

## Howard League for Penal Reform response to the Sentencing Council's consultation: *What next for the Sentencing Council?* September 2020

### Summary

1. The Howard League for Penal Reform welcomes the opportunity to contribute to the Sentencing Council's reflection on its work so far and planning for its future direction.
2. In light of the massive explosion in the prison population in the 1990s and early 2000s there was a consensus that a new body was needed to provide a sentencing framework that would deal sensibly with disparities and inequalities, and contain the inflation in prison numbers.
3. Since the Council's inception sentence lengths have increased considerably. Reoffending has remained stubbornly high and the excessive use of prison has not protected victims nor has it prevented crime.
4. Despite the government's commitment to tackling racial disparity, there has been an increase in the over-representation of Black, Asian and minority ethnic groups amongst those who are detained (Lammy 2017). This is particularly acute in the case of children.
5. The increase in the prison population has meant that conditions have deteriorated, increasing levels of violence and self-injury.
6. The Council has a responsibility to address these concerns in its guidance and what it does, and does not do, makes a difference.
7. Leadership from the Council is essential if these trends are to be curbed. The Council has the power and the ability to make this happen and must prioritise it. The principle of proportionality in sentencing and the statutory requirement to assess the cost and effectiveness of sentencing must be at the heart of the Council's future work.
8. The Council should pause its programme of guideline development so that it can focus its work on doing all it can to mitigate these costly adverse developments over the past ten years. The development of any new guidelines should pay sufficient regard to the 'cost of different sentences and their relative effectiveness in preventing re-offending' (Coroners and Justice Act 2009 (s120(11)(e))).

9. The Council should review the category ranges in offence-specific guidance and the structured approach to sentencing more generally. The stepped structure should require sentencers to have regard to the effectiveness of the sentence in addressing all the purposes of sentencing (Criminal Justice Act 2003, section 142) and the likely impact of the proposed sentence.
10. Every guideline should be refreshed and new guidance should be developed to take active steps to tackle racial disparity, and to enable distinct approaches to women and young adults.
11. Consultation with affected groups should be improved and there should be a concerted effort to make the guidelines accessible for those affected by them.

## **1. About the Howard League for Penal Reform**

- 1.1 Founded in 1866, the Howard League is the oldest penal reform charity in the world. The Howard League 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 works for less crime, safer communities and fewer people in prison. We achieve these objectives through conducting and commissioning research and investigations aimed at revealing underlying problems and discovering new solutions to issues of public concern. The Howard League's objectives and principles underlie and inform the charity's parliamentary work, research, legal and participation work as well as its projects.
- 1.3 The charity's legal team works directly with children and young adults in prison.
- 1.4 The Howard League has drawn on its legal and policy work in responding to this consultation. The charity is pleased to have the opportunity to contribute to the Sentencing Council's reflection on its work so far and planning for its future direction.
- 1.5 The Howard League would welcome the opportunity to provide further information about any of the points below.

## **2. Ten years of the Sentencing Council**

- 2.1 The Sentencing Council was conceived as a response to the explosion in the prison population in the 1990s and early 2000s. In announcing the government's intention to create a new sentencing body, following the recommendation in Lord Carter's Review of Prisons (Carter 2007), Jack Straw envisaged a body which would 'allow for the drivers

behind the prison population to be addressed and managed in a transparent, consistent and predictable manner through the provision of an indicative set of sentencing ranges.’<sup>1</sup>

