



All Party Parliamentary Group
Women in the Penal System

4pm, Tuesday 13 March 2018
House of Commons, Committee Room 16

Giving evidence

John Bache JP FRCS, National Chairman of the Magistrates Association
Val Castell, Deputy Chair, Magistrates Association Adult Courts Committee

Chair

Baroness Corston

Attending with John Bache

Hattie Stair, Policy and Research Intern, Magistrates Association

Parliamentarians attending

Lord Ramsbotham

Kate Green

Baroness Healy

Baroness Howe

Lord Ponsonby

Non-parliamentarians attending

Liam Allmark, Catholic Bishops' Conference

Frances Crook, Howard League for Penal Reform

Stephanie Davin, Howard League for Penal Reform

Jenny Earle, Prison Reform Trust

Danielle Fetuga-Joensuu, Parliamentary Assistant and Researcher to the Bishop of

Rochester and Bishop to Her Majesty's Prisons and Co-ordinator For Prison Hope

Sofia Gullberg, Women in Prison

Edward Lowe, Commonweal Housing

Josh Somerville, Catholic Education

Gemma Buckland, Justice Committee

Matthew Trueman, Senior Parliamentary Researcher to Sarah Champion MP

Apologies

Professor the Lord Alton

Angela Rayner MP

Lord Bird

Sarah Champion MP

Neil Coyle MP

David Drew MP

Liz Hogarth
Alister Jack MP
Christine Jardine MP
Maria Miller MP
Jess Phillips MP
Henry Smith MP
Rt Revd Rachel Treweek, Bishop of Gloucester

Baroness Corston opened the meeting and thanked everyone for coming to the first of several evidence sessions for the APPG's Inquiry into the sentencing of women.

Baroness Corston told the group that Dr Phillip Lee had agreed to come and give evidence at later date. She also highlighted there was an article in the Guardian that day about the APPG co-signed by herself, Victoria Prentis MP and Kate Green MP to launch the inquiry.

The minutes from the previous meeting were approved.

Baroness Corston introduced John Bache.

Introductions

John Bache introduced himself.

Val Castell introduced herself.

Baroness Corston started off the session by asking what advice magistrates were given in respect to sentencing women.

John Bache began by explaining a bit about the Magistrates Association (MA), and that Val Castell led on the issue of women offenders for the Adult Courts Committee. He then explained that magistrates are trained to sentence to the specific circumstances of the case and the individual in front of them. Women as a cohort would not be treated differently from men, but magistrates did get additional sessions making sure they were aware of particular issues that might be relevant to women.

Val Castell said that the differences often related to mitigating factors such as whether the person being sentenced had children.

The issue of unconscious bias

Baroness Corston highlighted how women's crimes were sometimes seen prejudicially because there was still a perception of female criminality as somehow inherently transgressive. John Bache said there was a certain degree of truth to this, comparing it with perceptions of female drug-taking in Accident and Emergency departments.

Val Castell said she thought there had been unconscious bias previously but that attitudes were changing. Magistrates needed to look at the individual, but could also raise awareness of the kinds of factors that were present for many women.

Kate Green MP asked if there should be training to address this.

Val Castell said it was a question of finances and priorities, and that the MA worked to raise awareness where they could. Also, the Judicial College had just produced an updated Equal Treatment Bench Book which had a detailed section on women.

Women's centres

Baroness Corston pointed out that Ministry of Justice evidence showed that women's centres functioned well and were effective. What was the MA's view on why magistrates were not using them more?

Val Castell said sometimes sentencers did not know about them even in their own local areas and agreed that magistrates needed to know what was available locally. She argued that magistrates needed to be given more information on what was available locally. John Bache said magistrates could only sentence in terms of what they knew was available and so the more they know, the better. If magistrates can keep somebody out of custody, they will.

Baroness Corston pointed out that details of women's centres were available on the internet and that magistrates should be linked into services in their areas so they could sentence appropriately.

The role of probation

Lord Ponsonby asked whether the witnesses thought that the National Probation Service (NPS) should be recommending women's centres in their pre-sentence reports.

John Bache said he thought it was up to probation services to bring women's centres to magistrates' attention, though magistrates could also themselves ask about these services.

John Bache said magistrates had been discouraged from contact with Community Rehabilitation Companies (CRCs). Kate Green asked about the form of this discouragement and whether it was a structural faultline. John Bache agreed it was a problem built in to the new structures, although liaison between sentencers and CRCs was now being encouraged. He said the situation presented a paradox, as magistrates would sentence to a service provided in a women's centre if it was given as a possibility by probation but magistrates need to know what they were sentencing people to.

