to support robust community sentences.”

“Perhaps at this point I should throw a bouquet to my predecessor, Maria Eagle, in recognition of her work in this regard. We propose to build on it.”
(Hansard 2010)

Following the publication of my report in March 2007 a truly notable success has been the wide range of political consensus the report received. There is cross-party support that reducing the number of women in prison is a priority and this is reflected in the broad make up of the All Party Parliamentary Group on Women in the Penal System.

We have established the nature of the problem and proved its existence, since March 2007 we have also gone a good distance to tackling the problem. However, 4,208 women remain in prison; women still make up 52% of the self-harm incidents in prison despite constituting only 5% of the total prison population (Hansard 2010a). The work by many dedicated men and women in government and in the community to date has been impressive but the scale of the problem we face remains significant.

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Report sponsored by the Howard League for Penal Reform

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ISBN 978-1-905994-26-7



2011