- 2.2 This vision of a sentencing body which would act as a brake to the escalating prison population was watered down by the recommendations of the Sentencing Commission Working Group. Nonetheless, the Coroners and Justice Act 2009 retained the spirit of Lord Carter’s original recommendation in placing a duty on the Sentencing Council, when creating and reviewing guidelines, to have regard to the ‘cost of different sentences and their relative effectiveness in preventing re-offending’ (Coroners and Justice Act 2009 (s120(11))).
- 2.3 However, despite the intention behind its creation, the Sentencing Council has not curbed the use of imprisonment by the courts, and regard for the cost and effectiveness of different sentences is hard to discern in the sentencing guidance produced to date. Instead the Council has focused its efforts on ensuring that its guidelines reflect, and thereby institutionalise for good or ill, current sentencing approaches (Roberts and Ashworth 2016, 340). Transparency and consistency have to an extent been improved, but generally with the result of ratcheting up sentencing levels and length. In the year to March 2020 the average length of a prison sentence stood at its highest level for a decade - 19.6 months (MoJ 2020a). In 2020 forty-eight per cent of determinate prison sentences were over four years – in 2010 only thirty-three per cent of sentences were of that length (House of Commons 2020). The Council has not so much controlled as contributed to the problem of the over-use of imprisonment.
- 2.4 There continue to be gross and unacceptable disparities between the sentencing of different groups. In particular Black, Asian and minority ethnic defendants disproportionately receive longer and more severe sentences (Lammy 2017). Ministry of Justice research has identified a link between ethnicity and being sentenced to prison for those convicted of indictable offences, particularly for acquisitive violent offences which revealed a five hundred percent increase in the odds of imprisonment (Hopkins et al 2015). Despite the government’s commitment to tackling racial disparity, there has been an increase in the over-representation of Black, Asian and minority ethnic groups amongst those who are detained (Lammy 2017). This is particularly acute in the case of children: in June 2020, children from minority groups accounted for fifty-one per cent of the child prison population (HMPPS 2020).
- 2.5 Likewise, a distinct approach to women, which is now widely accepted as being required and appropriate (Female Offender Strategy 2018), is not being fully achieved at the point of sentence. Despite the strong evidence that short sentences are ineffective and damaging for women and their families (MOJ 2018a), sentencers are continuing to use them regularly. In 2018, 68 per cent of women receiving immediate custody received a sentence of less than six months (MOJ 2019a). Indeed the Council’s guidance is out of step with the government’s Female Offender Strategy which explicitly aims for a reduction in the use of custody.
- 2.6 Ministry of Justice data indicates that there is also significant inconsistency in the application of sentencing principles for women. There is a wide variation in the rates at which immediate custody is imposed on women by region and between metropolitan/rural areas. In some areas over 60 women per 100,000 receive immediate custody (eg South Wales and Cumbria) whilst the rate in other areas is under 20 women

---

<sup>1</sup> Hansard HC 5 Dec 2007: Column 829.

per 100,000 (PRT 2019). Whilst the drivers for these statistics are complex, the extent of the variation is concerning.

- 2.7 In prisons, conditions have deteriorated. HM Inspectorate of Prisons has consistently reported that many prisoners endure unsafe, poor and overcrowded living conditions (Public Accounts Committee 2020). Unsurprisingly levels of violence and self-injury have sky-rocketed. In the twelve months to December 2019 self-injury incidents reached a record high of 63,328 and there was a 57% rise in serious assaults in prisons holding children in the year to December 2019 (MoJ 2020b).
- 2.8 Proportionality is a key sentencing principle and the impact of a custodial sentence on a defendant and their family is a relevant factor in sentencing, as the Lord Chief Justice Lord Burnett explained to the Justice Committee:

‘It is a long-standing principle of sentencing practice that the impact of a custodial sentence on a defendant and on those close to a defendant can be taken into account, both in connection with whether an immediate custodial sentence is called for at all and in the length of sentence.’<sup>2</sup>

This is not, however, sufficiently reflected in sentencing guidelines.

### **3. A focus on effective and proportionate sentencing**

- 3.1 Given its limited resources the Howard League suggests that the Council should pause its programme of guideline development so that it can concentrate its efforts on doing all it can to mitigate these costly, adverse developments over the past ten years.
- 3.2 In this new programme of work the Council should focus on addressing the neglect of its duty to have regard to the cost and relative effectiveness of different sentences in producing guidance (Coroners and Justice Act 2009 (s120(11)(e)) (see consultation question (CQ) 22). The Howard League urges the Council to construe this duty with integrity.
- 3.3 In relation to the ‘cost’ of different sentences, although financial cost should not be an issue in individual cases, the public is entitled to expect sentencing guidance to be mindful of the precious, and limited, resources of the justice system and to encourage judges to use expensive, punitive measures sparingly and to best effect. But the public is also entitled to expect guidance to take account of the wider cost of particular sentences, their moral and social ramifications which society as a whole must absorb. The exclusionary effects of imprisonment, and its long-lasting impact, in particular on dependents, are matters which the Council should be taking into consideration as part of its statutory duty.
- 3.4 In relation to ‘effectiveness’, it is difficult to accept, in light of the developments outlined above and Ministry of Justice statistical data, the Council’s assertion in the consultation paper that their current approach in this area ‘seems to work’ (para 134 of the consultation document). It is equally hard to agree with the suggestion that practical difficulties and resource constraints overwhelm the Council’s capacity to give due regard

