

**IN THE SUPREME COURT OF THE UNITED KINGDOM
ON APPEAL FROM:
THE COURT OF APPEAL CIVIL DIVISION**

C1/2014/0269/QBACF/C1/2014/0269(A)/FC3

R (on the application of COLL)

Appellant

-v-

THE SECRETARY OF STATE FOR JUSTICE

Respondent

-and-

HOWARD LEAGUE FOR PENAL REFORM

Intervener

WITNESS STATEMENT OF FRANCES RACHEL CROOK OBE

1. Introduction	2
2. The marginalisation of women in the criminal justice system.....	3
3. The disadvantages experienced by women in the criminal justice system in the process of resettlement.....	6
(i) Distance from home and preparing for release.....	6
(ii) Approved premises (APs).....	8
(iii) The reduction in support services for women around APs.....	12
4. Feasible Alternative Approaches	13

I, Frances Rachel Crook, of 1 Ardleigh Road, London, N1 4HS shall state as follows:

1. Introduction

- 1.1 I am the chief executive of the Howard League for Penal Reform. Appointed in 1986, I have overall responsibility for policy and organisational strategy. I am duly authorised to make this statement on behalf of the Howard League for Penal Reform. The contents of this witness statement are true to the best of my knowledge, information and belief.
- 1.2 Founded in 1866, the Howard League for Penal Reform is the oldest penal reform charity in the UK and has around 12,000 members, including prisoners and their families, lawyers, criminal justice professionals and academics. The Howard League has consultative status with both the United Nations and the Council of Europe. It is an independent charity and accepts no grant funding from the UK Government.
- 1.3 The Howard League campaigns for less crime, safer communities and fewer people in prison. It aims to achieve these objectives through conducting and commissioning research, carrying out investigations aimed at revealing underlying problems and discovering new solutions to issues of public concern. The Howard League has a legal department which provides front line advice and representation to young people in the criminal justice system aged 21 and under in relation to prison law and public law matters. The Howard League's wider policy work draws on almost 150 years of experience in the field of penal reform and involves working with policy-makers, representatives from the prison service and the National Offender Management Service, academics and international bodies concerned with penal reform.
- 1.4 The Howard League has particular expertise in the resettlement of prisoners and factors influencing their welfare and likelihood of future offending upon release, including the provision of appropriate accommodation, contact with family and service provision.
- 1.5 The Howard League's detailed knowledge, experience and understanding of the policies and procedures that apply to women in the criminal justice system is set out in our application for leave to intervene in this case, the relevant extract from which I **exhibit** hereto as **FC/1**. All references in parentheses are to the Appendix (Core Bundle).
- 1.6 The Howard League has been granted permission to intervene in this case in order to provide evidence as to the impact on women of the differential

provision of Approved Premises ("APs") that is made for them, in the context of a gender imbalance within the criminal justice system more widely. As I am aware that the Court already has extensive evidence before it, this statement aims to summarise the key evidence on the following points in an accessible form:

- (i) the marginalisation of women within the criminal justice system generally;
- (ii) the particular disadvantages women face in resettling into their communities successfully; and
- (iii) some feasible alternative approaches.

2. The marginalisation of women in the criminal justice system

2.1 Women are a minority at every stage of the justice system. Women in conflict with the law have completely different needs from men. The combination of the small number of women and their strikingly different needs means they are routinely and severely disadvantaged throughout their experience in the criminal justice system, including their safe resettlement.

2.2 The fundamental differences between men and women who commit crime are well documented. Women who offend disproportionately come from sectors of society that are already marginalised. While experiences of violence, neglect and abuse, mental problems and the care system are overrepresented in the criminal justice system as a whole, for women, this overrepresentation is particularly disproportionate. For example, Ministry of Justice Statistics show that (i) women in prison reported poorer mental health than men in prison, with higher levels of suicide attempts, psychosis, and anxiety and depression; (ii) women with convictions were twice as likely as men to report needing help for mental health problems; and (iii) women in prison were more likely than men to have been taken into care, experienced abuse, and witnessed violence in the home as a child.¹

2.3 These vulnerabilities are often linked to the reasons they offend. For example: (i) research commissioned by the Howard League in 2012 found that young women and girls often come to the attention of criminal justice agencies due to offences committed as a result of their abuse or sexual

¹ Page 108, Justice Committee, 'Women offenders: after the Corston Report', (15 July 2013) <https://www.parliament.uk/documents/commons-committees/Justice/Women-offenders.pdf>

exploitation²; (ii) there is evidence that women are more likely than men to report that they committed offences due to financial difficulty³, including “a need to support their children”⁴; and (iii) relationships often play a more prominent role in offending by women⁵.

