



All Party Parliamentary Group
Women in the Penal System

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APPG submission on the Prisons Strategy white paper

1. About the APPG on Women in the Penal System

The APPG on Women in the Penal System aims to increase the knowledge and awareness of issues around women in the penal system as well as to push for the full implementation of the Corston Report recommendations.

We have conducted a number of inquiries including:

- **Reducing the arrests of women**
- **The imprisonment of women**
- **Preventing the unnecessary criminalisation of women.**

We have met with ministers to push for an end to the use of remand to prison 'for their own protection' for women. We are currently investigating women's health and wellbeing in prison.

We have published numerous briefing papers on women in the penal system which are available at <https://howardleague.org/our-work/women-in-the-penal-system/all-party-parliamentary-group-appg-on-women-in-the-penal-system/>

The Howard League for Penal Reform provides secretariat support to the APPG on Women in the Penal System.

The APPG on Women in the Penal System welcomes the opportunity to submit evidence to the consultation on the Prisons Strategy white paper.

2. A new approach to women's custody?

We do not agree with the long-term vision for women's prisons as it is fundamentally an expansion of the prison estate for women. This contradicts the Ministry of Justice female offender strategy (2018) which stated clearly,

'We want to reduce the female prison population, with fewer offenders sent to custody for short periods'.

Her Majesty's Inspectorate of Prisons (HMIP) inspection reports have highlighted the need to improve the living conditions and facilities in women's prisons. In Styal prison facilities were described as substandard, with twenty women were sharing two toilets.

We agree that there is a need to improve women's prisons to ensure that they are able to support women and provide services to help them move on. However, expanding the female estate will not achieve the desired outcomes.

The physical environment is a factor in the poor outcomes for women in prison but it is not the only factor. The experience of prison itself is disproportionately traumatising for women and their families.

All prisons should be trauma informed and trauma responsive for the small cohort of women who require custody. However, the damaging impact of imprisonment on women must be recognised and cannot be fully mitigated against. Women who have not committed serious and violent offences and do not pose a risk to society should not have to experience this unnecessary trauma.

3. Training for prison staff working with women

We support the development and implementation of mandatory training of staff to ensure they have the skills and knowledge to work with women. For too long women's prisons have been shoe-horned into a system largely designed around the needs of male prisoners.

Staff who work in women's prisons should be recruited specifically to work with women and have the skills, aptitude and experience to support their needs.

4. Women's safety in prison

Prisons are not safe places for women. Baroness Corston described the high levels of mental health needs and self-harm in one prison over a ten-day period. She concluded that prison was not the right place for many women who required caring and therapeutic environments to help them rebuild their lives. Over a decade later, prisons continue to be used to hold women in acute mental distress.

Self-harm rates are high in women's prisons and have increased during the pandemic, as women experienced restricted regimes and the loss of contact with families. Their physical and mental health deteriorated. HMIP gave evidence to the APPG that more women reported thoughts of self-harm during the pandemic.

The specialised recruitment and training of staff to support women who self-harm and have experienced trauma and abuse is a positive step. However, many of the women in prison require highly specialised and therapeutic care which should be provided by NHS services. Prisons are being used inappropriately by the courts for women in acute mental distress, placing immense pressures on prison governors and staff who are not able to meet their needs. Prison service staff should not be expected to solve social problems.

Along with HMIP, the APPG is very concerned that prison is regularly being used by the courts as a place of safety for women with acute mental health difficulties. The APPG published a report calling for repeal of the power of the courts to remand women to prison for their own protection (APPG, 2020c) and met with the prisons minister to discuss our concerns. The power continues to be used by the courts.

HMIP reported to the APPG that in the 12 months to August 2021, three women's prisons had identified 68 women who were acutely mentally unwell and had been remanded to prison. The lack of central data collection on the use of remand for own protection means the problem remains hidden.

Bail support services proposed in the white paper will do little to prevent women in acute mental distress from being remanded for their own protection. The issue is a lack of appropriate mental health facilities for women in the community, not a lack of information.

Prisons should never be used as holding pens for women facing a mental health crisis.

5. Pregnant women in prison

The APPG is concerned about the care provided to pregnant women in prison. Reports published by the PPO into the deaths of two babies in Styal and Bronzefield prisons were truly shocking.