---

<sup>2</sup> See observations of the Lord Chancellor, Lord Burnett of Maldon to the Justice Committee, 22 May 2020, Oral evidence: Coronavirus (COVID-19): The impact on prison, probation and court systems, HC 299, Q147, <https://committees.parliament.uk/oralevidence/425/pdf/> See also R v Manning (Christopher) [2020] 4 WLR 77 at [41].

to this statutory duty (para 130ff of the consultation document). The Howard League do not consider that it is necessary or practicable for the Council itself to conduct its own research in this area (CQ24). There are broad areas of agreement in sentencing research to which the Council can, and must properly, have regard.

- 3.5 Taking short custodial sentences as an example, there is clear, uncontroversial evidence that they are ineffective, indeed that they are generally counter-productive (see for discussion Corston 2007, British Academy 2016). There is broad, cross-party consensus that the movement away from such sentences is an urgent necessity. The Ministry of Justice's own research (MoJ 2018b, see also Mews et al 2015) has identified that for individuals with significant previous offending a short-term sentence raises the odds of that person reoffending by around a third in comparison to the same individual being given a community order. Far from protecting the public, short sentences are more likely to make more victims. The Council's guidance should warn against imposing counter-productive short sentences. Indeed giving proper regard to the relative effectiveness (or ineffectiveness) of short sentences the Council ought properly to be calling for their abolition. Instead, following sentencing guidance, 34,900 adult defendants were given immediate prison sentences of less than 6 months in the year to March 2019 (MoJ 2020a).
- 3.6 Without proper focus on the cost and effectiveness of different sentences there is little prospect of sentencing guidance enabling sentencers to take a proportionate and effective response to offending. Without this focus the worrying trajectory of the last ten years is likely to be replicated, with increasingly severe sentences and prisons remaining overcrowded, unsafe and ineffective.

#### **4. Options for addressing cost and effectiveness in sentencing guidance (CQ23)**

- 4.1 There are several avenues that the Sentencing Council might fruitfully explore in giving greater regard to the cost and relative effectiveness of different sentences. In the first instance these factors should inform the levels at which category ranges are set. The Howard League suggests that a review of the category ranges, and the thresholds for the imposition of custody, particularly those for less serious and non-violent offending, is necessary to give effect to this statutory duty.
- 4.2 Secondly, having appropriate regard to effectiveness and the wider 'cost' or impact of sentencing options ought reasonably to result in building these factors into the process by which sentencers themselves arrive at an appropriate sanction. To achieve this the Council should consider a review of the structured approach to sentencing set out in the offence-specific guidance.
- 4.3 The Howard League suggests that the Council review whether to include a step in the process requiring the sentencer to consider the effectiveness of the proposed sentence and its likely impact, not only on the victim(s) and individual defendant, but also on the defendant's family/dependents and the community at large. These considerations are at present neglected in the structured approach a sentencer is required to follow. The assessment of effectiveness could be structured by reference to the five purposes of sentencing to which sentencers must have regard: punishment, the reduction of crime (including by deterrence), the reform and rehabilitation of offenders, the protection of the public and the making of reparation to victims (s142 Criminal Justice Act 2003).

