



House of Commons
Justice Committee

Women in Prison

First Report of Session 2022–23

*Report, together with formal minutes relating
to the report*

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Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

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Contents

Summary	3
1 Introduction and background to the inquiry	5
2 Women in the criminal justice system	7
Women in contact with and entering the criminal justice system	7
Women in custody	9
The Corston Report and The Female Offender Strategy	11
3 Reducing the number of women in custody	15
Progress to date	15
Diverting women away from custody	16
Out of Court Disposals	16
Liaison and Diversion	19
Sentencing guidelines	21
Short sentences and community alternatives to custody	21
Community sentences	23
Pre-sentence reports	25
Piloting residential women’s centres	30
Community sentence treatment requirements	33
4 Better custody	36
New prison places	36
Safety in Custody	38
Self-inflicted deaths and self-harm in custody	39
Inappropriate uses of custody for women	44
Violence in Custody	46
Improving Health and Wellbeing	47
Healthcare provision in custody	49
Pregnant women in prison	52
Family Ties	56
Education, Training and Employment	59
Educational Need	60
Quality and accessibility	61
Release on Temporary Licence, Training and Employment	63
5 Resettlement	66
Probation Reform	66

Barriers to resettlement	67
Accommodation provision	67
Distance from home	70
Short sentences and resettlement	71
Conclusions and recommendations	74
Formal minutes	82
Witnesses	83
Published written evidence	84
List of Reports from the Committee during the current Parliament	86

Summary

Women represent less than 5% of the total prison population. They are often sentenced to custody for non-violent, low-level but persistent offences, and are more likely than men to be sentenced for short periods of time. Female offenders are often the most vulnerable in society and have varied and complex needs. Many have experienced mental health problems, substance misuse, homelessness, abuse and trauma in their lives. The Ministry of Justice recognised these challenges in its 2018 Female Offender Strategy, which set out its strategic priorities to see fewer women coming into the criminal justice system; fewer women in custody (especially on short sentences); and a greater proportion of women managed in the community successfully, with better conditions for those in custody. This Report assesses its performance to date against those priorities.

Whilst the Female Offender Strategy represented a welcome step forward in the Government's recognition that a specific approach was needed to achieve outcomes for women in the criminal justice system, our Report raises concerns about the lack of progress the Government has made to date against the aims and objectives set out in the Strategy. For example, the MoJ now predicts an increase in the female population of more than a third over present levels in the next three years. There is anecdotal evidence that sentencer confidence in community sentences has declined. And progress has been slow on the MoJ's commitment to develop five women's residential centres. Our Report makes recommendations across a range of areas, which we hope will help re-energise the MoJ's ambition for delivery of its Strategy as the criminal justice system slowly begins to recover from the pandemic.

1 Introduction and background to the inquiry

1. Women currently represent less than 5% of the total prison population—a level which has remained consistent over the last 5 years. In line with the overall prison population, the number of women prisoners has declined over the same period. As of 15 July 2022, there were 3,219 women in prison, compared to 3,958 in February 2017—a 19% decrease. However, the Ministry of Justice predicts that the number of women in prison will increase to 4,500 by September 2026 as a consequence of the Government’s commitment to employ 23,400 more police officers.¹

2. Female offenders are often among the most vulnerable in society and have varied and complex needs. Many have experienced mental health problems, substance misuse, homelessness, abuse and trauma in their lives. Women are also often sentenced to custody for non-violent, low-level but persistent offences, and are more likely to be sentenced for short periods of time.

3. In 2018, the Government published its Female Offender Strategy, which set out three strategic priorities to see:

- fewer women coming into the criminal justice system;
- fewer women in custody (especially on short-term sentences); and
- a greater proportion of women managed in the community successfully and better conditions for those in custody.²

4. In January 2021, as part of the delivery of the Strategy the Government published its *Concordat on women in or at risk of contact with the Criminal Justice System* (The Concordat). This is a joint commitment made by a number of organisations,³ to work together and to support local systems to achieve better outcomes across England and Wales for women who have already encountered the criminal justice system or who are at risk of doing so.⁴ The Concordat states that, “at a high-level, we aim to support the delivery of outcomes in the Female Offender Strategy”, and further notes the aim to encourage partnerships at both the national and local level, and between the two. The Concordat is not intended to replace current arrangements, where they are working well, but to build on these to improve existing support to women.⁵

5. The Committee launched its inquiry into Women in Prison in April 2021. We sought to understand the progress the Government has made in addressing female offending; reducing the number of women in custody; and improving custodial conditions for

1 Ministry of Justice, *Prison Population projections 2020 to 2026, England and Wales*, (November 2020), p 11

2 Ministry of Justice, *Female Offender Strategy*, (June 2018)

3 Co-signatories to the Concordat are: Ministry of Justice, Her Majesty’s Prison and Probation Service, Her Majesty’s Prison Service, National Probation Service, Her Majesty’s Courts and Tribunals Service, Cabinet Office, Department for Education, Department for Work and Pensions, Department of Health and Social Care, National Health Service England & Improvement, Public Health England, HM Treasury, Home Office, Ministry of Housing, Communities and Local Government.

4 Ministry of Justice, *The Concordat on Women at risk of contact with the Criminal Justice System*, (December 2020)

5 Ministry of Justice, *The Concordat on Women at risk of contact with the Criminal Justice System*, (December 2020), p 4

women, since the publication of the Female Offender Strategy. More broadly, we have also considered progress made since the publication of Baroness Corston's 2007 report on Women with Particular Vulnerabilities in the Criminal Justice System. We received over 80 written submissions and held five oral evidence sessions, as well as two focus groups held in private with women who have had experience of serving a custodial sentence. We also visited HMP Downview, a closed women's prison in Surrey. We are grateful to all those who have contributed to our evidence-gathering.

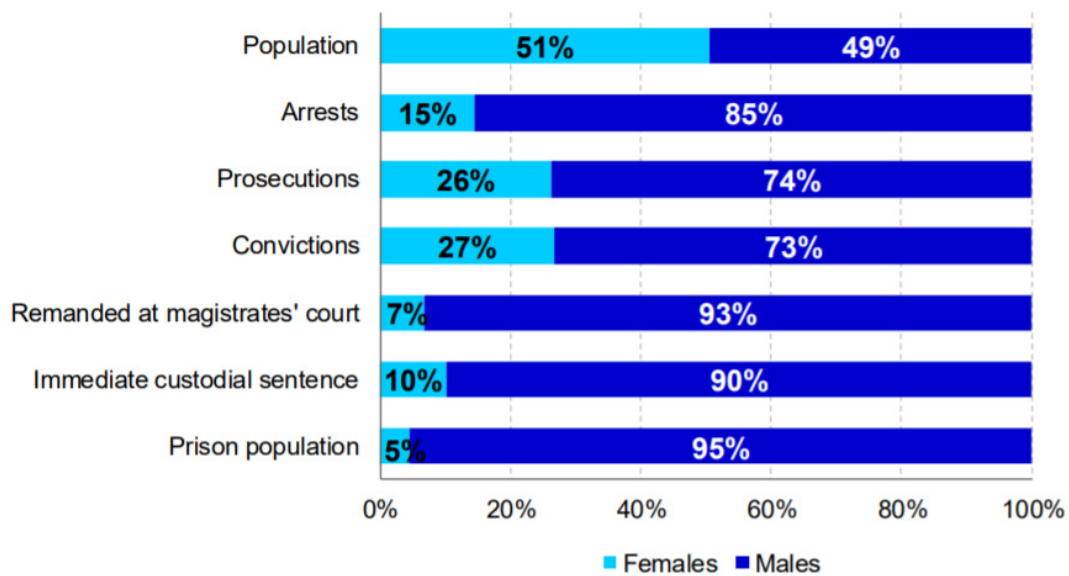
2 Women in the criminal justice system

6. Women are much less likely to commit crime than men. When they do, the range of offences they commit is different to that of men. Women who come into contact with the criminal justice system are also more likely than men to have complex needs. Accordingly, it has been recognised for some time that a different approach is needed to improve outcomes for women in the criminal justice system. This Chapter examines these issues, and the Government's response through the Female Offender Strategy.

Women in contact with and entering the criminal justice system

7. Women make up 51% of the population in England and Wales; however, less than 5% of the prison population is female. In 2019, 15% of all arrests made were of women, whilst 26% of all prosecutions were against women, and 27% of all convictions. Figure 1 shows the proportions of men and women at different stages of the criminal justice system in 2019.

Figure 1: Proportions of males and females at different stages of the CJS, 2019



Source: Ministry of Justice, [Statistics on Women and the Criminal Justice System 2019](#), (November 2020), Figure 1.01

8. Compared to men, women were typically dealt with for less severe offences at court. Of all female defendants prosecuted at court in 2019, 55% were for summary non-motoring offences⁶ compared to 29% of male defendants.⁷ A higher proportion of men were proceeded against for indictable offences⁸ (22%) compared to women (10%).⁹ Overall, the proportion of convicted offenders who were female was 27% in 2019.¹⁰

9. TV licence evasion was the most common offence for which women were convicted in 2019. 74% of those convicted for TV licence evasion were female and this offence accounted

6 Summary offences are typically less serious and almost always dealt with entirely in the magistrates' courts.

7 Ministry of Justice, [Statistics on Women and the Criminal Justice System 2019](#), (November 2020), p 21

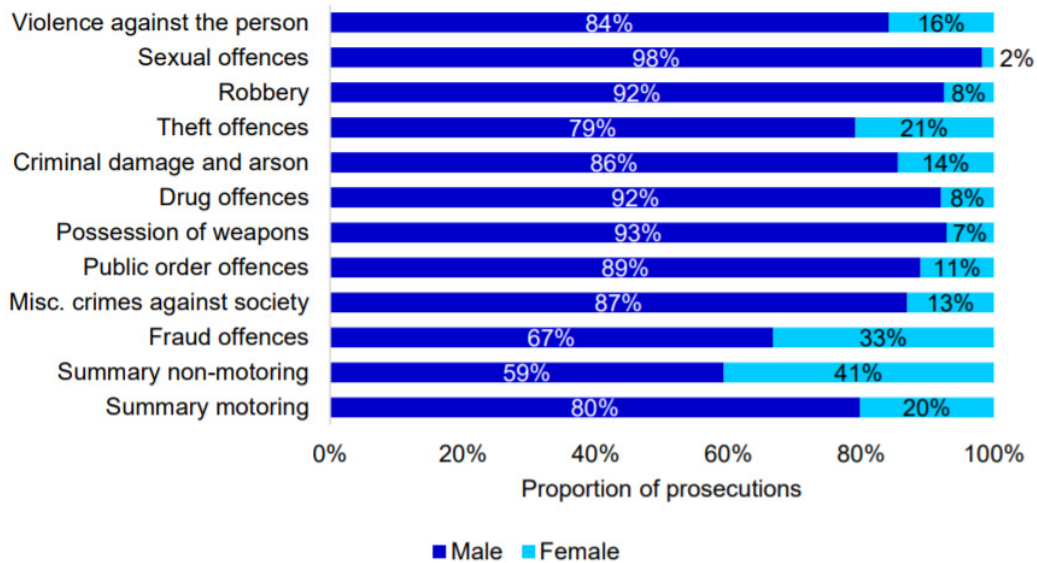
8 Indictable offences are more serious offences that may (if triable-either-way) or must (if indictable only) be passed on to the Crown Court.