2.4 The marginalisation of women is particularly pronounced in prison. The “*pains of imprisonment*”, a term first coined by Gresham M. Sykes, experienced by women are different from and, in many cases, greater than those experienced by men. For example, incidents of self-harm, whilst very high across the prison estate, disproportionately occur amongst women and whilst in the community men are much more likely than women to take their own lives, in prison this pattern is reversed. Children whose mothers go to prison are much more likely to enter the care system than those whose fathers go to prison.⁶ 66% of imprisoned women are mothers of children under the age of 18.⁷ For 85% of mothers in custody, their imprisonment is the first time they have ever been separated from their child.⁸ Women in prison can face particular difficulties with access to educational programmes and accredited work experience in prisons to prepare them for life outside. In her recent review of prison education, Dame Sally Coates highlighted the need for prisons to “*avoid stereotyping in the educational courses they offer*” women, highlighting that “*one correspondent complained, ‘hair and beauty reign supreme’*”.⁹ The small number, and geographical spread, of women’s prisons can mean that women have to transfer in order to access appropriate education, training or work. It can also lead to women having to repeat or not being able to

² ‘Out of Place: The policing and criminalisation of sexually exploited girls and young women’, the Howard League (2012), Phoenix, J. <http://howardleague.org/wp-content/uploads/2016/04/Out-of-place.pdf>

³ Page 15, Cabinet Office Social Exclusion Task Force ‘Short study on women offenders’ (May 2009) http://webarchive.nationalarchives.gov.uk/+/http://www.cabinetoffice.gov.uk/media/209663/setf_shortstudy_womenoffenders.pdf

⁴ Page 162, Home Office Research Study ‘Imprisoned women and mothers’, (1997), Caddle, D. & Crisp, D.

⁵ For example, in 2010/11 almost half (48%) of female prisoners said they committed their offence to support the drug use of someone else compared to 22% of male prisoners: page 108, Ministry of Justice, ‘Statistics on Women in the Justice System’ (2015) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/572043/women-and-the-criminal-justice-system-statistics-2015.pdf; see also the witness statement of Maureen Mansfield from Women in Prison Ltd (App. 99 - 102)

⁶ Page 7, Prison Reform Trust, ‘Sentencing of mothers: Improving the sentencing process and outcomes for women with dependent children’, (November 2015), Earle, J, Minson, S & Nadin, R. http://www.prisonreformtrust.org.uk/Portals/0/Documents/sentencing_mothers.pdf

⁷ ‘The effects of imprisonment’, (2005), Liebling, A. & Maruna, S.

⁸ *Ibid*, pages 34 - 35

⁹ Page 33, Ministry of Justice, ‘Unlocking Potential A review of education in prison’ (2016), Coates, S https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524013/education-review-report.pdf

finish particular programmes because the prison they have been moved to has a different education provider.¹⁰

2.5 Notwithstanding the particular challenges women face in prison, as the former Chief Inspector of Prisons acknowledged, the small number of women in prison means the system is “*overwhelmingly geared to a male population*”.¹¹ For example, the needs and adverse impact on women did not appear to be a key factor in the decision in November 2015 to close Holloway prison and re-open Downview prison as a women’s prison. The All Party Parliamentary Group for Women in the Penal System visited Downview in November 2016. It found that the change had adversely affected many women. This had been predicted by the Independent Monitoring Board (IMB) at Holloway, prior to the closure.¹² Many women were being held further away from their home areas and the specialist services developed in and around Holloway had been lost.

2.6 For all these reasons, following her 2007 review of women in the criminal justice system, Baroness Jean Corston found that “[p]rison is disproportionately harsher for women because prisons and the practices within them have for the most part been designed for men” (§ 5; App. 248). She concluded that the differing needs of women were clearly not being met, such that she called for a “*radical change in the way we treat women throughout the whole of the criminal justice system*”:

“This will require a radical new approach, treating women both holistically and individually – a woman-centred approach. I have concluded that there needs to be a fundamental re-thinking about the way in which services for this group of vulnerable women...there needs to be an extension of the network of women’s community centres to support women who offend or are at risk of offending and to direct young women out of pathways that lead into crime. Women have been marginalised within a system largely designed by men for men for far too long...” (§§ 3 – 4; App. 247).¹³

¹⁰ 'Prisonomics: Behind bars in Britain's failing prisons' (2013) Pryce, V.