## 5. Preventing discrimination at sentence

- 5.1 The Sentencing Council has made some progress in relation to discrimination at sentence. The Council's overarching guidelines 'Sentencing Children and Young People' and 'Sentencing offenders with mental disorders, developmental and neurological impairments' are to be applauded. Likewise, although the Council has stopped short of requiring a distinct approach for young adults and for women, the expanded explanations on "age and/or lack of maturity" and "sole or primary carer for dependent relatives" as mitigating factors are also to be welcomed.
- 5.2 However, there is much work still to be done. In particular, the extant offence-specific guidance (and indeed the proposed Drug Offences Guideline) makes almost no reference to different groups' distinct experiences of, and different responses to, criminal justice processes and the need to consider the risk of discrimination in sentencing. As the charity argued in its response to the Council's Consultation on Changes to the Magistrates Court Sentence Guidance and Explanatory Materials (April 2020),<sup>3</sup> the material in the Equal Treatment Bench Book (ETBB) is poorly incorporated into the vast majority of sentencing guidance. The three-line banner heading in offence-specific guidance making reference to the ETBB is an inadequate response to racial disparity in sentencing and to the real risk of discrimination experienced by different groups.
- 5.3 The Howard League is encouraged by the reference in the Drug Offences Consultation Document (page 46)<sup>4</sup> to ongoing work being conducted by the Council to understand and address disparities in sentencing. However, in order to make real progress in this area, this work must be prioritised in the Council's future plans.
- 5.4 As the ETBB notes, 'It is substantive equality that counts',<sup>5</sup> and the Courts have accepted that the law requires that like cases are treated alike and unlike cases are treated differently (*Matadeen v Pointu* [1999] 1 AC 98). However, research has identified an unease amongst sentencers in relation to the principle of differential treatment (Hedderman and Barnes 2015), and that the need to treat difference differently is not as widely understood by sentencers as might be hoped (PRT/Soroptimist UKPAC 2014). Yet, framed as they are, sentencing guidelines do not adequately encourage sentencers to be aware of difference, or provide comprehensive guidance to enable that difference to be acknowledged appropriately in sentencing.
- 5.5 The Council will need to grapple with substantial questions in making its ambitions a reality. Can sentencing guidance that is almost entirely race and gender blind do justice to the urgent need to tackle sentencing disparity? As the charity has argued in its response to the Drugs Offences Consultation, the lack of explicit reference to the need to counter disparity risks exacerbating the problem, and belies the serious concern that the Council has for these issues.

---

<sup>3</sup> This document is available online at <https://howardleague.org/wp-content/uploads/2020/04/HowardLeague-Response-to-consultation-MCSG-and-explanatory-materials.pdf> Accessed 3 September 2020.

<sup>4</sup> This document is available at <https://www.sentencingcouncil.org.uk/wp-content/uploads/Drug-offences-consultation-web.pdf> Accessed 3 September 2020.

<sup>5</sup> ETBB, March 2020 revision, p5, accessible at <https://www.judiciary.uk/wp-content/uploads/2018/02/ETBB-February-2018-amended-March-2020.pdf> See also the observations of Baroness Hale DBE included at ETBB p148-149.

- 5.6 As identified above, the Council will also have to consider how the information in the ETBB can be more effectively incorporated into the existing guidance, so that sentencers are alive to, and seek fuller information about, difference, but are also enabled to give effect to that difference in arriving at the appropriate sentence.
- 5.7 Every guideline will need to be refreshed to enable active steps to be taken by sentencers to tackle racial disparity. Consideration should be given to whether in each guideline there is a need for an ‘Overarching Principles’ section which makes reference to difference, the need to be mindful of multiplied disadvantage arising from intersectionality and the importance of checking oneself for negative and aggravating assumptions based on particular characteristics. Additionally, it may be appropriate to consider whether the expanded explanations for mitigating and aggravating factors require amendment to enhance sentencers’ awareness of how particular protected characteristics might intersect with those factors.

## **6. The need for a distinct approach for young adults and for women**

- 6.1 At consultation question (CQ) 12 the Council ask whether there is a particular overarching issue that they should prioritise. As part of the wholesale review to prevent disparity and alongside addressing issues of racial disparity, the Howard League urge the Council to prioritise how it can ensure that a distinct approach is taken at sentence to young adults and to women.
- 6.2 In relation to young adults, the Howard League has previously developed in full the arguments for a distinct approach to the sentencing of young adults.<sup>6</sup> Whilst the charity welcomes the expanded explanation of ‘age and/or maturity’ it does not go far enough to ensure that young adults are not discriminated against at sentence.
- 6.3 The arguments for a distinct approach to women at sentence are overwhelming – they are well-evidenced and supported by policy and law. There is a clear consensus that women in the criminal justice system need to be approached as a distinct group, particularly where imposing custody is concerned. The issue was brought to the fore by the Corston Report (2007), but continues to be acknowledged and pursued through more recent policy initiatives, such as the Female Offender Strategy (MOJ 2018a) and the National Probation Service Women’s Policy Framework (MOJ/HMPPS2018). The need for a distinct approach has also been recognised by the Justice Committee,<sup>7</sup> and by the Supreme Court, in the case of *Coll*.<sup>8</sup>
- 6.4 As the Equal Treatment Bench Book (ETBB) recognises, women’s pathways into offending are more commonly linked to underlying mental health needs, domestic abuse and coercive relationships, drug and alcohol misuse, financial difficulties and debt than is the case for men (ETBB 2020, 148ff). On 30 June 2019, 63 per cent of women in custody were identified as having experienced domestic violence.<sup>9</sup> Nearly half of women prisoners report offending to support another’s drug use (in comparison to 22

---

<sup>6</sup> See for example Judging Maturity (2017), Sentencing Young Adults – Making the case for sentencing principles for young adults (2018) – both accessible at <https://howardleague.org/legal-work/sentencing-young-adults/#:~:text=Advisory%20board%20for%20developing%20sentencing%20principles%20for%20young,10%20Edward%20Fitzgerald%20QC%2C%20Doughty%20Street%20Chambers.%20> Accessed 3 September 2020.