9 Ministry of Justice, [Statistics on Women and the Criminal Justice System 2019](#), (November 2020), p 22

10 Ministry of Justice, [Statistics on Women and the Criminal Justice System 2019](#), (November 2020), p 3

for 30% of all female convictions.¹¹ The indictable offence groups with the highest proportion of women prosecuted were fraud offences (33% female) and theft offences (21% female), whilst the offence groups with the highest proportion of men prosecuted were sexual offences (98% male) and possession of weapons (93% male).¹² Figure 2 below shows the proportion of male and female offenders prosecuted for each offence group in England and Wales in 2019.

Figure 2: The proportion of male and female offenders prosecuted for each offence group, England and Wales, 2019



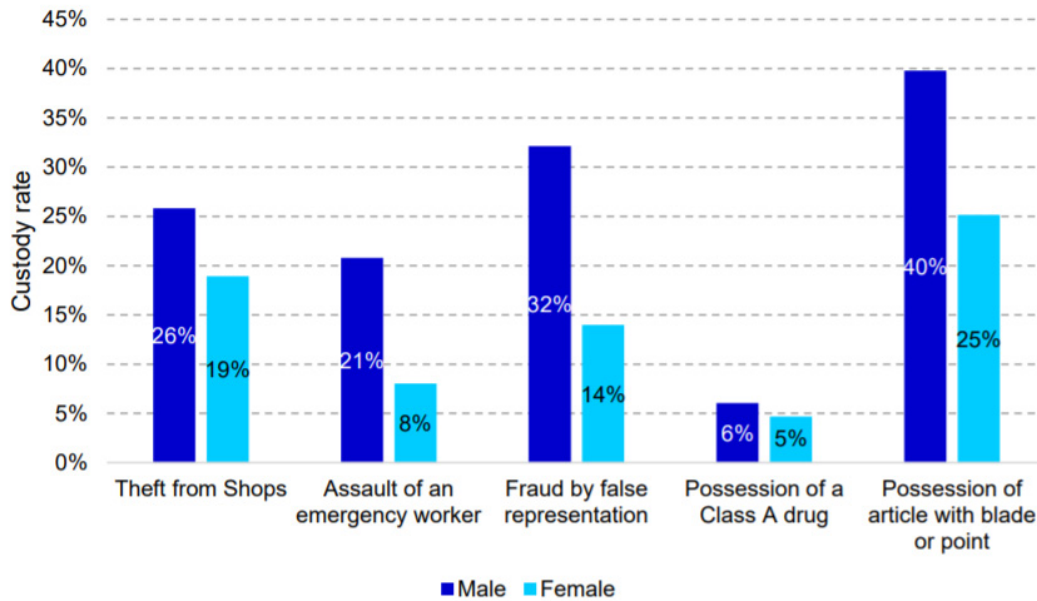
Source: Ministry of Justice, [Statistics on Women and the Criminal Justice System 2019](#), (November 2020)

10. *Statistics on Women and the Criminal Justice System* show that for the indictable offences for which the highest number of female offenders were sentenced in 2019, including theft from shops and fraud by misrepresentation, the proportion of those who were sentenced to immediate custody was lower for female offenders than for males. Figure 3 shows the custody rate by sex for indictable offences with the highest number of female offenders sentenced.

11 *Ibid.* (p 52)

12 *Ibid.* (p 52)

Figure 3: Custody rate by sex for indictable offences with the highest number of female offenders sentenced, England and Wales, 2019



Source: Ministry of Justice, [Statistics on Women and the Criminal Justice System 2019](#), (November 2020)

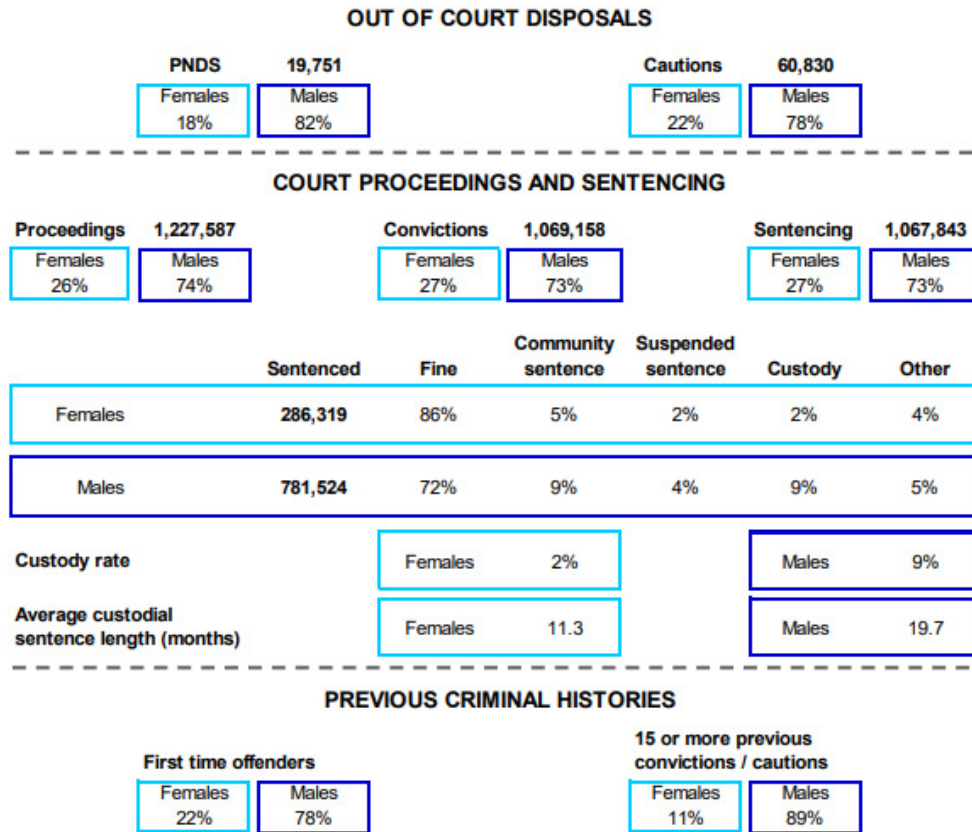
Women in custody

11. As of 15 July 2022, there were 3,219 women in prison, compared to a pre-pandemic level of 3,705 in February 2020. The decrease in the female prison population over this period can in part be attributed to the effects of the pandemic on the criminal justice system, including the result of court backlogs, and the early release of some women.

12. As noted above, women are more likely to be sentenced to custody for non-violent, less serious offences and are often sentenced to custody for short periods (less than 12 months). For example, in 2019, 15% of females in custody were serving sentences of less than 12 months, compared to 6% of males. Theft from shops was the most common indictable offence for which 34% of females and 14% of males were convicted in 2019. The custody rate for this offence was lower for female offenders (19%) than for males (26%).¹³ More generally, the custody rate for all crimes is 2% for females and 9% for males, partly reflecting the fact that women are more likely to be dealt with for less severe offences that do not result in a custodial sentence. Figure 4 shows the journey of males and females through the criminal justice system in 2019.

13 Ministry of Justice, [Statistics on Women and the Criminal Justice System 2019](#), (November 2020), p 6

Figure 4: The journey of males and females through the CJS, 2019



Source: Ministry of Justice, [Statistics on Women and the Criminal Justice System 2019](#), (November 2020)

13. It is generally recognised that women entering custody will have complex needs. Although men may also present with complex needs, it is recognised by the MoJ that women in custody have different needs and challenges to men.¹⁴ A higher proportion of female offenders were first-time offenders compared to males in 2019. Of all female offenders cautioned or convicted in 2019, 35% were first-time offenders, compared to 22% for males.¹⁵ The reoffending rate is also higher for males, at 30% compared to 23% for females.¹⁶ However, females had a higher average number of reoffences per reoffender (the frequency rate) compared to males, at 4.33 and 3.99 respectively.¹⁷

14. Women entering the criminal justice system have often been victims of domestic abuse (almost 60% of female offenders haven experienced domestic abuse¹⁸), have complex histories of trauma and mental health issues. Self-harm rates in the female prison estate have been increasing and are almost seven times higher than in the men’s estate.¹⁹ Women are also more likely to be primary carers. Although statistics on the parental status of women in prison are not available, HM Inspectorate of Prisons, in its 2019/20 Annual

14 Ministry of Justice, [Prisons Strategy White Paper](#), (December 2021)
 15 Ministry of Justice, [Statistics on Women and the Criminal Justice System 2019](#), (November 2020)
 16 Ministry of Justice, [Statistics on Women and the Criminal Justice System 2019](#), (November 2020), p 44
 17 Ibid.
 18 Ministry of Justice, [Female Offender Strategy](#), (June 2018), p 3
 19 Ministry of Justice, [Safety in Custody Statistics, England and Wales: Deaths in Prison Custody to September 2021, Assaults and Self-harm to June 2021](#), (October 2021)

Report, noted that a higher number of females reported having a child under the age of 18 compared to males. It is estimated that 17,000 children are affected by maternal imprisonment every year.²⁰

15. The evidence we received identified the complexities and challenges that women in the criminal justice system may present with and that these needs differ from those of men and require different responses.²¹ For example, Katy Swaine Williams, Consultant, Centre for Women’s Justice, summarised the challenges women in the criminal justice system (including custody) face:

Women are much more likely to be a primary carer than men in the criminal justice system, and, whereas most children of male prisoners will remain at home, only 5% of children of imprisoned mothers are likely to stay in their own home. Of course, that includes remanded women as well as sentenced women, and nearly half of women imprisoned are there on remand.

Women are much more likely to be a victim of domestic abuse, and that is often connected with their offending. Research by Marianne Hester found that women were three times more likely to be arrested than their male partner in the event of counter-allegations in a domestic abuse incident. There are much, much higher mental health needs among women than among men in prison.²²

The Corston Report and The Female Offender Strategy

16. The challenges faced specifically by women in the criminal justice system have been widely documented, and following a number of deaths at HMP Styal in 2002–2003, Baroness Corston was commissioned by the Government to carry out a review of women with particular vulnerabilities in the criminal justice system. Her subsequent report argued that “Women have been marginalised within a system largely designed by men for men for far too long and there is a need for a “champion” to ensure that their needs are properly recognised and met”.²³ The report further argued that:

Equality must embrace not just fairness but also inclusivity. This will result in some different services and policies for men and women. There are fundamental differences between male and female offenders and those at risk of offending that indicate a different and distinct approach is needed for women.²⁴

17. In 2018, the MoJ’s Female Offender Strategy set out three strategic priorities to see:

- fewer women coming into the criminal justice system;

20 The Prison Reform Trust, ‘[New resources launched to highlight impact of maternal imprisonment on 17,000 children a year](#)’, accessed 16 February 2022

21 See for example: Women’s Budget Group ([WOP0008](#)); anawim Birmingham centre for women ([WOP0020](#)); Hibiscus Initiatives ([WOP0032](#)); Prisoner Learning Alliance ([WOP0048](#)); Women in Prison ([WOP0053](#))

22 [Q2](#) [Katy Swaine Williams]

23 Home Office, [A Report by Baroness Jean Corston of a review on women with particular vulnerabilities in the criminal justice system](#) (March 2007), p 3

24 Home Office, [A Report by Baroness Jean Corston of a review on women with particular vulnerabilities in the criminal justice system](#) (March 2007), p 3

- fewer women in custody (especially on short-term sentences); and
- a greater proportion of women managed in the community successfully; and better conditions for those in custody.