¹¹ Page 6, 'Women in prison: Corston five years on' (29 February 2012) Hardwick, N. <http://www.justiceinspectrates.gov.uk/prisons/wp-content/uploads/sites/4/2014/02/women-in-prison.pdf>

¹² Page 3, 'Independent Monitoring Board', Holloway, (2016) <http://www.imb.org.uk/wp-content/uploads/2016/08/Holloway-2016.pdf>. One of the IMB's main concerns “...was about the mental health provision which would be available to women in other prisons after the closure of Holloway. It is a matter of grave concern that these resources, which have been of such great benefit to the most vulnerable women prisoners over many years are now lost and unlikely to be replicated or replaced at any other women’s prisons.’

2.7 However, in the ten years since the Corston Report was published in 2007, there has been limited progress. With a few exceptions, much of this has consisted of small adaptations to policies and systems designed with the needs of men in mind. It is still the case that women are “shoe-horned” into a justice system designed for men. Yet, in the same period of time, there have been tremendous developments in both understanding the needs of women in the system and finding potentially viable solutions to meet them. In 2013, the House of Commons Justice Committee found that the equality duty had not yet had its desired effect on women in the criminal justice system:

“There is little evidence that the equality duty, and its forerunner the gender equality duty, have had the desired impact on systematically encouraging local mainstream commissioners to provide services tackling the underlying causes of women’s offending, or on consistently informing broader policy initiatives within the Ministry of Justice and the National Offender Management Service (NOMS). Both struggle to reflect fully the distinct needs of female offenders” (App. 504).

3. The disadvantages experienced by women in the criminal justice system in the process of resettlement

3.1 The safe resettlement of women who offend or are at risk of offending is a critical factor towards reducing reoffending. The examples given above as to how women are marginalised throughout the criminal justice system have a direct impact on their process of resettlement in the community. Women experience particular disadvantages in respect of resettlement throughout the system due to a number of factors, including being located in prisons far from home, the lack of approved premises and the reduction in support services for women around approved premises.

(i) Distance from home and preparing for release

3.2 Under the recent Transforming Rehabilitation reforms the prison estate was reconfigured to create a network of ‘resettlement’ prisons aiming to hold prisoners close to home for the last three months of their sentences so that a ‘through the gate’ resettlement plan could be developed. The All Party Parliamentary Group for Women in the Penal System found that this system could never have worked for women, concluding that “[m]any

women are held hundreds of miles from their home address. The numbers just did not add up for women.”¹⁴

- 3.3 There are ten closed prisons for women and two open prisons.¹⁵ Whilst the average distance from home for women is 60 miles compared to 50 miles for men, the reality is that for a significant proportion of women the distance from home is much greater, adding to the time and expense of travelling for prison visits.¹⁶
- 3.4 A prison estate comprised of only a very small number of open prison places limits women’s ability to progress and spend time on release on temporary licence (ROTL). The few lower security places means that the vast majority of women are held under a higher security level than they require.¹⁷ Both open prisons for women, Askham Grange and East Sutton Park, are earmarked for closure, which will further increase distances that women are held from home.¹⁸
- 3.5 Distance from home has a marked impact on women who are sent to prison. Women are imprisoned further from home and receive fewer visits than men. This adversely affects their capacity to maintain relationships and family contact, a particularly important issue for women with children. It also limits the ability of prisoners to link up with the services in their home areas that are needed to resettle successfully.¹⁹ Maintaining family relationships whilst in prison is key to help many prisoners cope with their sentences and successfully resettle following release. In its report on family ties the Prisons and Probation Ombudsman concluded that, “*Maintaining family ties can help to prevent prisoners reoffending and can assist them to settle successfully in the community on release. Maintaining*

¹⁴ Page 5, ‘Is it the end of women’s centres?’, the Howard League (2016) <http://howardleague.org/wp-content/uploads/2016/11/Is-it-the-end-of-womens-centres.pdf>

¹⁵ ‘Prison Population Monthly Bulletin’, Ministry of Justice, (2016) <https://www.gov.uk/government/statistics/prison-population-figures-2016>

¹⁶ HC 7 January 2010 C548W

¹⁷ See the Justice Committee’s conclusion to this effect in its report on *Prisons: planning and policies*, which stated that “*The configuration of the women’s estate in particular—which has limited scope for holding women of different security categories in different conditions—means that most are subject to unnecessarily stringent security*”: page 21, ‘Justice Committee Prisons Planning and Policies’, (18 March 2015) <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmjust/309/309.pdf>