<sup>7</sup> House of Commons Justice Committee, 2012-13 session Women Offenders: After the Corston Report p.3.

<sup>8</sup> *R (on the application of Coll) (Appellant) v Secretary of State for Justice (Respondent)* [2017] UKSC40, para 16.

<sup>9</sup> Answer by Lucy Frazer MP to Parliamentary Question from Chris Evans MP 30/01/20.

per cent of male prisoners (Light, M. et al 2013)). Women in prison are more likely than men to have had a history of mental ill-health, to have sought support in the community and to have spent time as an in-patient in a hospital (MOJ 2013). Women report more commonly report using drugs and alcohol as a means of self-medicating/coping with abusive and traumatic histories (Prison Reform Trust (PRT) 2017).

- 6.5 Women also respond to sentence differently. Imprisonment has a disproportionately severe impact on women. Women in prison are more than 13 times more likely to have experienced suicidal thoughts than women in the community (against an increase of 2.9 times for men) (Samaritans 2019). Self-injury amongst women in prison occurs at five times the rate amongst male prisoners (MOJ 2020b). Difficulties with family contact are exacerbated by the scattered female estate (Farmer 2019). Particular stigma and isolation is experienced by Black, Asian and Minority Ethnic women in custody and on release (Buncy and Ahmed 2014). There is good evidence that short prison sentences of less than 12 months are less effective in reducing reoffending amongst women than community penalties (MOJ 2018b).
- 6.6 Generally individuals subject to community orders are less likely to be reconvicted than those on short sentences (for comparable offences) (Mews et al 2015). But women as a group are more likely to comply with community orders (Gerry and Harris 2016). Evidence indicates that women offenders respond better to certain types of community orders – in particular trauma-informed and relational approaches have statistically significant better outcomes for women (MOJ 2019b).
- 6.7 At the same time, the wider social harms resulting from the imposition of short custodial sentences on the very substantial group of women in the criminal justice system who are also primary carers are particularly significant. Survey data suggests that six in ten women in prison have dependent children (Williams et al 2012). It is estimated that more than 17,000 children are separated from their mothers each year (Howard League 2011). Fewer than one in 10 children are cared for by their father when a mother goes to prison and only five per cent stay in their own home, often irreparably damaging their life-chances (Minson 2019).
- 6.8 In addition to preventing the concerning outcomes for women set out at paragraphs 2.5 and 2.6 above, there are also compelling practical reasons why a sentencing approach tailored to the distinct needs of women is urgently required. Women appear infrequently before the courts and sentencers may not have in the forefront of their minds those factors likely to be particularly relevant to female defendants (Marougka 2012). In addition, research suggests that not all sentencers fully appreciate the challenges encountered by women that may lead to offending, or challenge desistance (Birkett 2016). The current reliance by the Council on sentencers familiarising themselves with, and using, the information within the ETBB appears not to be functioning effectively for women.
- 6.9 Awareness among sentencers of likely mitigating factors is particularly important. The sensitivity of some features (such as domestic violence or coercion), can make raising issues difficult for women in the presence of unfamiliar representatives and probation officers, and in the time-pressured surrounds of a speedy summary hearing. This is exacerbated by pre-sentence report preparation which, commonly in the form of a fast-delivery report, often involves only a brief 15-20 minute interview reduced to a standardised report format (Robinson 2018).



6.10 For sentencers, identification of an appropriate sentence can also be difficult in relation to female defendants whose complex needs, and financial and domestic situation, combined with childcare obligations, may present challenges for the payment of fines or the completion of community orders. There is an urgent need for a structured and distinct approach to the sentencing of women to enable sentencers to identify appropriate mitigation and to make best use of the range of community sentences currently being enhanced by the Ministry of Justice.