The MoJ made three immediate commitments to deliver on the Strategy’s ambitions. It committed to:

- Invest £5 million of cross-Government funding over two years in community provision for women;
- Work with local and national partners to develop a pilot for ‘residential women’s centres’ in at least five sites across England and Wales; and
- Reduce the number of women serving short custodial sentences.

The expected benefits from implementation of the Strategy included a reduction in crime, savings for the taxpayer, reduced pressure on services, and improved life chances for women offenders, women at risk of offending and their families.²⁵

18. Overall, the evidence we received suggests that progress in implementing the Female Offender Strategy has been slow. Whilst many recognised some of the ongoing positive work, they also expressed disappointment at the pace of progress. For example, The Rt Revd Rachel Treweek, The Lord Bishop of Gloucester, Anglican Bishop for Prisons in England and Wales at Church of England, told us “While I am glad to note the publication of the Ministry of Justice Concordat in December 2020 and am again supportive of its aims, it does not yet seem to point to concrete progress in meeting the Female Offender Strategy’s aims”.²⁶

19. In its recent report *Improving outcomes for women in the criminal justice system*, the National Audit Office (NAO) concluded that “achieving the Ministry’s strategy aims would require significant cross-government investment and joint working with a wide range of bodies including HMPPS, other government departments, the judiciary, the NHS, local authorities, the police and the voluntary sector”.²⁷ It further stated that the Strategy contains “little detail of the expected costs and benefits of achieving its aims” and that costs and benefits are not spread evenly among the organisations that need to be involved in implementing the strategy.²⁸ On the approach taken to implementing the Strategy, the NAO found that the MoJ had not set targets for its main objectives; did not attempt to assess the overall cost of implementing the Strategy’s commitments; and had developed a series of workstreams which lacked a full list of deliverables with cost estimates and milestones against which it could measure success.²⁹

25 Ministry of Justice, [Female Offender Strategy](#), (June 2018) and National Audit Office, [Improving outcomes for women in the criminal justice system](#), (January 2022), p 20

26 The Rt Revd Rachel Treweek (The Lord Bishop of Gloucester, Anglican Bishop for Prisons in England and Wales at Church of England, The Lord Bishop of Gloucester, Anglican Bishop for Prisons in England and Wales at Church of England) ([WOP0004](#))

27 National Audit Office, [Improving outcomes for women in the criminal justice system](#), (January 2022), p 20

28 National Audit Office, [Improving outcomes for women in the criminal justice system](#), (January 2022), p 24

29 National Audit Office, [Improving outcomes for women in the criminal justice system](#), (January 2022), p 30

20. The NAO also found that progress on achieving the aims of the Female Offender Strategy had been limited due to underfunding:

The Ministry allocated limited funding to its female offender programme. The only funding it initially made available was £5.1 million for supporting women’s services in the community in 2018–2020. This was in part because its strategy was published between Spending Reviews. The aim of the funding was to address wider sustainability issues for the sector and to mitigate negative impacts from the Ministry’s Transforming Rehabilitation reforms, which had reduced funding to women’s centres for probation services. Across the Spending Reviews for 2020 and 2021, the Ministry allocated only £13.1 million of the £40 million minimum funding the programme team initially estimated it needed for certain aspects of the programme.³⁰

The NAO go on to state that “the £5.1 million investment was modest compared to the £1.7 billion estimate of the costs to government from women coming into contact with the criminal justice system”. The NAO also state that since this investment, the programme team have struggled to secure further funding to meet its ambitions for the programme.³¹

21. In evidence to the Committee the MoJ said it remained:

[A]bsolutely committed to the vision in the Strategy of seeing fewer women offending and reoffending; fewer women in custody, especially on short sentences, with more managed effectively in the community; and better conditions for women in custody that support effective rehabilitation. Its publication was the start of a new and significant programme of work to deliver better outcomes for female offenders that will take many years to deliver.³²

22. During our visit to HMP Downview, the Committee heard about aspects of implementation of the Female Offender Strategy on the ground. The leaders there emphasised the importance of women’s prisons being part of the same conversations as for the male estate, so that the differing needs of women prisoners were taken into account. These challenges ranged from the difficulty prisons sometimes face in finding contractors who are able to provide women’s clothing and shoe sizes, to ensuring that prisons took account of gender-specific design (for example, by providing more association space).

23. The following chapters consider in more detail some of the commitments made by the Government in the Female Offender Strategy and assess the progress it has made in implementing them.

24. There has been a longstanding recognition, dating back to the 2007 Corston Report, that women who enter the criminal justice system, and those who go on to enter custody, are more likely to be complex and vulnerable individuals. We have heard how women often present with challenges such as substance misuse and mental health issues as well as complex histories of trauma and abuse, including domestic abuse. The 2018 Female Offender Strategy represented a welcome step forward in the

30 National Audit Office, [Improving outcomes for women in the criminal justice system](#), (January 2022), p 8

31 National Audit Office, [Improving outcomes for women in the criminal justice system](#), (January 2022), p 34

32 Ministry of Justice ([WOP0068](#))

Government's recognition that a specific approach was needed to achieve outcomes for women. We are, however, concerned about the lack of progress the Government has made against the aims and objectives set out in the Strategy and note that the Female Offender Programme has lacked the investment needed to make the aims of the Strategy achievable in reality.

3 Reducing the number of women in custody

25. In this chapter, we consider the progress made in reducing the number of women entering the criminal justice system and custody as a result of implementation of the Female Offender Strategy. It covers the use of out of court disposals and diversion schemes, short sentences, and community alternatives, including residential and non-residential women's centres, community sentences and community sentence treatment requirements.

Progress to date

26. In evidence to the Committee, many witnesses welcomed the Government's commitment to reducing the number of women in prison, and recognised the recent progress made in achieving this. However, they also noted that recent decreases in the number of women in prison are likely to be a result of the Covid-19 pandemic, rather than necessarily an indication of the successful implementation of the Female Offender Strategy.³³ For example, the NAO found that:

Since the strategy was published in 2018, the female prison population has decreased by 16% (from 3,803 in June 2018 to 3,199 in September 2021). The onset of the Covid-19 pandemic, around 21 months after the strategy was published, and data limitations, make it difficult to attribute the decrease. Most (81%) of the 16% decline in the prison population occurred between March and December 2020. The available data suggest that this decline was probably due to temporary impacts of the pandemic, such as less opportunity for crime leading to fewer arrests and a significant reduction in court activity.³⁴

27. It is also anticipated that the number of women entering custody will increase as the criminal justice system returns to normal working practices, coming out of the pandemic.³⁵ The charity, Changing Lives, told us that whilst the number of women in custody has reduced during the pandemic, it saw no indication that this reduction would be sustained once functioning returned to pre-pandemic levels in areas such as the courts and the Crown Prosecution Service.³⁶ Furthermore, according to the MoJ's prison population projections, the female prison population is expected to increase year-on-year from 2022 to 2025 as a result of the anticipated impacts of policies, such as the recruitment of an additional 23,400 police officers. Table 1 shows the prison population by age group and sex in July 2021 and projected through from July 2022 to July 2025.³⁷ The MoJ estimates a female prison population of 4,300 by July 2025—an increase of 34% over the present population.

33 National Audit Office, [Improving outcomes for women in the criminal justice system](#), (January 2022), p 12

34 National Audit Office, [Improving outcomes for women in the criminal justice system](#), (January 2022), p 12

35 Nelson Trust ([WOP0024](#))

36 Changing Lives ([WOP0025](#))

37 Ministry of Justice, [Prison Population Projections 2021 to 2026, England and Wales](#), (November 2021), p 12

Table 1: Prison population by age group and sex, July 2021 actuals and projected July 2022 to July 2025

	Total	Juvenile	Female 18+	Male 18+
July 2021	78,318	343	3,170	74,805
July 2022	84,800	500	3,800	80,500
July 2023	89,500	600	4,000	84,800
July 2024	93,500	700	4,100	88,700
July 2025	97,500	700	4,300	92,500

All projections are rounded to the nearest hundred. Components may not sum due to rounding.

Source: Ministry of Justice, Prison Population Projections 2021 to 2026

28. **One of the strategic objectives of the Female Offender Strategy is to see fewer women in custody. Whilst there has been a decline since February 2017 from 3,958 to 3,219 in July 2022, to a large extent this has been a result of lower crime and the reduction in court activity during the pandemic. Moreover, the MoJ itself now predicts an increase in the female population by more than a third over present levels in the next three years.**

Diverting women away from custody

29. The Female Offender Strategy sets out that custody should be the last resort for most women.³⁸ There has been ongoing work to increase the opportunities to divert women away from custody, including through the use of Out of Court Disposals (OOCs) and diversion schemes, which are discussed in the following sections.

Out of Court Disposals

30. Out of Court Disposals allow police to deal with low-level offending behaviour quickly, without recourse to the courts. The Home Office notes that:

[Out of Court Disposals] can maximise the use of officer time—achieving a satisfactory outcome for the public while allowing officers to spend more time on frontline duties tackling more serious crime. They are also an opportunity to provide intervention and support to potential offenders at the early stages in criminal behaviour, diverting them into rehabilitative services to help reduce escalation of offending.³⁹

31. There are currently six types of adult OOC: Community resolutions, simple cautions, conditional cautions, cannabis warnings, khat warnings and penalty notices for disorder (PNDs). These are a mixture of statutory and non-statutory disposals. Some are simply warnings not to reoffend while others allow the police to attach conditions, such as paying compensation to a victim or attending a rehabilitative programme. An out of court

38 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 6 and Ministry of Justice ([WOP0068](#))

39 Home Office, [Reforms to the adult out of court disposals framework in the Police, Crime, Sentencing and Courts Bill: Equalities Impact Assessment](#), (September 2021)

disposal is either recorded locally or on the Police National Computer and, depending on the caution, an individual may or may not receive a criminal record. Some police forces use two of the options, others use all six and some a hybrid in between.⁴⁰

32. The Female Offender Strategy set out the Government’s intention to reduce the number of women coming into contact with the criminal justice system by improving the use of Out of Court Disposals. The Strategy stated that whilst they can “be an effective tool for maintaining women in the community, under the current system, too many disposals are simply warnings not to reoffend and fail to address underlying causes of the offending behaviour through attaching conditions. This is not sufficient if we are to provide the holistic support that will effectively divert women from the CJS in the long-term”.⁴¹

33. However, the Strategy did not set out how the Government intended to improve the use of Out of Court Disposals. Indeed, in its report the NAO found that in the years 2018–19 to 2019–20, there was no indication of a notable increase in the proportion of women who were diverted to community sanctions by the police via out of court disposals. Due to data limitations on Out of Court Disposals, the NAO assessed this by estimating the change in the proportion of women arrested who were then proceeded against at court. It found a decrease of less than one percentage point over the period.⁴²

34. Nevertheless, many of our witnesses emphasised the importance of OOCs, and were in favour of improving their use. For example, the Centre for Justice Innovation told us that gender-specific pre-court diversion offered a swift and meaningful response to offending, whilst reducing or avoiding harmful criminal justice system involvement. The Centre told us that:

Women committing low-level offences are also less likely than men to re-offend. This means that women are more likely to be a good match for diversionary interventions that are appropriate for this type of offending. Moreover, diversion can act as a gateway to support, and offers a route out of the issues often driving the offending behaviour.⁴³

35. The charity, Changing Lives, advocated for an increased and more consistent use of OOCs and diversion schemes where women are able to address their offending behaviour in the community in safe, trauma-informed, gender-specific spaces.⁴⁴ However, the charity also noted that:

Whilst all police forces make use of OOCs, not all forces have access to diversion schemes or services that will support women who have received OOCs. OOCs and diversion schemes work best when there is something for women to be ‘diverted to’, yet there is currently a postcode lottery with regard to both police diversionary practices and the level of support available to women, meaning women are not being given fair access to justice across the country.⁴⁵

40 Home Office, [Reforms to the adult out of court disposals framework in the Police, Crime, Sentencing and Courts Bill: Equalities Impact Assessment](#), (September 2021)

41 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 15

42 National Audit Office, [Improving outcomes for women in the criminal justice system](#), (January 2022), p 50

43 Centre for Justice Innovation ([WOP0047](#))

44 Changing Lives ([WOP0025](#))

45 Changing Lives ([WOP0025](#))

36. A number of other witnesses also highlighted the importance of OOCs in diverting women from the criminal justice system. For example, the West Midlands Police and Crime Commissioner recommended that the Government: “Promote and increase the use of out of court disposals and community sentence treatment requirements to divert women away from custody and into trauma-informed and gender specific diversion schemes which take a whole systems approach to women’s offending”.⁴⁶ The Mayor’s Office for Policing and Crime (MOPAC) were also in favour of the increased use of OOCs in appropriate circumstances. They told us that attaching rehabilitative conditions to police cautions provided opportunities to divert low-level, first-time women offenders away from court prosecution and into women’s wraparound support services aimed at addressing the complex needs and underlying causes of the woman’s offending behaviour.⁴⁷

37. Under the Police, Crime, Sentencing and Courts Act 2022, the Government plans to reform the OOC framework to ensure consistency across police forces in the way low-level offences are dealt with out of court. The intention is for there to be a new framework reducing the number of OOCs from six (a mix of statutory and non-statutory) to two statutory OOCs, comprising an upper tier disposal known as a ‘Diversionary caution’⁴⁸ and a lower tier disposal known as a ‘Community caution’.⁴⁹ The two new statutory OOCs will allow police to attach conditions or actions to the disposal, so that the recipient will need to engage in some way with the outcome. This will replace the outcomes in some of the current OOCs which are warnings or cautions which require no action.⁵⁰ The police will continue to be able to use the non-statutory disposal of Community Resolution for low-level offences as it does not require a formal processing through the criminal justice system.⁵¹

38. Phil Bowen, Director of the Centre for Justice Innovation, described the current OOC landscape as being “a patchwork”, where it was dependent on which postcode you happened to live in as to what kind of service you received. However, he noted that the new framework presented an opportunity for better diversion referral routes for women.⁵² On the reforms to OOCs, the Centre for Justice Innovation told us that in the implementation of the new framework, “the Government should ensure that gender specific pre-court diversion for vulnerable women is available in every police force in England and Wales”.⁵³

46 West Midlands Police and Crime Commissioner ([WOP0061](#))

47 Mayor’s Office for Policing And Crime (MOPAC) ([WOP0080](#))

48 Diversionary Caution - along the lines of the current statutory Conditional Caution, which allows police to set enforceable conditions within a specified time period. If breached, a prosecution for the original offence can be pursued. Conditions could be rehabilitative (e.g. engagement with mental health or substance abuse services), reparative (e.g. financial compensation, restorative justice process, formal apology) or punitive (e.g. unpaid work). Receiving this would form part of a criminal record. Diversionary cautions will become spent after 3 months, or, if earlier, when a prosecution is commenced due to non-compliance in line with the current conditional caution.

49 Community Caution - along the lines of the current Community Resolution is intended for low-level offences and will become spent immediately.

50 Home Office, [Reforms to the adult out of court disposals framework in the Police, Crime, Sentencing and Courts Bill: Equalities Impact Assessment](#), (September 2021)

51 Home Office, [Reforms to the adult out of court disposals framework in the Police, Crime, Sentencing and Courts Bill: Equalities Impact Assessment](#), (September 2021)

52 [Q10](#) [Phil Bowen]

53 Centre for Justice Innovation ([WOP0047](#))

39. The Female Offender Strategy set out an ambition to improve Out of Court Disposals (OOCs). However, the Strategy did not set out how this would be achieved, and to date, there has been no clear evidence to suggest that more women have been diverted away from custody through improved use of OOCs.

40. We welcome the Government's intention through the Police, Crime, Sentencing and Courts Act 2022, to reform the Out of Court Disposals framework. *We recommend that the Government set out how it will prioritise gender-specific diversionary routes as part of its plans to improve OOCs. The Ministry of Justice should also set out how it will measure the success of the new OOCs, and how it will specifically measure outcomes for women.*

Liaison and Diversion

41. Liaison and Diversion is a service provided by the NHS that identifies people who have a mental health, learning disability, substance misuse or other vulnerability when they first come into contact with the criminal justice system as suspects, defendants, or offenders.⁵⁴ Liaison and Diversion services can support people through the early stages of the criminal system pathway, refer them for appropriate health or social care or enable them to be diverted away from the criminal justice system into a more appropriate setting, if required.⁵⁵ Clinical staff are located at police stations and courts across England to provide assessments and referrals to treatment and support. Through this approach, offenders may be diverted away from the criminal justice system altogether, or to a community sentence with a treatment requirement. The roll-out of L&D services started in April 2014, reaching full coverage across England in 2020.⁵⁶

42. A number of contributors to our inquiry emphasised the importance of Liaison and Diversion services in reducing the number of women entering custody, and called for their provision to be expanded.⁵⁷ The charity, Women in Prison, told the Committee that such schemes have been found to reduce reoffending and engage women in long-term support at local women's centres.⁵⁸ It cited an initiative run by Surrey Police in association with a local women's centre as an example of successful working with women outside the court system, which has been able to reduce the reoffending rate to 6% compared to a national average of more than 25%.⁵⁹

43. The MoJ told us NHS England was currently enhancing the existing women's pathways across all L&D services, to address the specific needs of women in the criminal justice system. A specific women's lead has been appointed in each service, to develop the pathway and appropriately address the needs of female offenders.⁶⁰ However, in its evidence, the Nelson Trust told us:

It has been widely recognised by NHS England that all Liaison and Diversion schemes require a women's pathway. Whilst this recognition

54 NHS England, ['About liaison and diversion'](#), accessed 21 February 2022

55 NHS England, ['About liaison and diversion'](#), accessed 21 February 2022

56 NHS England and NHS Improvement ([WOP0072](#))

57 See for example: Napo ([WOP0065](#)); Independent Advisory Panel on Deaths in Custody ([WOP0060](#)); Jenny Talbot, National Women's Prisons Health and Social Care Review (Independent Chair of the Review at HMPPS & NHSE/I); Charlotte Winter (Programme manager at NHSE/I) ([WOP0057](#))

58 Women in Prison ([WOP0053](#))

59 Women in Prison ([WOP0053](#))

60 Ministry of Justice ([WOP0068](#))

is highly valuable, there has been no direct investment into this service. This in turn exposes Women's Centres to high levels of referrals with no financial backing to support this. Due to the lack of funding under the female pathway and high numbers of women continuing to enter the prison estate, it would appear that a limited amount of progress has been made on reducing the number of women in custody.⁶¹

The Trust said that further investment and funding into complex women's pathways and liaison and diversion schemes would be beneficial: "This would include not only recognition of the need for a female pathway but commissioning to ensure needs are fully met".⁶² Women in Prison added that core to the success of liaison and diversion was "the women's specific pathway and the embedded work of the Women's Centres rather than reliance on a referral process".⁶³

44. Kate Davies CBE, Director of Health and Justice, Armed Forces and Sexual Assault Referrals Centres, NHS England told the Committee that all L&D services were commissioned to have a women's pathway and that any variation or development of service was a result of the different levels or ways those services had been embedded since 2020. She confirmed that all of the L&D services were working to have women's pathways; however, as the service had been rolled out over a number of years, there were some areas that were more mature.⁶⁴

45. All women's pathways are intended to be funded to provide the same level of service. Kate Davies told us that: "One of the issues about the female pathway, as well as the investment in the core specification in liaison and diversion, is the way they work with pathways in the women's estate and with mental health and primary care services in the community", and went on to tell us that "We do not have a full suite of services under mental health and alcohol and drug treatment requirements".⁶⁵ She confirmed that these services were not available at the same level and in the same quantity across the whole country.⁶⁶

46. Liaison and diversion (L&D) services play an essential role in identifying a woman's need and diverting her from the criminal justice system where appropriate. We are pleased to hear that NHS England has achieved 100% geographical coverage of L&D services and that NHS England are currently enhancing the existing women's pathways across all L&D services. We recognise the concerns raised by some that there has been no direct investment into women's pathways, despite recognition that they are important. We know that services are not available at the same level and quantity across the country; this may lead to inconsistency in service provision for women. Additionally, a lack of funding in the women's pathway may lead to some women continuing to enter the custodial estate, despite their needs being better addressed in the community.

61 Nelson Trust ([WOP0024](#))

62 Nelson Trust ([WOP0024](#))

63 Women in Prison ([WOP0053](#))

64 [Q310](#) [Kate Davies]

65 [Q313](#) [Kate Davies]

66 [Q315](#) [Kate Davies]

47. *The Ministry of Justice and NHSE/I should set out what financial investment is being made in developing women’s pathways and how this money will be spent to ensure that women’s pathways are being enhanced across all liaison and diversion services. The MoJ and NHSE/I should also set out a timeframe for when they expect all women’s pathways to be fully operational.*

Sentencing guidelines

48. Every court is under a statutory duty to follow any sentencing guidelines, produced by the Sentencing Council, when sentencing an offender. The guidelines do not specify different treatment for women offenders. There are though factors that may be particularly relevant to women. A number of offence-specific guidelines, for example the theft guidelines, contain the mitigating factor of “Sole or primary carer for dependent relatives”. Other guidelines include the aggravating factor “offence committed as part of a group”, which has the following explanation:

Courts should be alert to factors that suggest that an offender may have been the subject of coercion, intimidation or exploitation (including as a result of domestic abuse, trafficking or modern slavery) which the offender may find difficult to articulate, and where appropriate ask for this to be addressed in a pre-sentence report.

49. The overarching guideline on the imposition of community and custodial sentences states that: “For offenders on the cusp of custody, imprisonment should not be imposed where there would be an impact on dependants which would make a custodial sentence disproportionate to achieving the aims of sentencing”. Guidelines also refer sentencers to the *Equal Treatment Bench Book*, which covers important aspects of fair treatment and disparity of outcomes for different groups in the criminal justice system. It provides guidance which sentencers are encouraged to take into account wherever applicable, to ensure that there is fairness for all involved in court proceedings. The Book states: “The impact of imprisonment on women, more than half of whom have themselves been victims of serious crime, is especially damaging and their outcomes are often worse than men’s”. One of the Sentencing Council’s current strategic objectives is to consider issues of equality and diversity relevant to its work. ***We recommend that the Sentencing Council considers whether an overarching guideline or guidance for sentencing female offenders is required.***

Short sentences and community alternatives to custody

50. The Female Offender Strategy acknowledges that “short sentences offer limited public protection, and fail to offer time for meaningful rehabilitative activity. In some cases, short sentences can aggravate vulnerabilities and raise the risk of reoffending. Going into custody often causes huge disruption to the lives of offenders and their families, causing crises in employment, housing and contact with dependents”.⁶⁷ The Strategy also notes that short sentences generate churn in the prison population, which is a major driver of

67 Ministry of Justice, [Female Offender Strategy](#), (June 2018), p 17

instability in prisons as well as not providing sufficient time for rehabilitative activity. This means that the “impact on women, many of whom are sentenced for non-violent, low level but persistent offences, often for short periods of time, is particularly significant”.⁶⁸

51. Women are more likely to serve short sentences. In 2019, 73% of female admissions to custody were on a sentence of less than 12 months, compared to 55% of male admissions.⁶⁹ The MoJ’s Female Offender Strategy states that “there is a considerable population of women sentenced to custody for non-violent, low-level but persistent offences, who have only a low or medium public protection risk”⁷⁰. It estimated in 2017 that almost half (47%) of women sentenced to a short custodial sentence had committed shop theft. The majority (94%) of women in custody serving a short sentence of under 12 months were assessed as being a low or medium public protection risk. The Female Offender Strategy notes that “good community management of offenders can in many cases be far more effective and produce better reoffending outcomes”,⁷¹ and states that the Government “will aim to reduce female prison places and provide more options in the community for women that address the causes of offending and support more effective rehabilitation”.⁷² Figure 5 below lists the measures the MoJ intended to put in place to fulfil its commitment to see fewer female offenders sent to custody for short periods.