¹⁸ Page 6, ‘Women’s Custodial Estate Review’, (October 2013) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/252851/womens-custodial-estate-review.pdf

¹⁹ See for example, ‘Transforming Rehabilitation: A Strategy for Reform’ (May 2013) <https://consult.justice.gov.uk/digital-communications/transforming-rehabilitation/results/transforming-rehabilitation-response.pdf>

*family contact while in prison also reduces isolation and the pain of imprisonment for both prisoners and families.*²⁰

- 3.6 Distance from home is even greater an issue for women from particular parts of the country, for example, the Welsh Committee found:

*"[t]he position for female Welsh prisoners, for whom there is no provision in Wales (and perhaps for whom family contact is more important), is much worse. The all-Wales average distance from home at 30 September 2006 was 101 miles. Regionally the average distances were 73 miles for women from North Wales, 98 miles for those from South Wales and 150 miles for those from Mid Wales. Given the particular issues for women prisoners, which are set out later in this Report, these figures are cause for deep concern"*²¹ (§ 30; App. 1524).

- 3.7 Those working in women's prisons frequently highlight the particular challenges for women, especially those with young children, in being held so far from home and the knock-on impact on their health and wellbeing.²²
- 3.8 Closeness to home can impact preparedness for release and even delay release dates as some women turn down or resist the opportunity to move to one of the two open prisons for women so that they can stay closer to their families. HMIP found that *"[s]ome women allocated to open conditions chose to stay in a closed prison because it was closer to their home, but some were forced to move to make space for others."*²³ Eastwood Park found that long distances were preventing women being able to be released on temporary licence to maintain family ties and plan for life following release, *"[d]evices designed to assist with local reintegration, such as release on temporary licence can be compromised due to expense and/or the practicalities of long distance travel for a short period of release."*²⁴

(ii) Approved premises (APs)

²⁰ Page 1, 'Maintaining Family Ties', PPO (2014) http://www.ppo.gov.uk/wp-content/uploads/2014/09/LLB-Complaints-05_Family-Ties_web_final.pdf

²¹ Page 14, 'Welsh Prisoners in the Prison Estate', (6 June 2007), <http://www.publications.parliament.uk/pa/cm200607/cmselect/cmwelaf/74/74.pdf>

²² See, for example, evidence from Eastwood Park to Justice Committee <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmjust/92/92vw38.htm>

²³ HMIP 2014-15 Annual Report, Page 75 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444785/hmip-2014-15.pdf

²⁴ Eastwood Park evidence to Justice Committee, *ibid.*

- 3.9 The difficulties generated by distance from home for women in custody are mirrored in the system of APs for women. The very small number of APs for women and the geographic spread means that the majority of women residing in APs are a long distance from home, making successful resettlement more challenging.
- 3.10 There are six APs for women in England and Wales. In total they can hold up to 112 women. They are located in Liverpool, Bedford, Birmingham, Preston, Reading and Leeds.²⁵ This compares to 94 APs for men across England and Wales which can hold up to 2088 men.²⁶ Her Majesty's Inspectorate of Probation identified the disproportionate impact of limited AP provision for women, finding *"[t]he small number of women's APs has implications and challenges for effective resettlement. Women are more likely to be placed further away from their home areas than men, and those with caring responsibilities are likely to struggle to maintain links with their children and other family connections."*²⁷
- 3.11 The Howard League's legal team has represented a number of young women who have been required to reside in APs upon release from prison. One young woman from Surrey was required to reside in approved premises in Reading, more than 50 miles away from her home and a three hour round trip on public transport. Rules in the AP requiring her to sign in at regular intervals throughout the day meant that she was unable to travel to see her young daughter who lived in Surrey. Had she been a young man then consideration could have been given to placing her in one of the two AP placements in Surrey.²⁸ A Welsh young woman represented by the Howard League's legal team was also placed in the AP in Reading. This young woman was not only unable to maintain contact with her family but also lost any meaningful support from statutory services, including children's services whose ability to support her upon her release from prison was seriously curtailed because the young woman was placed so far away from her home area. This approach is in direct contrast to the individualised approach taken for girls under 18 being released from

²⁵ Page 36, 'A thematic inspection of the provision and quality of services in the community for women who offend' (September 2016), <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2016/09/A-thematic-inspection-of-the-provision-and-quality-of-services-in-the-community-for-women-who-offend.pdf>

²⁶ 'Approved premises directory for England and Wales', (June 2015) http://www.napa-uk.org/content_images/library/APdirectoryDraft.pdf