Lord Ramsbotham asked about the role and length of pre-sentence reports.

John Bache said that magistrates were encouraged to request stand down reports but sometimes it could be challenging for probation to have the time to include enough detail to allow sentencers to weigh the different factors.

Baroness Howe emphasised that it was important for sentencers to understand the background of the person being sentenced and that magistrates should not be reticent in asking for information.

Sentencing reform through law and practice: considering Scotland and the sentencing of children

Kate Green MP said that the number of women in custody had risen substantially in recent years and there was a particular problem with magistrates sentencing women to prison for very short periods of time, which is known to be damaging and counter-productive. She pointed out that in 2016, 271 women were sentenced to prison by magistrates for less than two weeks. She asked what the MA was going to do to address this sort of sentencing and what, in their view, was the point of a short sentence.

John Bache said the only point of sentences like this was as a punishment.

Val Castell said it could be a last resort if the alternative was sentencing for a longer period but that it was hard to say without knowing the details of the case.

John Bache said that in relation to some situations, where dealing with non-payment of fines, magistrates had to do something. It might be this or a conditional discharge.

Kate Green MP asked for the MA's view on the changes to sentencing recently introduced in Scotland.

Val Castell pointed out that, though the language was different, the fact that you could only sentence to custody if it was inevitable meant that there already is a presumption against custody in England and Wales.

John Bache said that they did not have a view on the policy in Scotland.

There was a discussion of the effectiveness of Scottish approach in reducing numbers of women in prison.

John Bache said the challenge was to try and achieve the same success with women as had been done with children, without the need to change legislation but through changing practices. Val Castell pointed out that changing minimum sentences would require legislation.

Kate Green MP asked how the MA's members would react to a regime that meant they could not impose short sentences for women.

John Bache replied that magistrates applied the law – so if this change happened, they would apply it. He added that magistrates were a wide range of people and

emphasised that magistrates only sent people to prison if they had to and there was no alternative.

Kate Green MP noted the sentencing inflation she had seen in her fifteen years as a magistrate. She asked whether John Bache and Val Castell felt that they had to provide leadership to colleagues and give them confidence to use alternatives to custody.

John Bache described the impact of Penelope Gibbs showing the Youth Courts Committee data on differential child custody rates in different regions.

Lord Ponsonby raised the point that youth magistrates had more faith in Youth Offending Teams than those who sentence women had in CRCs.

The role of the MA and routes forward

Kate Green MP asked whether the MA had had contact with the Ministry of Justice to try to improve training for magistrates on understanding the needs of women.

John Bache pointed out the MA worked closely with the Judicial College, and had raised concerns that more funding should be given to train magistrates.

Baroness Corston noted that the previous Chair of the MA had done a lot of work to disseminate information regarding the disproportionate sentencing of women. She asked John Bache to assure her that he would not let this issue go. John Bache said he thought the disproportionality had improved but accepted more could always be done.

Val Castell said the MA did promote information on women's sentencing on its website and in its magazine, but that magistrates had to act within the law. The law did not make a difference between men and women, so one could not sentence them differently. She said that sometimes a perception of disproportionality arose from speaking to the women sentenced, who did not always understand why they had been sentenced in the way they had.

Lord Ramsbotham observed that the Ministry of Justice's female offender strategy is promised but long-awaited and asked if there was anything the MA wanted to see in that strategy.

Val Castell said the MA wanted three things: better information on the person before them; better options on what to do with that person; more information on what those options entailed. Baroness Corston asked if they had asked these questions regarding women specifically; Val Castell said they had.

John Bache noted that a major problem was the inappropriateness of curfews for women who are experiencing domestic abuse. Baroness Corston asked about conditional cautions, and Frances Crook mentioned mental health treatment orders and observed that very few were given. Val Castell said that this was because they were not recommended as they were not available. Lord Ramsbotham asked if this reflected a disconnect between the Department of Health and the Ministry of Justice.

There was a discussion about the problem of using suspended sentences as a mechanism for avoiding sending women into custody. This ran the risk of magistrates having to activate the sentence eventually if the woman reoffended.

John Bache said that one thing the MA could do was encourage more training, as training had been cut back. Jenny Earle highlighted the PRT/Rethink magistrates' training pack, which contained information on women and mental health issues, and the sentencing of mothers DVD that had been recently developed. She noted that neither of these were part of a magistrate's compulsory training, and said she was keen to receive feedback from the Judicial College on both items.

There was a discussion of how the APPG could disseminate information via the MA magazine and perhaps also through members of the APPG attending the MA conference.

Baroness Corston thanked everybody and closed the meeting.