## **7. Mechanisms for enabling a distinct approach for young adults and for women**

7.1 The Howard League suggest that there are two mechanisms by which sentencing guidance could enable a distinct approach to be taken to these two groups. Arguably they would be most effective adopted together.

7.2 There is undoubtedly ample material in relation to both young adults and women to justify the creation of standalone overarching guidelines. Such a guideline in each case would enable the Council to develop the distinct approach required for each group. However, to enable sentencers to respond to the particular experiences and different needs of these groups, and to grapple effectively with the inter-sectional nature of disadvantage, the relevant material needs also to be integrated throughout the existing offence-specific guidance, expanded explanations and overarching guidance (such as the 'Imposition' guideline). The distinct approach that sentencers should be mindful of could be referenced within General Principles sections of offence-specific guidance, incorporated into relevant aggravating and mitigating factors as well as in practical reminders in terms of the mechanics of sentence – ensuring appropriate information has been obtained and relevant sentencing options explored. Overarching guidelines in these circumstances would be helpful to draw together all the materials, to provide a form of aide memoire or reference resource in relation to the particular group.

## **8. Consultation approaches**

8.1 Whilst the Council consults with organisations working in the criminal justice sector what is generally lacking from consultation processes is the views and experiences of those whom the guidelines will individually affect: victims, defendants and their families (Q26). The Council were rightly lauded for their consultation work with drug 'mules' in preparation of the drug offences guideline.<sup>10</sup> This should be the norm. The Council cannot fully weigh the likely impact and effectiveness of its guidance without input from those affected. This will be particularly important as the Council considers how issues of disparity can be effectively addressed in sentencing guidance.

## **9. Accessibility**

9.1 As the charity has previously argued,<sup>11</sup> the guidelines, and especially the expanded explanations for aggravating and mitigating factors, are not in a format which is accessible to those who have no computer access or who have limited computer literacy. As a result key groups who need to access the guidance, particularly remand prisoners, who may have limited or no computer access, are unable to understand the principles by which they will be sentenced. The guidelines, including in particular the

---

<sup>10</sup> <https://www.sentencingcouncil.org.uk/news/item/sentencing-council-wins-guardian-award/> Accessed 3 September 2020

<sup>11</sup> Howard League response to the Sentencing Council's Drug Offences Consultation, August 2020.

expanded explanations, must be available in a full PDF format so that they can be printed off in hard copy by prisons and legal representatives.

- 9.2 More generally the current format of the guidelines online is not easy to navigate. Since the guidelines cannot be read in full in a single document, there is a risk that sentencers are unaware of the fuller information now contained within the expanded explanations, which are hidden from view unless specifically opened. The Howard League are concerned that positive progress may be undermined by the formatting of the guidance and urges the Council to review the accessibility of all its materials.

## **10. Concluding Observations**

- 10.1 The Council's next ten years will be defined by how successfully it tackles the three concerning developments that are outlined at the start of this response: increasing severity in sentencing, disparities in sentencing outcomes, and the lack of regard for proportionality and impact in sentencing guidance. The Howard League urges the Council to pause its programme of guideline development and concentrate its resources on a wholesale review and refresh of its extant guidance to address these issues. What is required is a fundamental overhaul of the structure and content of the guidance, but conducted effectively this approach has the capacity to transform sentencing in England and Wales.