²⁷ Page 36, 'A thematic inspection of the provision and quality of services in the community for women who offend' (September 2016), <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2016/09/A-thematic-inspection-of-the-provision-and-quality-of-services-in-the-community-for-women-who-offend.pdf>

²⁸ Pages 15 and 17, 'National Approved Premises Association Directory' (June 2015) http://www.napa-uk.org/content_images/library/APdirectoryDraft.pdf

custody where there is a statutory duty on local authorities to ensure that there is sufficient accommodation to meet the needs of looked after children in their community. This duty is supported by statutory guidance that makes it clear that children should live in the local authority area, with access to local services and close to their friends and family, when it is safe to do so.²⁹

- 3.12 In 2013, the Howard League published a report entitled '*No Fixed Abode: The implications for homeless people in the criminal justice system*'. The study, undertaken by Dr Vickie Cooper of Liverpool John Moores University, concluded that there were significant benefits in specialist accommodation and support for women but that the small geographical spread of APs created a real disadvantage. The women who participated in the research indicated that the provision of support in their accommodation *"improved their sense of wellbeing and helped them to feel stable. It also helped them address their offending-related needs by supporting them to overcome their drug and alcohol addictions."*³⁰ However, most of the women had been relocated in APs far from home:

*"this study also found that women were moved miles away from their home areas to be accommodated in hostel premises. In this study, 66 per cent of the female respondents did not originate from the regional area where they were living when interviewed, compared with 28.5 per cent of men. Therefore, empowerment and women-centered models of punishment, rehabilitation and resettlement must be understood and contextualised alongside the geographical dispersal of these women... This dispersal was due to the scarce availability of probation accommodation for women. There are currently six probation hostels for women, and 94 for men. There are no mixed-sex hostels and no probation hostels for women in Wales or in London."*³¹

- 3.13 Dr Cooper's research identified the profound difficulties posed by the relocation of women from their communities:

"There appears to be a paradox regarding women's punishment in the community – it can be seen to be both empowering and

²⁹ Page 6, 'Sufficiency: securing sufficient accommodation for looked after children' (statutory guidance), Department for Children, Schools and Families, (2010) <https://www.gov.uk/government/publications/securing-sufficient-accommodation-for-looked-after-children>

³⁰ Page 24, 'No Fixed Abode: The implications for homeless people in the criminal justice system', the Howard League (2013) <http://howardleague.org/wp-content/uploads/2016/04/No-fixed-abode-report.pdf>

³¹ *Ibid.*

disempowering (Barton and Cooper, 2012). On one level, women do form emotional attachments with one another, enhanced by women-centred models of punishment and rehabilitation. This can generate a community spirit and sense of belonging. On another level, 66 per cent of women in this study arrived at their accommodation as strangers to the institution, community and city. They were forced to sever ties with their family and networks of social support as a result of being dispersed. As noted above, however, some women in this study decided to relocate permanently to new areas, a decision that was made partly because of the lack of opportunities in their original home communities.”³²

...

“Moving women to new communities can increase feelings of social exclusion, isolation, trigger emotional distress and deprive them of feelings of membership and belonging (Barton and Cooper, 2012). According to Rokach (2004), the stress surrounding a sense of failure, coupled with relocation and separation from family and home can ‘precipitate depression, anxiety and loneliness’ (p. 45). This can ultimately intensify problems associated with offending (Ministry of Justice, 2008; Barton and Cooper, 2012).”³³

- 3.14 The Justice Committee has also criticised the lack of AP provision for women and the impact of this on preventing offending and successful resettlement:

“Having only six approved premises for women limits the number of women who can benefit from their constructive regimes and support. More women could benefit from safe, secure and supervised accommodation. Approved premises have the expertise and experience of working with female offenders across the full risk of harm continuum and we consider that the approved premises estate could usefully be expanded to manage more women safely and cost-effectively in the community. We would like to see the review consider how existing approved premises regimes could safely be adapted for a broader range of women, and how more creative use of a greater number of approved premises provision could be funded” (§ 28; App. 589).