Figure 5: Fewer women in custody for short periods.

We will support a greater proportion of women to serve their sentence in the community successfully and reduce the numbers serving short custodial sentences by:

Ensuring that courts have better and more comprehensive information about female offenders to inform sentencing decisions by:

- Engaging with courts
- Improving Pre-Sentence Reports

Developing more options for managing women in the community by:

- Piloting Residential Women’s Centres
- Improving Accommodation Provision
- Increasing use of Community Sentence Treatment Requirements
- Piloting Electronic Monitoring, including new technologies such as location monitoring

Providing more support for those offenders managed in the community by:

- Developing a more gender-informed probation service

52. Several witnesses expressed concern about the use of short sentences. Birmingham’s Centre for Women, Anawim, told us “Short sentences are pointless, expensive and counterproductive. They do not act as a deterrent but further entrench offending and reoffending”.⁷³ The charity, Working Chance, said “Short sentences do little to rehabilitate women but can cause a woman to lose her job, home, or custody of her children, resulting

68 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 3

69 Ministry of Justice, [Offender management statistics quarterly: October to December 2019 - Table A2_7 Reception 2019](#), (April 2020)

70 Ministry of Justice, [Female Offender Strategy](#), (June 2018), p 17

71 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 17)

72 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 17)

73 Anawim Birmingham centre for women ([WOP0020](#))

in long-term disruption to her life. Alternatives to custodial sentences allow women to maintain connections with the community. Community orders, when done well, can lead to positive employment outcomes which, in turn, reduce reoffending⁷⁴. Given the concern about short sentences and the effect they may have on women, some have argued for the creation of a presumption against short sentences.⁷⁵

53. HMPPS in its report, *An evaluation of a brief intervention to reduce reoffending among women serving short sentences*, found that:

In 2017, women serving custodial sentences of under 12 months made up just under a fifth (18%) of the women's prison population in England and Wales and had the highest rate of proven reoffending of all women in prison; just under three quarters (73%) of these women were reconvicted of a crime within a year of release. While the Female Offender Strategy committed to a move away from short custodial sentences for non-violent offences, and towards community-based solutions, women do, and for the foreseeable future will continue to, serve sentences of under 12 months in jail.⁷⁶

Community sentences

54. For those women who receive a sentence, community sentences can offer an alternative to custody. Much of the evidence we received advocated for the increased use of community sentences for women because they can be more effective than custody at reducing reoffending, as well as a better option for women with dependent children. The Female Offender Strategy sets out the Government's commitment to improve community sentences, and the use of them:

We want to ensure that the public and judiciary have confidence in non-custodial sentences—such as effective community orders—which directly tackle the causes of reoffending, including alcohol or drug abuse and factors that influence how women engage and respond to interventions, such as mental health. We will aim to reduce female prison places and provide more options in the community for women that address the causes of offending and support more effective rehabilitation. [...] To address the prevalence of short custodial sentences, we are putting in place a number of measures to foster an environment that encourages the use of community sentences instead of custodial ones where appropriate.⁷⁷

55. The evidence we received supported the use of community sentences for women as opposed to short sentences. The Prison Reform Trust told us that:

Community sentences already offer credible, flexible alternatives to custody. Unlike imprisonment, they allow women to maintain family ties, keep jobs, maintain care for children and better deal with the multiple and complex needs which often surround women's offending. The Ministry of Justice's

74 Working Chance ([WOP0023](#))

75 See: Dr Natalie Booth (Senior Lecturer in Criminology at Bath Spa University); Dr Isla Masson (Programme Leader & Senior Lecturer in Criminology & Sociology at Arden University) ([WOP0016](#))

76 HM Prison and Probation Service, *An evaluation of a brief intervention to reduce reoffending among women serving short sentences*, (April 2021), p 3

77 Ministry of Justice, *Female Offender Strategy*, (June 2018) p 17

own evidence shows that reconviction rates for prolific offenders are lower when agencies persist with the use of community sentences rather than resorting to custody—and the positive impact is even more marked for people with mental ill-health.⁷⁸

56. Dr Jo Turner, Associate Professor of Criminology at Staffordshire University and Dr Arta Jalili-Idrissi, Lecturer in Criminology at Staffordshire University agreed that community sentences offered a credible alternative to custody:

Robust community sentences that deliver meaningful punishment can be coupled with a programme of rehabilitation, where women are offered holistic support to address the complex social problems which put them at risk of offending. Research shows that community sentences are now outperforming short prison sentences and are more effective in reducing reoffending.⁷⁹

57. Some witnesses expressed concern that, although community sentences offered a credible alternative to custody, their use had been decreasing. Phil Bowen, Director, Centre for Justice Innovation, told us that:

One of the things we have seen, not just for women but across the board, is a reduction in the number of community sentences that have been handed out by the courts. That is partly because court volumes are down, but there is also quite strong qualitative evidence that judges have lost confidence in probation, primarily during the period of the Transforming Rehabilitation reforms. There are lots of examples where women's provision, in particular, got squeezed by those reforms. That has been a big problem and, obviously, the hope is that the renationalisation of the probation service will help to put that back together again.⁸⁰

Ministry of Justice 2020 sentencing statistics show that, whilst the number of women in total formally dealt with by the criminal justice system decreased by 42% from 2010 to 2020, the number of women given a community sentence declined disproportionately from 31,180 to 9,312—a decline of 70% across the decade.⁸¹

58. Other witnesses warned against making community sentences more onerous for women. The charity, Changing Lives, told us:

If sentencers do not send women to custody then the default is to put extremely onerous conditions onto a community sentence without sufficient understanding of how this will impact women or whether it is likely to actually address the reasons for their offending [...] We are concerned about the Government's intention to make community sentences more onerous. Whilst we acknowledge the need for a level of punitive measures within sentences, such punitive measures can often work counter to the aims of supporting women to desist from crime.⁸²

78 Prison Reform Trust ([WOP0043](#))

79 Dr Jo Turner (Associate Professor of Criminology at Staffordshire University); Dr Arta Jalili-Idrissi (Lecturer in Criminology at Staffordshire University) ([WOP0019](#))

80 [Q12](#) [Phil Bowen]

81 Ministry of Justice, Sentencing Data Tool, May 2021

82 Changing Lives ([WOP0025](#))

59. In the Female Offender Strategy, the Government states that it will support a greater proportion of women serving their sentence in the community successfully and a reduction in the number serving a short custodial sentence by ensuring that courts have better and more comprehensive information about female offenders to inform sentencing decisions and developing more options for managing women in the community. The Strategy states that it will do this by improving pre-sentence reports, piloting Residential Women's Centres and increasing the use of Community Sentence Treatment Requirements, among other activities.⁸³ The Strategy also states that:

Sentencing is a matter for the courts, and any shift in emphasis from custody to community sentences must be led by the judiciary. The MoJ will work with judges to develop our understanding of what more might be done to ensure that the particular risks and needs of female offenders are addressed effectively in the court, and to ensure that courts receive all necessary information to inform the sentencing process. Building on previous work with Crown Court judges, we will interview district judges and magistrates in the Magistrates' Court, where the majority of female offenders are sentenced, to better understand how we can further support them when sentencing women.⁸⁴

60. **We support the MoJ's commitment to supporting a greater proportion of women to successfully serve their sentences in the community. We recognise that a shift from custodial to community sentences must be led by the judiciary; however, we note concerns raised by witnesses that sentencer confidence in community sentences has declined.**

61. *The Ministry of Justice should set out what work it is doing with the judiciary to ensure that they have all the relevant and necessary information to inform sentencing decisions. The MoJ should also set out what work is being done to ensure that community sentences offer a credible alternative to custody. Furthermore, we recommend that the MoJ seek the views of the judiciary on ways to improve community alternatives and increase confidence.*

Pre-sentence reports

62. Pre-sentence reports provide the courts with a better understanding of the backgrounds and context of an individual's behaviour. They can be used to inform community-based sentences and may assist the court when it may be considering a community or custodial sentence for the offender.⁸⁵ The Female Offender Strategy committed to ensuring that courts have better and more comprehensive information about female offenders to inform sentencing decisions:

Courts need to have comprehensive information to impose sentences that will effectively punish and rehabilitate offenders. Pre-sentence reports (PSRs) that capture the complexity of an offender's circumstances and

83 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 18

84 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 19

85 Ministry of Justice, [Pre-sentence report pilot in 15 magistrates' courts](#), (May 2021)

demonstrate how offenders can be supported to comply with a community order, can support courts to keep offenders in the community rather than send them to custody.

We want all PSRs, whether on the day oral reports or written reports, to include details of an offender's circumstances, such as any dependents, and mental health or domestic abuse issues. They should also set out locally available gender-informed community sentencing options, so that courts are appraised of the full range of options for sentencing an offender and options to divert women from custody.⁸⁶

63. Evidence we received expressed concern about the quality of pre-sentence reports, as well as a decline in their use. The Independent Advisory Panel on Deaths in Custody found that the total number of PSRs prepared by the Probation Service decreased by 68% between 2010 and 2020 to 68,077. This period also marked a greater reliance on verbal reports done on the day of sentence instead of ones which were considered over a longer adjournment period.⁸⁷ Dr Carly Lightowlers, Senior Lecturer in Criminology, University of Liverpool, told us that “Pre-Sentence Reports are often carried out hurriedly so crucial information, for example, about children is often missed”.⁸⁸ The Prison Reform Trust stated that “The current review of pre-sentence reports (PSRs) must produce a step change in the provision of detailed, properly researched reports that draw on the information available to multiple agencies. Oral reports prepared hurriedly on the day a woman appears in court rarely give magistrates what they need to make the best decision”.⁸⁹ Katy Swaine Williams, Consultant, Centre for Women's Justice told us that in many cases pre-sentence reports were not prepared, or they were inadequate. She said: “There is an awful lot more that we need to do to ensure that sentencers really have a clear picture of women's circumstances”.⁹⁰

64. In evidence, the Minister of State for Justice, told the Committee:

We are very concerned to help magistrates and the judiciary when it comes to pre-sentence reports. These are critical documents that can help the judiciary make decisions where perhaps information has not come to light—for example, that the offender they are sentencing is pregnant. That may come to light through a pre-sentence report and it will assist the magistrate or judge in making a decision.⁹¹

65. Since the MoJ set out its commitment in the Female Offender Strategy to ensuring that courts have more comprehensive information about female offenders, work has been ongoing to improve the quality and increase the delivery of pre-sentence reports. The MoJ told us it had developed an Aide Memoire for practitioners completing PSRs on women to ensure that the right questions were asked to enable good assessments to be made. The Aide Memoire is designed to highlight key areas for practitioners to consider when