The Howard League for Penal Reform  
16 September 2020

## References:

- Buncy, S., Ahmed, I. (2014) Muslim Women in Prison: Second Chance, Fresh Horizons: A study into the needs and experiences of muslim women at HMP and YOI New Hall and Askham Grange prisons during custody and post release. Muslim Hands and HCPA Project.
- Carter (2007) Lord Carter's Review of Prisons, Securing the future, Proposals for the efficient and sustainable use of custody in England and Wales. Available at:  
[http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/05\\_12\\_07\\_prisons.pdf](http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/05_12_07_prisons.pdf)
- Corston, J. (2007) A Review of Women with Particular Vulnerabilities in the Criminal Justice System. London: Home Office.
- Lord Farmer (2019) The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime. MOJ.
- Hedderman C. and Barnes R. (2015) Sentencing women: An analysis of recent trends. In: Roberts J (ed.) Exploring Sentencing Practice in England and Wales. Basingstoke: Palgrave Macmillan.
- Hough A. and Roberts J. V. (2012) Public opinion, crime and criminal justice. In: Morgan R., Maguire M., Reiner R. eds the Oxford Handbook of Criminology (Oxford: OUP).
- Her Majesty's Prisons and Probation Service (HMPPS) 2020, Youth Custody Data, Youth Custody report : July 2020, [https://www.gov.uk/government/statistics/youth-custody-data?utm\\_source=1a3e216e-c823-47ea-99ab-3945cb592e88&utm\\_medium=email&utm\\_campaign=govuk-notifications&utm\\_content=immediate](https://www.gov.uk/government/statistics/youth-custody-data?utm_source=1a3e216e-c823-47ea-99ab-3945cb592e88&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate)
- House of Commons (2020), Briefing Paper, No. CBP-04334, 3 July 2020, UK Prison Population Statistics
- Howard League (2011) Voice of a Child: A report on the impact that a mother's imprisonment has on a child, London: Howard League for Penal Reform.
- 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,
- Light, M. et al (2013) Gender differences in substance misuse and mental health amongst prisoners, London: MOJ.
- Mews, A., Hillier, J., McHugh, M. and Coxon, C. (2015), The impact of short custodial sentences, community orders and suspended sentence orders on re-offending, (Ministry of Justice: London).
- Ministry of Justice (MOJ) (2012) Prisoners' Childhood and Family Backgrounds, Results from The Surveying Prisoner Crime Reduction (SPCR) Longitudinal Cohort Study of Prisoners
- MoJ (2013) Gender differences in substance misuse and mental health amongst prisoners. Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoner, London: MOJ.
- MoJ (2014) Thinking differently about female offenders. Transforming Rehabilitation, Guidance Document, London.

MoJ (2018a) Female Offender Strategy. London: Ministry of Justice. Available at: [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)

MoJ (2018b). Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending? Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/706597/do-offender-characteristics-affect-the-impact-of-short-custodial-sentences.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/706597/do-offender-characteristics-affect-the-impact-of-short-custodial-sentences.pdf)

MoJ (2019a) Court Outcomes by Police Force Area Data Tool, Criminal Justice System statistics quarterly: December 2018, London: MOJ

MoJ (2019b) Justice Data Lab Re-Offending Analysis: Women's Centres throughout England, London: MOJ.

MoJ (2020a) Criminal Justice Statistics quarterly: March 2020, published 20 August 2020 <https://www.gov.uk/government/publications/criminal-justice-system-statistics-quarterly-march-2020/criminal-justice-statistics-quarterly-march-2020#sentencing>

MoJ (2020b) Safety in Custody Statistics, England and Wales: Deaths in Prison Custody to March 2020 Assaults and Self-harm to December 2019.

Ministry of Justice/HM Prison and Probation Service (MoJ/HMPPS) (2018) Women's Policy Framework, December 2018. Available at: <https://www.gov.uk/government/publications/womens-policy-framework>

Shona Minson (2019), Direct harms and social consequences: An analysis of the impact of maternal imprisonment on dependent children in England and Wales, *Criminology and Criminal Justice* 19(5), p519-536.

Prison Reform Trust/Soroptimist UKPAC (2014) Transforming lives: reducing women's imprisonment London: PRT.

Prison Reform Trust (2017) "There's a reason we're in trouble" Domestic abuse as a driver to women's offending.

Prison Reform Trust (PRT) (2019) Rates of immediate imprisonment for women in each police force area in England and Wales. Available at: <http://www.prisonreformtrust.org.uk/Portals/0/4.%20v2%20Rates%20of%20immediate%20custody%20in%20England%20and%20Wales%202018.pdf>

Public Accounts Committee (2020) Improving the Prison Estate. Available at: [https://publications.parliament.uk/pa/cm5801/cmselect/cmpublic/244/24406.htm#\\_idTextAnchor\\_005](https://publications.parliament.uk/pa/cm5801/cmselect/cmpublic/244/24406.htm#_idTextAnchor_005)

Roberts, J V and Ashworth, A. (2016) The Evolution of Sentencing Policy and Practice in England and Wales, 2003–2015, *Crime and justice* (Chicago, Ill.), 2016-08, Vol.45 (1), p.307-358.

Robinson (2018), *Delivering McJustice? The Probation Factory at the Magistrates' Court*. *Criminology and Criminal Justice*.

Samaritans, (2019) Unlocking the evidence: Understanding Suicide in Prison, Authors: Magda Tomaszewska, Nicola Baker, Mette Isaksen, Elizabeth Scowcroft.