³² *Ibid*, pages 24 and 26

³³ *Ibid*, page 26

- 3.15 A joint inspection from Her Majesty’s Inspectorate of Prisons and Her Majesty’s Inspectorate of Probation found that there were limited opportunities for women in the community, highlighting poor access to APs:

*“although the range of non-custodial options was relatively limited for women compared with men, those which did exist generally offered a viable alternative. Those women who had had the opportunity to access such women-specific provision usually appreciated and benefited from it, particularly within the approved premises, which provided a credible alternative to custody and where the level of support available for women and the effective links with other community resources proved invaluable”.*³⁴

(iii) The reduction in support services for women around APs

- 3.16 The distinct needs of women mean that they require a whole range of specialist services in addition to accommodation. There is evidence that the experience of prison has a disproportionately negative impact on women in terms of their future education and employment success.³⁵ Relocation in new communities further exacerbates these problems. Further, much of the funding that was available in addition to APs has reduced in recent years. The introduction of Transforming Rehabilitation has exacerbated the pressure on probation funding, with the additional supervision of 60,000 people a year: money has been taken away from evidence-based resources and services in the community.³⁶ The APPG for Women in the Penal System found that women’s centres and other specialist community services had either completely lost funding or were only being funded to provide lower quality services that would not benefit the women they worked with in the same way as the services they previously provided. The APPG concluded that *“there is a real risk that high quality services for women, especially women’s centres, will become a thing of the past.”*³⁷

- 3.17 Similarly, Her Majesty’s Chief Inspector of Probation has *“found a reduction in the availability of accommodation for women...and*

³⁴ Page 35, ‘Thematic inspection report: Equal but different?’, (2011) <http://www.justiceinspectrates.gov.uk/probation/wp-content/uploads/sites/5/2014/03/womens-thematic-alternatives-to-custody-2011.pdf>

³⁵ See for example, Page 1, Prison Reform Trust, ‘Working it out, employment for women offenders’, (January 2015) <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Women/Employmentbriefing.pdf>

³⁶ Page 5, ‘Is this the end of women’s centres?’, the Howard League, (2016) <http://howardleague.org/wp-content/uploads/2016/11/Is-it-the-end-of-womens-centres.pdf>

³⁷ *Ibid.*

*considerable uncertainty and anxiety about current and future funding of women's services. Since the implementation of the Transforming Rehabilitation programme, dedicated funding for women's community services has virtually disappeared, and provision is mixed and uncertain. It has been difficult to pin down the extent and sources of funding now available, but it is clear that specific funding for work with women who offend is tenuous at best, and often time-limited"*³⁸.

4. FEASIBLE ALTERNATIVE APPROACHES

- 4.1 The profound differences between women and men in the justice system necessitate a different response in order to achieve equality of outcome. This has been widely accepted as the right and proper approach. In its 2013 report, the Justice Committee concluded that:

"...there is general agreement that the majority of women offenders pose little risk to public safety and that imprisonment is frequently an ineffective response. It is also now well recognised that it is not permissible for women offenders to be dealt with in the same way as men within a criminal justice system designed for the majority of offenders. This is not about treating women more favourably or implying that they are less culpable. Rather it is about recognising that women face very different hurdles from men in their journey towards a law abiding life, responding appropriately to the kinds of problems that women in the criminal justice system bring into it, and taking the requisite action to be effective in addressing their offending behaviour" (§ 1; App. 582).

- 4.2 The recent government White Paper on prisons also recognises the difference in the needs between men and women in the criminal justice system:

"The drivers for reform of our estate for women offenders share similarities with the adult male estate, although the issues they face are different. We know that a significant proportion of women prisoners are housed in accommodation at a higher security level than they need. Very few women have the opportunity to spend time in an open prison prior to release because of the small number of open places for women. Because of this, women can be kept in

³⁸ Page 4, HMI Probation <http://www.justiceinspectrates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2016/09/A-thematic-inspection-of-the-provision-and-quality-of-services-in-the-community-for-women-who-offend.pdf>

prisons where they do not have access to all the resettlement services they need.”³⁹

- 4.3 The Secretary of State for Justice, Liz Truss, announced on 7 February 2017 that as part of reconfiguring NOMS into a new entity, Her Majesty’s Prisons and Probation Service (HMPPS), for the first time there will also be a Board Director with specific responsibility for women across the whole system, reporting to the Chief Executive, Michael Spurr. Sonia Crozier will take up this role in April 2017. However, the responsibility for women is in addition to her responsibilities as the Director of Probation.⁴⁰
- 4.4 There is widespread agreement about what a justice system based on gender equality and which took account of women’s needs would look like, as well as a solid evidence base for a gender informed approach. The key recommendations of the Corston Report, which are: diversion of women from the criminal justice system; reduction in the use of prison for women who have committed low level offences; expansion of ‘one-stop-shop’ women’s centres; and replacing prisons with small, geographically-dispersed custodial units, are supported by a wide range of stakeholders and experts in the public, private and voluntary sectors (§ 5; App. 248-258). When published, the recommendations received cross-party support in the House of Commons and the House of Lords and have subsequently been supported by the Justice Committee and Her Majesty’s Inspectorate of Prisons and Probation.⁴¹
- 4.5 It is well recognised that women’s centres are the best model developed to date for both preventing involvement in the criminal justice system for women at risk and as a response to criminal behaviour, and that these would provide an alternative to APs. An example of what this would look like can be found in the newly opened centre for women at Anawim, a new purpose built facility providing 24 hour supported accommodation for women leaving prison.⁴²
- 4.6 Women’s centres are specialist community ‘one-stop-shops’ which provide services for women involved with or at risk of involvement with the criminal justice system, amongst other groups. The centres vary in the services