The Ministry of Justice should be working with the courts to ensure that they consider the best interests of the (unborn) child at the point of sentencing and do not place pregnant women in prison on remand or on short sentences when it is unnecessary and inappropriate.

The introduction of Pregnancy mother and baby liaison officers is well-intentioned but does not take into account the difficulties that women in prison may face in talking to officers, particularly male officers, about intimate or private issues such as pregnancy, childbirth or terminations. Women who have experienced trauma and sexual abuse are unlikely to feel comfortable discussing intimate issues with officers who are in a position of power.

6. Women serving short prison sentences

The Female Offender Strategy noted 'short custodial sentences do not deliver the best results for female offenders'. The strategy recognised that short sentences were particularly damaging to women and noted the impact on families was significant. There was a clear commitment in the strategy to 'reducing the number of women serving short custodial sentences'.

We are concerned that the Ministry of Justice is now proposing to build smaller custodial units for women serving short sentences with the aims of 'reducing reoffending and lowering the total cost of women's crime to society'. This is a u-turn that ignores the persuasive evidence outlined in the female offender strategy that short custodial sentences of less than 12 months are less effective in reducing reoffending than community penalties.

There are women's centres in the community which provide a supportive environment and help women to tackle underlying issues such as drug misuse, experiences of abuse and debt. For example, the charity Trevi runs three centres, including a residential mother's recovery centre, that provide an alternative path for women in contact with the criminal justice system and allow women to stay with their children. Women's centres are trauma-informed and trauma responsive. They provide value for money and have been proven to reduce re-offending.

The Ministry of Justice should not be proposing new forms of custody to imprison women on short sentences. It is far better to invest in expanding gender-specific services which already exist and are able to support women in their own communities.

It is concerning that the Ministry of Justice is proposing building this new accommodation for women serving short sentences or with dependent children and babies away from their support networks in order to keep them safe from abusers. Women who come into contact with the criminal justice system as a result of abuse need support, not accommodation which isolates them from friends, family and local networks.

7. Mothers, carers and their children

Prison is a traumatising experience for mothers and for their children. The proposals in the strategy are to expand prisons so that more women can be locked up with their children and to

build family units where older children can spend extended periods of time locked in prisons with their mothers.

The proposals do not take into account the best interests of the child and will do little to reduce the trauma of separation that mothers experience. They fail to resolve practical issues such as women's reliance on statutory care agencies to bring their dependent children to a prison visit. Extended visits and overnight stays are likely to increase barriers for women relying on the local authority to bring their children to visit them.

Women face many barriers in keeping in contact with their children. HMIP gave evidence to the APPG on the impact of the pandemic: the loss of face-to-face visits with children for months on end and restrictions on hugging children. One mother had decided to stop seeing her children as it was too painful.

Building more facilities so more women can spend more time locked up with their children for brief periods will not alleviate against the separation which will inevitably occur. Prisons are unnatural and unhealthy environments for children.

Instead, the focus should be on reducing the number of women with dependent children who are locked up away from their children. For those that require custody, the focus should be on extending the use of ROTL and allowing mothers to spend time with their children in their own homes. The best interests of the child should always be the primary consideration.

8. Young women in prison

We welcome plans to introduce a young women's strategy to address their specific and different needs.

9. Women with protected characteristics

Baroness Corston described the minorities within a minority within the female prison population,

'Women are a minority group within the criminal justice system but they are not all the same; there are other smaller minority groups with different sets of needs and problems. Black and minority ethnic (BME) women for example, make up 28% of the women's prison population, over three times that in the general population'.

Women from ethnic minorities in prison have a different and in many cases worse experience of prison. Evidence submitted to the APPG inquiry into women's health and well-being in prisons found that the prison environment exacerbated health inequalities for Black and minority ethnic women. Women from minority ethnic groups feel less safe in prison and had less access to mental health support. Research by Agenda and Women in Prison (2017) found 'mental health issues of women from minority ethnic groups may be classed as 'anger management,' as a result of racial prejudice and stereotyping, and a black woman is more likely to be sent to segregation than to be referred for appropriate treatment'

We welcome the focus on addressing the diverse needs of women in prison to ensure staff are able to support them. The focus on diversity should also look at disproportionality across the prison regime to ensure that Black and minority ethnic women do not face discrimination, harsher punishments, greater use of adjudications or segregation and less access to privileges.

References

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