86 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 19

87 Independent Advisory Panel on Deaths in Custody ([WOP0060](#))

88 Dr Carly Lightowlers (Senior Lecturer - Criminology at University of Liverpool) ([WOP0013](#))

89 Prison Reform Trust ([WOP0043](#))

90 Q15 [Katy Swaine-Williams]

91 Q321 [Victoria Atkins]

assessing the diverse needs of women in the context of offending and to make a robust proposal for a community sentence whenever appropriate. The MoJ said that this was rolled out nationally in 2019 and is available to all practitioners.⁹²

66. The MoJ also told the Committee that it was piloting an alternative delivery model in 15 magistrates' courts in England and Wales over the next 12 months. This pilot includes the strategic targeting of female offenders for fuller written PSRs, amongst other cohorts that have been identified as having particular needs. The design and delivery of this pilot has been informed by collaboration between the MoJ, court staff, probation and the judiciary to align pre-sentence report priorities.⁹³ The pilot is also working with Liaison and Diversion teams to ensure that the services available in local communities can be promoted and maximised, and so demonstrate their value within the criminal justice system.⁹⁴ The MoJ told us:

Future service design for pre-sentence reports also includes an uplift in volumes with greater targeting of fuller reports for women. The design will enable a greater understanding of equality issues and diversity within these reports, and that both the factors that influence offending and the strengths that individual women can draw on to move away from offending are assessed robustly.⁹⁵

67. Many witnesses welcomed the Government's commitment to improve the quality and quantity of PSRs. The charity, Clinks, welcomed the pilot, but also noted that its aims could have gone further, such as by setting specified targets to increase the provision of full written PSRs.⁹⁶ It also expressed concern that the pilot did not include racially minoritised people, including women, as a priority cohort, noting that they were: "far more likely to receive a more severe sentence for certain offences than non racially minoritised people".⁹⁷ The Ministry of Justice has said that it will be analysing data from the pilot to identify if it is possible to discern any impacts for people from ethnic minority communities.⁹⁸

Maternal imprisonment and pre-sentence reports

68. Pre-sentence reports also have an important role to play in relation to the treatment of women offenders who are pregnant or have dependent children. The Women's Budget Group highlighted that the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (known as the Bangkok Rules), states that "non-custodial sentences for pregnant women and women with dependent children shall be preferred where possible and appropriate".⁹⁹ In its evidence, the Ministry of Justice told us the care of children (and other dependents), and the impact of the loss of a parent or carer, was a well-established mitigating factor in sentencing and could result in some carers not being sent to custody. As noted earlier, guidelines issued by the Sentencing Council include a specific mitigating factor in respect of sole or primary carers for dependent relatives.¹⁰⁰

92 Ministry of Justice ([WOP0068](#))

93 Ministry of Justice ([WOP0068](#))

94 Ministry of Justice ([WOP0068](#))

95 Ministry of Justice ([WOP0068](#))

96 Clinks ([WOP0067](#))

97 Clinks ([WOP0067](#))

98 Ministry of Justice, [Pre-sentence report pilot in 15 magistrates' courts](#), (May 2021)

99 Women's Budget Group ([WOP0008](#))

100 Ministry of Justice ([WOP0068](#))

69. Whilst some work has been done to improve the quality and accessibility of women's services in the community since the launch of the Female Offender Strategy, women with dependent children, and a small number of pregnant women are still sent to prison to serve their sentence. Several witnesses set out the damage that maternal imprisonment can do to the mother and unborn child. The Centre for Criminology at the University of Oxford set out the risks of imprisoning a pregnant woman. For example, many women in prison have high risk pregnancies, and if pregnant in the community would have extra clinical support. There are no midwives or doctors on duty in prisons overnight and so women going into labour risk inappropriate assessments.¹⁰¹

70. In evidence several witnesses raised concern that not enough was being done to ensure that the welfare of dependent children was considered as part of sentencing decisions. Anawim, Birmingham's Centre for Women, said women were not routinely asked if they had children prior to court, although it acknowledged that the situation was improving with the current work on pre-sentence reports.¹⁰² The Charity, Women in Prison, said that:

Currently, sentencers are expected to consider the impact of a sentence on the welfare of dependent children and pregnant women. In practice, existing case law and guidelines are not being applied consistently and do not go far enough to uphold the best interests of children. Research has found that there is a lack of awareness of case law relating to the sentencing of primary carers and that many women report their role as a primary carers is not considered by the court.¹⁰³

71. Some witnesses said sentencers were consistently failing to adhere to the sentencing guidelines relating to pregnant women, new mothers, and mothers with dependent children. For example, Lucy Baldwin told us:

All mothers, in fact arguably all women, but especially all mothers of dependent children and pregnant mothers must be given a pre-sentence report (PSR)—this must detail the balance of harm against punishment and consider whether a community sentence is more appropriate. The PSR must detail the local provisions for women, e.g. women's centres and what that community support would look like and how it would address the woman's offending. This would not only assist magistrates to make more informed decisions, but it would enable magistrates to have more confidence that what they were sentencing women to would be effective—and importantly why it would be effective.¹⁰⁴

72. Lord Farmer, in his *Review for Women* recommended that, given the complexity of many female offenders' lives, and the greater likelihood that they are primary carers, obtaining a written Pre-Sentence Report should be made mandatory for all women (and male primary carers) before a custodial sentence is passed (if a recent report is not available).

101 Centre for Criminology, University of Oxford ([WOP0064](#))

102 anawim Birmingham centre for women ([WOP0020](#))

103 Prison Reform Trust ([WOP0043](#))

104 Lucy Baldwin ([WOP0021](#))

73. The charity, Clinks, expressed its support for Lord Farmer’s recommendation and reiterated its previous recommendation made to the Committee that “the MoJ should set specified targets to increase the provision of full written pre-sentence reports, especially for those at risk of short-term imprisonment, racially minoritised people, people facing multiple disadvantage and women”.¹⁰⁵ Several other witnesses, including the Mayor’s Office for Policing and Crime, agreed with Lord Farmer’s recommendation that pre-sentence reports should be made mandatory.¹⁰⁶

74. In its evidence to the Committee, the MoJ recognised that PSRs could offer a valuable insight into the circumstances of women and their families, and in those cases on the cusp of custody, consider the potential significant impact of imprisonment on any dependants (including unborn children in the case of pregnant women).¹⁰⁷ As noted above, it told us that the Aide Memoire for practitioners completing PSRs on women should ensure that the right questions are asked to enable good assessments to be made.

75. Some witnesses called for the Government to end the imprisonment of primary carers and pregnant women. The charity, Women in Prison, told us the Government should introduce a legal presumption against the imprisonment of primary carers and pregnant persons in order to uphold the rights of dependent children and maintain family ties, which it said was key to reducing reoffending.¹⁰⁸ Others, such as the employment charity Working Chance have called for the use of Compassionate Release on Temporary Licence to be expanded “to ensure that, at the very least, pregnant women and mothers of young children are released from prison to finish their sentences in the community”.¹⁰⁹

76. Pre-sentence reports (PSRs) provide the opportunity for a more personalised response to offending in order to support effective sentencing. We are concerned to see that the number of reports has declined substantially over the last 10 years. We welcome the work that the Ministry of Justice is doing to improve the quality of PSRs; however, it is less clear what work is being done to increase their use. *The Ministry of Justice should evaluate why the number of pre-sentence reports has declined in recent years, and what work is being done to increase the use of pre-sentence reports.*

77. *Regarding the pre-sentence report pilot, the Ministry of Justice should set out how it will measure the success of this pilot, and the criteria it will use to determine whether to expand the initiative. The MoJ should also set out what its targets are for the number of women who will receive a fuller pre-sentence report under the pilot, and at the end of the pilot period, it should publish an evaluation of the pilot. The MoJ should include in its evaluation the outcomes for ethnic minorities, as well as the steps required to ensure that the specific needs of BAME women are met through pre-sentence reports.*

78. *Given the widespread agreement that pre-sentence reports play a crucial role for women, we agree with Lord Farmer and others that full written pre-sentence reports should be mandatory for all women facing custodial sentences.*

105 Clinks ([WOP0067](#))

106 Ms Rona Epstein, Honorary Research Fellow at Coventry Law School, Coventry University ([WOP0051](#)); West Midlands Police and Crime Commissioner ([WOP0061](#)); Mayor’s Office for Policing And Crime (MOPAC) ([WOP0080](#))

107 Ministry of Justice ([WOP0068](#))

108 Women in Prison ([WOP0053](#)); See also: Ms Rona Epstein, Honorary Research Fellow, Coventry Law School, Coventry University ([WOP0051](#)); Agenda Alliance ([WOP0059](#))

109 Working Chance ([WOP0023](#))

Piloting residential women's centres

79. Women who have served short sentences, and those at risk of being given a short sentence are recognised as having particularly complex needs, and prolific offending histories, compared to those supervised in the community.¹¹⁰ In the Female Offender Strategy, the Ministry of Justice states that it wants to provide more residential support options in the community, which will allow this particular cohort of women to complete community orders as a diversion from custody and prevent them from being recalled to custody. This in turn should support a long-term reduction in reoffending.¹¹¹ The MoJ committed to work with partners to develop a 'residential women's centres' pilot in at least five sites across England and Wales. The aim of the pilot is to develop an evidence base about what could be effective, sustainable and scalable models for improving outcomes for female offenders and reducing the numbers and frequency of women entering and re-entering custody on short custodial sentences. The MoJ told us:

We want the residential women's centre models we test to offer an intensive residential support package in the community for women at risk of, or having served, short custodial sentences, supporting them to address the underlying causes of their offending behaviour. We want them to identify, encourage and coordinate service users to access services that will address their offending behaviour, such as substance misuse, and allow them to establish a positive lifestyle in the community.¹¹²

80. The Government's proposed Residential Women's Centres differ to the Women's Centres that already exist and are based in the community. Women's Centres are often provided by charitable organisations and can be accessed by women affected by the criminal justice system and those on community sentences. They are also accessed by women in the community for other reasons, not necessarily just by those women in the criminal justice system.¹¹³

81. In May 2020 the Government announced that the first Residential Women's Centre would be in Wales. The intention was for the centre to open by the end of 2021; however, the MoJ faced initial difficulties finding a suitable site.¹¹⁴ In May 2022 it announced the location, subject to planning permission, of the first centre at a site in Swansea. The 12-bed centre, which is expected to cost £10 million, is expected to open in 2024 and will serve around 50 offenders a year who would have otherwise been given a prison sentence of 12 months or less.¹¹⁵ Female offenders at the centre will receive one-to-one mental health therapy, counselling to address their trauma from previous abuse and support to overcome addictions. The MoJ has said the service will also provide longer-term support for women to help them find a job and maintain family relationships as they transition from the centre to life back in their communities, in order to help prevent reoffending.¹¹⁶ The four other pilot sites the Government has committed to have not yet been identified.