³⁹ Page 4, ‘ A thematic inspection of the provision and quality of services in the community for women who offend’ (September 2016) <http://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2016/09/A-thematic-inspection-of-the-provision-and-quality-of-services-in-the-community-for-women-who-offend.pdf>

⁴⁰ <https://www.gov.uk/government/news/justice-secretary-launches-new-prison-and-probation-service-to-reform-offenders>

⁴¹ ‘Women Offenders: Follow Up’, Justice Committee (24 March 2015)

<http://www.publications.parliament.uk/pa/cm201415/cmselect/cmjust/314/314.pdf>

⁴² <http://www.womensbreakout.org.uk/news/new-purpose-built-accommodation-for-women-at-anawim/>

they provide, but all are based in a welcoming building that is a focal point for the women to spend time and receive help. Centres provide some or all of: counselling and mental health services, drug treatment, employment skills, help for women in abusive relationships, literacy, CV support, child care, and housing assistance. Many also hold reading groups, cookery classes, vocational training and are imaginative and respond to the particular needs of the women who attend.⁴³

- 4.7 The central aim which unites the women's centres is to provide a safe space for women where they are treated as individuals and their needs can be addressed holistically. This approach was identified in the Corston Report as being the best for women in the justice system. One of the key recommendations of the report was that women's centres be developed, expanded and increasingly used as an alternative to imprisonment.⁴⁴
- 4.8 In the ten years since the Corston Report was published, the number of women's centres has increased modestly. However, the majority have been hampered by instability due to short-term funding, often relying on a patchwork of support from the Ministry of Justice, local probation, charities and health.
- 4.9 Despite the difficult operating environment, women's centres are successful, both in terms of the positive impact they have on service users' lives and in contributing to reducing reoffending. A study by the Ministry of Justice found that women's centres have a statistically significant impact on reducing reoffending, with the difference estimated to be as high as nine per cent;⁴⁵ few other services have this proven impact.
- 4.10 Increased and stable dedicated funding to expand the number of women's centres in England and Wales would be a major development in achieving a gender-informed justice system, enabling criminal justice responses to be tailored to the specific needs of women.
- 4.11 There are clear and feasible ways to reduce the number of women in the criminal justice system and ensure that those who remain are properly supported to rebuild their lives. Expanding and making greater use of women's centres to help to prevent the risk of reoffending, and to respond to the needs of women who have offended, would be the best way to do

⁴³ Page 2, 'Is this the end of women's centres?', The Howard League, (2016) <http://howardleague.org/wp-content/uploads/2016/11/Is-it-the-end-of-womens-centres.pdf>

⁴⁴ *Ibid.*

⁴⁵ Page 1, 'Re-offending Analysis: Women's Centres throughout England', Ministry of Justice, Justice Data Lab, (2015) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/427388/womens-centres-report.pdf

this and could bring an end to the practice of dispersing women across the country.

The contents of this statement are true.



Signed:

FRANCES RACHEL CROOK

Dated: 20 February 2017

IN THE SUPREME COURT OF THE UNITED KINGDOM
ON APPEAL FROM:
THE COURT OF APPEAL CIVIL DIVISION

C1/2014/0269/QBACF/C1/2014/0269(A)/FC3

R (on the application of COLL)

