

# **Howard League** for Penal Reform

## **Howard League for Penal Reform's submission to the Welsh Parliament's Equality and Social Justice Committee inquiry on women's experiences in the criminal justice system**

22 September 2022

### **1. Introduction**

- 1.1. Founded in 1866, the Howard League is the oldest penal reform charity in the world. The Howard League has around 10,000 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 Howard League has previously provided secretarial support to the All-Party Parliamentary Group on Women in the Penal System (which is now being handed over to the charity Women in Prison). The Howard League's legal team works directly with children and young adults in prison. We have drawn on both these streams of work in responding to this consultation.
- 1.4. This submission addresses the second two themes in the inquiry's terms of reference. The Howard League would welcome the opportunity to provide further information about any of the points below.

### **2. The evidence for the development of Women's Rehabilitation Centres and arguments for reducing custodial sentences for women in Wales, including views on the Women's Centre that will open in Swansea**

- 2.1. After many years in which the absence of a women's prison in Wales has elicited public debate as to whether one should be built, it is welcome that the Female Offending Blueprint for Wales focuses primarily on working with women in contact with the criminal justice system within the community.
- 2.2. It is worth reiterating the findings of the Commission on Justice in Wales which stated (2019):

Far from the absence of a women's prison in Wales being seen as a problem, we believe it should be seen as a benefit and support the new approach to be taken. A commitment should be made, in our view, to establish a number of women's centres and the supporting interventions. This would overcome the well-documented problems of women's imprisonment and would enable women to serve their sentences in their home areas. These centres take a holistic approach to reducing offending by women, offering court-ordered support and supervision, access to mental healthcare and treatment for addictions, skills for employment, financial management and debt advice, parenting support and the opportunity to gain and maintain safe housing.

- 2.3. The Howard League agrees with this assessment. More than simply a benefit, the absence of a women's prison in Wales presents an opportunity. The ineffectiveness of short prison sentences is well-documented, not least by the UK government's own research (Ministry of Justice, 2019). Unfortunately, the Residential Women's Centre (RWC) to be opened in Swansea risks being an opportunity squandered.
- 2.4. Far from being a Welsh solution to a Welsh problem, the RWC is part of a UK government proposal to build a network of five such centres across England and Wales. This is a model which is untried and untested, compared to the already well-established model of women's centres that operate in the community without a residential requirement. Wales should be investing in this model as an effective alternative to custody, rather than pursuing the UK government's unevidenced experiment in wholly new residential provision. Given the residential requirement, it is unclear how a RWC will differ in practice from custody – even if women are placed there as part of a community sentence.
- 2.5. A recent inquiry by the Justice Select Committee into Women in Prison (2022) heard wide-ranging evidence expressing disquiet as to the effectiveness of RWCs and their precise status. In response, the Ministry of Justice emphasised that the centre “would not operate like a prison”. Yet recently published advice to potential service providers (Clinks 2022) reveals that the RWCs will be subject to Prisons and Probation Ombudsman independent investigations – including into fatal incidents.
- 2.6. The Justice Select Committee also acknowledged concerns that RWCs would risk funding being diverted away from women's centres with an established track record. On 1 September 2022, the UK government announced £24m of funding for women to be “diverted from a life of crime with targeted support” (Ministry of Justice 2022). Women's centres based in the community will be well placed to bid for this funding. To provide context, however, a further £10m is being spent on the pilot RWC in Swansea. In other words, almost 30 per cent of the funding for women to be spent across England and Wales will be used to create a facility with only twelve beds.

- 2.7. This is neither an efficient or effective way to spend money and would be better used to bolster investment in proven community services, which have struggled to find sustainable funding in recent years. Within a Welsh context, that £10m could go some way to supporting the network of women's services in the community recommended by the Commission for Justice in Wales.

**3. The availability of appropriate custodial provision and support for different groups of women**

- 3.1. The All Party Parliamentary Group (APPG) on Women in the Penal System, previously supported by the Howard League, published the report of an inquiry earlier this year into women's health and well-being in prison (Howard League 2022).
- 3.2. The inquiry found that prisons are not healthy environments. They are unable to address the physical and mental health needs of women and in fact exacerbate them. Imprisonment compounds the victimisation of women, the majority of which have experienced violence or abuse prior to prison. The prison system as a whole is designed around the needs of a male majority. Prison rules and prison policy neither support nor prioritise women's health and well-being.
- 3.3. The inquiry also found that most women in prison do not need to be there. Over half of the receptions into prison are of women on remand and a third are of women serving short sentences. This is why the UK government research on the effectiveness of short prison sentences, cited in the previous section (Ministry of Justice, 2019), is so relevant.
- 3.4. In this sense, no custodial provision is "appropriate" for any woman. The APPG inquiry did find, however, that the prison environment exacerbates health inequalities for Black and minority ethnic women.
- 3.5. A recent joint thematic review of outcomes for girls in custody (HMIP, 2022) found that despite there being only 14 girls in the youth custodial estate at the time of inspection, outcomes for girls under the age of 18 were poor. Data on the nationality of the girls and whether any were Welsh was not available from the report. There is one secure children's home, Hillside Secure Centre, based in Wales.
- 3.6. There were particular concerns around safety. The review found that girls were 12 times more likely than boys to self-harm and more likely to be restrained, often in response to self-harm.
- 3.7. At the time of the inspection, two of the girls in custody were being held in a boy's Young Offender Institution, Wetherby. To the Howard League's knowledge, Wetherby's Keppel unit has been used to house one Welsh girl on remand earlier this year. The use of Wetherby in this way is not a sustainable or tenable situation. Highly vulnerable girls should not be held in a prison that is already failing boys – and is not resourced to meet their needs.

## References

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Ministry of Justice (2019). *Impact of short custodial sentences, community orders and suspended sentence orders on reoffending*. Available at <https://www.gov.uk/government/publications/impact-of-short-custodial-sentences-community-orders-and-suspended-sentence-orders-on-reoffending>.

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