110 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 21

111 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 21

112 Ministry of Justice ([WOP0068](#))

113 [Q54](#) [Kate Paradine]

114 Ministry of Justice ([WOP0068](#))

115 Ministry of Justice, [Location of first ground-breaking Residential Women's Centre revealed](#), 20 May 2022

116 *Ibid.*

82. In evidence, witnesses raised concern about the proposed model of Residential Women's Centres, that they could reproduce the harms that are seen when women are sentenced to short periods in prison, and so could be counterproductive to reducing reoffending.¹¹⁷ For example, the Women's Budget Group said: "RWCs would still involve a woman being uprooted from her community with the associated risks of losing her home, employment, and children".¹¹⁸ Other witnesses, such as the Prison Reform Trust, the Nelson Trust and Women in prison agreed with this assessment, with the Prison Reform Trust stating:

It is unclear how an RWC will be different from a prison, or how it will avoid replicating the harms associated with the use of short-term imprisonment, including separation from children and families and the loss of housing and employment. We are unsure why the Government has chosen to invest in an unproven and untested RWC model when an effective alternative to imprisonment for women already exists in the network of women's community support services, which currently lack long term sustainable funding.¹¹⁹

83. Dr Jo Turner and Arta Jalili-Idrissi told us that they expected RWCs would provide a suitable alternative to custody for women, provided they "embody a holistic woman-centred approach that works towards addressing women's complex needs". They cautioned, however, that:

If not funded appropriately, so that they are well resourced and provide the specialist services promised, these centres run the risk of merely replacing for women incarceration in the existing prison estate with incarceration in quasi prisons. In addition, there is a fear that with only five Centres planned, women will be held even further away from their children and families as they currently are in the few existing prisons for women. Better still is to deal with women offenders in the community through community punishments, rather than detaining them in either a Residential Women's Centre or a prison. However, if custody is the only option for sentencers, then the Centres would be a better option than a prison.¹²⁰

84. Witnesses also told us that rather than developing Residential Women's Centres, the Government should be investing in Women's Centres that are based in the community and have proven to be effective in reducing reoffending. Witnesses expressed their concerns that investing in a new model would divert money from those existing Women's Centres. For example, the Women's Budget Group told us that "... piloting a new system of RWC diverts resources away from the network of community-based Women's Centres which are proven to be effective solutions to reducing [re]offending yet continue to be starved of funding".¹²¹ Women in Prison state:

There is still uncertainty about how the RWC model will work, including the role of consent for women provided the 'option' of the RWC but who will face

117 Women's Budget Group ([WOP0008](#)); Women in Prison ([WOP0053](#)); Working Chance ([WOP0023](#))

118 Women's Budget Group ([WOP0008](#))

119 Prison Reform Trust ([WOP0043](#)); See also: Nelson Trust ([WOP0024](#)) and Women in Prison ([WOP0053](#))

120 Dr Jo Turner (Associate Professor of Criminology at Staffordshire University); Dr Arta Jalili-Idrissi (Lecturer in Criminology at Staffordshire University) ([WOP0019](#))

121 Women's Budget Group ([WOP0008](#))

continued threat of imprisonment for non-compliance. Ultimately, piloting a new system of RWCs diverts resources from the network of community-based Women's Centres which are already proven to be effective solutions to reducing [re]offending yet continue to battle with unsustainable funding arrangements.¹²²

85. Women in Prison also told us that Women's Centres are crucial in achieving a 'Whole Systems Approach' to female offending, and that they have a proven track record of working alongside women and providing effective, therapeutic and practical interventions in the community. For instance, they provide access to specialist advocacy, advice and support on housing, debt, substance misuse, mental and physical health, domestic abuse and family and parenting guidance through in-house specialist staff or multi-agency partnerships.¹²³ Dr Kate Paradine, Chief Executive Officer, Women in Prison told us that the Government's model of Residential Women's Centres "are not facilities that we believe the system needs. The system needs proper investment in volume day services that will make a big difference to women entering the criminal justice system".¹²⁴ The Nelson Trust agreed, stating that "Investment into women's centres would be much more beneficial than investing into a provision that would largely replicate services already available".¹²⁵

86. In its announcement of the new centre at Swansea, the MoJ noted that only offenders from the local community would stay at the centre. They will live there for up to 12 weeks as part of a community sentence in order to maintain contact with their families and children. The Department emphasised that the centre would not operate like a prison. Within the requirements of their sentence, women would be able to leave during the day and make contact with families where appropriate. Female offenders who are not required to stay in the residential unit as part of their sentence will also be able to use community services provided by the centre.

87. Whilst it is disappointing that the MoJ's progress to date in establishing five new Residential Women's Centres has been slow, we welcome the Government's recent announcement that Swansea will be the location of the first centre. *The Ministry of Justice should set out an indicative timeline for the development of the remaining four pilot sites.*

88. We recognise that the Residential Women's Centre model is new and untested, and so we acknowledge the concerns of many of our witnesses over how the centres will operate in practice and how their provision will differ from that of custody. *As it develops its plans for the Swansea centre and other sites, the Ministry of Justice should set out in greater detail how the centres will operate in practice, including how they will differ from custody. Additionally, the MoJ should set out how it intends to evaluate and report on the effectiveness of the pilot.*

89. The Committee has heard about the benefits of existing Women's Centres in potentially diverting women from custody and providing support to women in their local communities. We note the concerns raised by witnesses that the Government's investment in Residential Women's Centres risks diverting money away from Women's Centres that have a proven track record. *We would welcome reassurance from the*

122 Women in Prison ([WOP0053](#))

123 Women in Prison ([WOP0053](#))

124 [Q55](#) [Dr Paradine]

125 Nelson Trust ([WOP0024](#))

Government that there will not be a diversion of resources away from existing Women's Centres. The Ministry of Justice should also set out how it intends to continue to support the work of Women's Centres in the community alongside the development of RWCs.

Community sentence treatment requirements

90. Community Sentence Treatment Requirements (CSTR) are a means by which women may be diverted from custody and for some women, they may produce better outcomes than a custodial sentence.¹²⁶ They aim to reduce reoffending and short-term sentences by addressing the health and social care needs of offenders. There are three types of CSTR: Mental Health Treatment Requirements (MHTRs), Drug Rehabilitation Requirements (DRRs) and Alcohol Treatment Requirements (ATRs).¹²⁷ Currently, the use of CSTRs is low, despite the high prevalence of mental health, drug and alcohol issues amongst the female offender cohort. The Female Offender Strategy states that, of those with an assessment, 22% of women supervised under a court order have a mental health issue, 29% an alcohol misuse issue and 32% a substance misuse issue.¹²⁸ In 2019, out of all the requirements commenced under community orders or suspended sentence orders, 0.4% were Mental Health Treatment Requirements, 4% were Drug Rehabilitation Requirements, and 3% were Alcohol Treatment Requirements.¹²⁹ One witness described the low level of use of Mental Health Treatment Requirements in particular as “pitiful”.¹³⁰

91. In evidence, witnesses noted concern about the low level of use by the courts of CSTRs. Juliet Lyon, Chair, Independent Advisory Panel on Deaths in Custody, highlighted a survey jointly conducted with the Magistrates' Association in 2019 that examined the use of community sentences with treatment requirements:

The survey was illuminating in so far as magistrates essentially seemed on balance keen to use them, but did not know about them, did not have enough detail about them or they simply were not available in their areas. [...] What you can see is that where money has been invested and pilots are being run they are being used much better than they were, but there are whole areas of the country where they are not used at all.¹³¹

92. Recognising the low use of CSTRs, the MoJ committed in the Female Offender Strategy to work with the Department of Health and Social Care, NHS England and PHE on a protocol¹³² to increase their usage in England.¹³³ The resulting CSTR Programme was launched in October 2017 with a focus on improving multi-agency working, ensuring that the roles and responsibilities of all those involved in delivering CSTRs was clear, with necessary treatment pathways in place.¹³⁴ In its 2020 White Paper, *A Smarter Approach to Sentencing*, the MoJ stated that an initial evaluation had found that the Programme provided a clearer pathway for the use of mental health treatment requirements and had

126 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 22

127 NHS England and NHS Improvement ([WOP0072](#))

128 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 22

129 Ministry of Justice, [A Smarter Approach to Sentencing](#), (September 2020), p 40

130 [Q284](#) [Juliet Lyon]

131 [Q284](#) [Juliet Lyon]

132 Recognising the low use of CSTR the Community Sentence Treatment Requirement Programme was set up in 2017 across five testbed sites. The Department of Health and Social Care published its Process Evaluation Report on the Community Sentence Treatment Requirements Protocol in 2019.

133 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 23

134 Ministry of Justice, [A Smarter Approach to Sentencing](#), (September 2020), p 41

achieved significant increases in the number of offenders being diverted into mental health treatment programmes in the community. The Programme is currently operating in courts across thirteen areas in England, with further rollout planned which is intended to achieve 50% coverage of mental health provision by 2023/24.¹³⁵

93. In evidence to the Committee, the MoJ told us that by scaling up the programme it will better target the needs of vulnerable individuals by making primary care mental health treatment requirements (MHTRs) available at court. In some CSTR programme sites—covering eight courts in Hertfordshire and London—women specific primary care MHTRs are available, and eight new CSTR programme sites were scheduled to go live throughout 2021 for all adults.¹³⁶ For drug and alcohol treatment, the MoJ told us it was investing more widely on drug treatment, and that in January 2021 DHSC was awarded an additional £80 million, as part of the £148 million package to cut drugs crime, part of which would benefit offenders on CSTRs.¹³⁷

94. Many of our witnesses supported increasing the use of CSTRs. The Centre for Justice Innovation told us the Government should commit to a national rollout by 2023/34.¹³⁸ Jenny Talbot, Independent Chair of the National Women’s Prisons Health and Social Care Review at HMPPS & NHSE/I, told us CSTRs “can focus on proposing alternatives to custody for women and help to ensure that women who otherwise would have been separated from their babies, or who are in prison a long distance away from their families, are able to remain in the community and avoid separation from their children”.¹³⁹ She recommended that the CSTR should be routinely available nationwide, including primary and secondary care MHTRs, the ATR and DRR.¹⁴⁰ The Prison Reform Trust similarly welcomed the work being done to increase the use of CSTRs, and stated that these should be further extended with the ambition of achieving a full national roll out.¹⁴¹ Dr Jenny Earle welcomed the ambition to increase the use of CSTRs and told the Committee that “women-specific ones show very good results. There is much lower reoffending as a result of a community sentence rather than a short prison sentence”.¹⁴² The Mayor’s Office for Policing and Crime told us about the work that was being done in South London to improve CSTRs:

We have supported the Community Sentence Treatment Requirement (CSTR) pilot operating in South London, which is focused on women [...] The primary mental and substance abuse healthcare which has been commissioned to support the London CSTR pilot is being delivered at a women’s centre and via its hubs. These provide safe, women-only environments for treatment, whilst also supporting these women to access holistic tailored support services to address other needs such as education,

135 Ministry of Justice, [A Smarter Approach to Sentencing](#), (September 2020), p 41

136 Ministry of Justice ([WOP0068](#))

137 Ministry of Justice ([WOP0068](#))

138 Centre for Justice Innovation ([WOP0047](#))

139 [Q173](#) [Jenny Talbot]

140 Jenny Talbot, National Women’s Prisons Health and Social Care Review (Independent Chair of the Review at HMPPS & NHSE/I); Charlotte Winter (Programme manager at NHSE/I) ([WOP0057](#))

141 Prison Reform Trust ([WOP0043](#))

142 [Q246](#) [Dr Earle]

employment, and accommodation. This approach also reflects the fact that women are often also victims, particularly of domestic and sexual abuse, which can also influence their offending.¹⁴³

Lambeth Council told us that the South London CSTR pilot had been successful in improving access to mental health treatment for female offenders, improving mental health outcomes and reducing the use of short-term custodial sentences.¹⁴⁴

95. Evidence suggests that Community Sentence Treatment Requirements (CSTRs) can offer a credible and appropriate alternative to custody for women. The Committee welcomes the work being done to increase their use from what is a very low base through the CSTR Programme. *The Ministry of Justice should now commit to rolling out the programme so that CSTRs are available in all court areas to achieve 100% coverage.*

143 Mayor's Office for Policing And Crime (MOPAC) ([WOP0080](#))

144 Lambeth Council, Southwark Council, Wandsworth Council, Together for Mental Wellbeing ([WOP0037](#))

4 Better custody

96. This Chapter considers the progress the MoJ is making in improving the custodial environment for women in prison. The Female Offender Strategy sets out that the MoJ will “create a custodial environment that enables rehabilitation and delivers better outcomes, and which supports women on release to break the cycle of reoffending and successfully reintegrate themselves into society”.¹⁴⁵ Box 1 below sets out how the Department plans to delivery better custody.