Appellant

-v-

THE SECRETARY OF STATE FOR JUSTICE

Respondent

-and-

HOWARD LEAGUE FOR PENAL REFORM

Intervener

EXHIBIT FC/1

1. THE HOWARD LEAGUE FOR PENAL REFORM AND ITS INTEREST IN THE APPEAL

- 1.1. Founded in 1866, the Howard League is the oldest penal reform charity in the UK and has over 12,000 members, including prisoners and their families, lawyers, criminal justice professionals and academics. The Howard League has consultative status with both the United Nations and the Council of Europe. It is an independent charity and accepts no grant funding from the UK government.
- 1.2. The Howard League campaigns for less crime, safer communities and fewer people in prison. It aims to achieve these objectives through conducting and commissioning research, carrying out investigations aimed at revealing underlying problems and discovering new solutions to issues of public concern. Its objectives and principles underlie and inform the charity's parliamentary work, research, legal and participation work as well as its projects.
- 1.3. The Howard League has a legal department which provides front line advice and representation to young people in the criminal justice system aged 21 and under in relation to prison law and public law matters. Where appropriate, our legal practice informs our policy work within the organisation.
- 1.4. The Howard League's wider policy work draws on almost 150 years of experience in the field of penal reform and involves working with policy-makers, representatives from the prison service and the National Offender Management Service, academics and international bodies concerned with the treatment of prisoners.
- 1.5. The Howard League has particular expertise in the resettlement of prisoners and factors influencing their welfare and likelihood of future offending upon release, including the provision of appropriate accommodation, contact with family and service provision.
- 1.6. The Howard League has detailed knowledge, experience and understanding of the policies and procedures that apply to women in the criminal justice system and their experience of those policies and procedures. It has campaigned on the issue of women and girls in prison, the treatment of pregnant women and provision for women with babies in prison for many years.
- 1.7. Publications and work relevant to women in the criminal justice system undertaken by the Howard League include:
 - 1.7.1. **All Party Parliamentary Group (APPG) on women in the penal system**

In 2009, the Howard League for Penal Reform supported the establishment of the All Party Parliamentary Group on Women in the Penal System, chaired by the Rt.

Hon Baroness Corston and Rt Hon Fiona MacTaggart MP. The APPG works to facilitate and encourage informed parliamentary debate on women in the justice system, publicise issues around women in the penal system and push for the implementation of the recommendations of the Corston report. The Howard League for Penal Reform continues to provide research and administrative support to the APPG on Women in the Penal System.

The APPG has carried out a number of inquiries into the treatment of women in the penal system and the Howard League has published the findings of those inquiries in a number of publications including:

- **Women in the penal system:** Second report on women with particular vulnerabilities in the criminal justice system (2011)
- **Keeping Girls out of the penal system** (2012)
- **Inquiry on girls: From courts to custody** (2012)
- **Report on the Inquiry into Preventing Unnecessary Criminalisation of Women** (2015)
- **Is this the end of women's centres?** (2016)

1.7.2. Publications

The Howard League has also commissioned its own research and published reports regarding issues affecting girls and women in the penal system including:

- **Care, concern and carpet:** How women's prisons can use first night in custody centres to reduce distress (2006)
- **Voice of a child** (2011)
- **Out of place:** The policing and criminalisation of sexually exploited girls and young women (2012)
- **No fixed abode:** The implications for homeless people in the criminal justice system (2013)
- **Women in prison** coercive and consensual sex. A briefing paper by the Commission on Sex in Prison (2014)
- **Mitigating Motherhood:** A study of the impact of motherhood on sentencing decisions in England and Wales (2014)

1.7.3. Promoting better practice and alternative provision for women

The Howard League believes that projects which help to keep people out of the criminal justice system, by providing alternative, proportionate, effective and targeted interventions will reduce the risk of reoffending. The Howard League promotes best practice in diversionary work and champions projects for gender specific provision for women at the earliest stage possible to keep them out of the criminal justice system through close partnerships with police, courts and other local agencies.

1.7.4. Advising decision and policy makers

The Howard League frequently contributes and advises decision makers on the impact of current policy on women in the criminal justice system and better alternative policy and practice for women. For example, the Howard League provided written and oral evidence to the Justice Select Committee's 2013 inquiry into women offenders. The Howard League has also contributed to Her Majesty's Inspectorate of Prisons and Her Majesty's Inspectorate of Probation working groups on developing inspection criteria for women and inspecting women's services.

1.7.5. Regular and ongoing casework

The Howard League has a legal team which provides direct assistance to young people in custody, including girls and young women in custody. Since 2002 the Howard League has provided advice, assistance and representation on a range of issues affecting girls and young women in the criminal justice system including trafficking, the placement of girls in the female adult custodial estate, the treatment of pregnant girls and young women and resettlement from custody. The Howard League's work has highlighted the very different needs and profile of girls and women in prison who often have been victims of exploitation, abuse and domestic violence.