Box 1: How the MoJ will deliver better custody

We will deliver better custody by:

Adapting the custodial environment to meet the needs of female offenders by:

- Focusing on better links with children and families
- Improving Safety
- Becoming Trauma-Informed
- Improving Health & Wellbeing

Offering comprehensive rehabilitative support by:

- Empowering the Prison Workforce
- Developing Education & Employment

New prison places

97. In January 2021, the MoJ announced that up to 500 new prison places would be built in existing prisons to increase the availability of single cells and improve conditions for women in prison. These will include in-cell showers and will allow more women to be held in open conditions, which the MoJ hopes will provide greater opportunities for employment and education while women are completing their sentence. Some of the new places will also allow women to have overnight visits with their children to prepare for life back home. The Department hopes that if the female prison population falls longer-term, these new facilities will allow the Prison Service to close old accommodation.¹⁴⁶

98. In evidence to us, a number of witnesses expressed concern about the Government’s commitment to building 500 new prison places, stating that it went against the core aims of the Female Offender Strategy. The Rt Revd Rachel Treweek told us:

While renovating and updating the women’s estate might be welcome in some places, the scale of the investment of £150m for 500 new prison places, appears to abandon the Female Offender Strategy’s key objective to reduce the women’s prison population. Especially when you consider that long term, it is makes much better economic sense to invest in Women’s Centres: £5,000 a year, compared to the £50,000 needed to pay for a women’s place in prison.¹⁴⁷

¹⁴⁵ Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 26

¹⁴⁶ Ministry of Justice, [‘Extra funding for organisations that steer women away from crime’](#), accessed 22 February 2022

¹⁴⁷ The Rt Revd Rachel Treweek (The Lord Bishop of Gloucester, Anglican Bishop for Prisons in England and Wales at Church of England) ([WOP0004](#))

99. Women in Prison, the Howard League, The Traveller Movement, Working Chance, Prisoners' Advice Service and several others all called for the Government not to go ahead with the building of 500 new prison places.¹⁴⁸ APPEAL said the proposals displayed “a lack of commitment to curtailing the problems associated with female incarceration”.¹⁴⁹ The Traveller Movement said the Government should instead “commit 500 new spaces in refuge, or the equivalent funding to women’s shelters or to fund community programmes that can become the basis of a community sentence”.¹⁵⁰ The Centre for Justice Innovation noted that “rather than building more cells, efforts could be better focused on ensuring that the new measures need not translate into increased numbers of women in prison”.¹⁵¹ Commenting on the announcement of 500 prisons places, the NAO concluded that:

The Ministry expected its programme [the Female Offender Programme] to divert vulnerable women away from the CJS and reduce the use of short custodial sentences but has not set out aims for the scale of expected change or by when. Therefore, the Ministry’s plans to increase the female prison estate by up to 500 prison places at an expected cost of £200 million did not take into account any likely change in demand for prison places that might come from increased diversion.¹⁵²

100. In response to the concerns raised, the Minister of State for Justice told us “just because we build new facilities does not, I suggest very strongly, mean that the independent judiciary will be on some drive to fill them [...] They sentence someone to imprisonment because they have read the sentencing guidelines, looked at the facts of the case and decided that immediate custody is the sentence in that case”.¹⁵³ The Minister also said “The design of these new facilities will be trauma-informed, and that means not just making sure that the staff looking after female offenders have proper trauma-informed and trauma-responsive knowledge, but that the buildings themselves—the very fabric of those buildings—recognise the differences in what female offenders and male offenders have been through and the rehabilitation that the built environment can help with”.¹⁵⁴

101. We also questioned the Minister on whether it was still the MoJ’s aim to close like-for-like, some of the old, unsuitable prison places. The Minister confirmed that, whilst that was still the aim as set out in the Female Offender Strategy, a number of things needed to fall in to place before that could happen: “We need to ensure that the judiciary have confidence in community orders and that the very front-loaded work to prevent crime from happening in the first place is beginning to take hold. We can then begin to look at that, but I am very aware, very conscious of and alert to the concerns that several charities and experts have expressed. I want these new facilities to respond to female offenders in the 21st century”.¹⁵⁵ Dr Farrar, Chief Executive of HMPPS and Second Permanent Secretary at the MoJ, told us that “If the number of women in prison continues to decline, that

148 Women in Prison ([WOP0053](#)); The Howard League for Penal Reform ([WOP0058](#)); Traveller Movement ([WOP0006](#)); Working Chance ([WOP0023](#)); Prisoners' Advice Service ([WOP0034](#)). See also: Centre for Women's Justice ([WOP0042](#)); Centre for Justice Innovation ([WOP0047](#));

149 APPEAL ([WOP0017](#))

150 Traveller Movement ([WOP0006](#))

151 Centre for Justice Innovation ([WOP0047](#))

152 National Audit Office, [Improving outcomes for women in the criminal justice system](#), (January 2022), p 12

153 [Q323](#) [Victoria Atkins]

154 [Q323](#) [Victoria Atkins]

155 [Q324](#) [Victoria Atkins]

would be our ambition [to close more women’s prisons]. We would rather put investment into more new modern places”.¹⁵⁶ She added that some of the new prison places would be open places, recognising that there have not been enough open spaces for women.

102. **The Committee notes the concerns raised by witnesses that the commitment to build 500 prison places in the female estate appears at odds with the aims of the Female Offender Strategy. However, we also recognise that the 500 additional prison places have the potential to improve custodial conditions for those who are imprisoned, as well as going some way towards achieving the Strategy’s aim of making the female estate more trauma informed. We would welcome further clarity on the Government’s plans for the 500 places. The Ministry of Justice and HMPPS should set out:**

- *A breakdown of how the 500 prison places will be used. For example, how many places will be allocated as open prison places; how many places will be allocated to replace old for new prison places and how many will be entirely new places in the closed estate;*
- *How many old prison places in the female estate have been decommissioned since the announcement of 500 new places, and how many it anticipates will be decommissioned in the coming years;*
- *How many new prison places have already been built, and what the timeline is for completing the construction of the remaining places; and*
- *The modelling the MoJ and HMPPS undertook to determine that 500 places were needed.*

Safety in Custody

103. The Female Offender Strategy states that “the purpose of prisons is both to protect the public and support offenders to reform so that they do not reoffend. Women—like all other prisoners—should expect to be safe throughout their time in custody. This is especially true for those at risk of suicide and self-harm, yet the incidence of these issues amongst the female offender population remains too high”.¹⁵⁷ The MoJ set out its commitment to delivering a better custodial environment, that meets the needs of female offenders by, among other things, improving safety in custody.

104. In response to a particularly high number of self-inflicted deaths in 2016, the MoJ launched a review to understand the reasons and how this could be prevented in future. The Independent Advisory Panel (IAP) on Deaths in Custody undertook a rapid information gathering exercise on how best to prevent suicide and self-harm and keep women safe in custody. The resulting review submitted evidence and recommendations to Ministers, which the MoJ is implementing alongside the Female Offender Strategy.¹⁵⁸

105. The IAP found that in the four years leading up to December 2020, 34 women had died in prison. 12 (35%) of those deaths were recorded as being self-inflicted. Whilst women

156 [Q325](#) [Dr Farrar]

157 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 27

158 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 29

made up less than 5% of the overall prison population, the Panel found that they accounted for 21% of all recorded self-harm incidents. The IAP also noted their disappointment at progress in improving the conditions for women in custody:

Initially efforts were made to implement changes outlined in the strategy notwithstanding very limited resources. Momentum does not appear to have been maintained across the female estate. During the pandemic, conditions for women have deteriorated markedly, ranging from withdrawal of support to severely restricted regimes and from excessive periods behind bars to very limited contact with family and friends.¹⁵⁹

Self-inflicted deaths and self-harm in custody

106. The MoJ and witnesses to this inquiry have raised concern about the increasing level of self-harm and self-inflicted deaths in the female estate. There has been an upward trend in the number of incidents of self-harm over the last decade in England and Wales, with recorded incidents having almost doubled over the period. In the 12 months to December 2021 the rate of self-harm incidents per 1,000 prisoners increased by 4% in female establishments, but decreased in the male estate by 1%.¹⁶⁰

107. The Female Offender Strategy recognised that custody can be particularly damaging for women, and that outcomes for women in custody can be worse than for men.¹⁶¹ Regarding the level of self-inflicted deaths, the Prisons and Probation Ombudsman told the Committee that in 2019/20, six women died in prison. This was a lower number than in the two preceding years. Four of the deaths were self-inflicted, one was drug related and in one case the cause of death was not ascertained.¹⁶² Whilst the levels of suicide in the female estate are small in number, Dr Maggie Leese et al, told the Committee that 46% of women in prison had attempted suicide at some point in their lives, compared to 21% of men in prison and 6% of the general population.¹⁶³ In addition to this, a third of women in prison had had a previous psychiatric admission prior to entering custody compared to 10% of men.¹⁶⁴

108. Responding to the increasing concerns around levels of self-harm in the female estate, the MoJ established the Women's Estate Self Harm Taskforce in April 2020 with the aim of coordinating a range of work and taking an evidence-based approach to reduce levels of self-harm in the women's estate.¹⁶⁵ The taskforce has taken forward a number of short and long-term actions. Longer-term actions have included the development of a women's estate safety strategy; the roll-out of Offender Management in Custody (OMiC) in the women's estate, which has introduced either key work or additional time with a Prison Offender Manager; and the rollout of a revised version of the Assessment Care in Custody and Teamwork (ACCT) multi-disciplinary case management system used in prisons to support people at risk of suicide and self-harm.

159 Independent Advisory Panel on Deaths in Custody ([WOP0060](#))

160 Ministry of Justice, [Safety in Custody Statistics, England and Wales: Deaths in Prison Custody to March 2022, Assaults and Self-harm to December 2021](#), (28 April 2022)

161 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 5

162 Prisons and Probation Ombudsman ([WOP0074](#))

163 Dr Maggie Leese (Head of Department at Teesside University); Jennifer Ferguson (Lecturer at Teesside University); Dr Victoria Bell (Principal Lecturer at Teesside University) ([WOP0015](#))

164 Independent Advisory Panel on Deaths in Custody ([WOP0060](#))

165 Ministry of Justice ([WOP0068](#))

109. The MoJ told us the Offender Management in Custody Model has been specifically tailored to meet the needs of women in the estate. We asked the Minister and officials how this model differed from that which was being rollout out in the male estate and Dr Farrar told us:

We have a much more trauma-informed approach in the women's estate. The OMiC model for women takes that into account and spends a lot more time on trauma. We are also training the people who will be offender managers, taking them from a wider range of people and making sure that they have training in trauma and the types of experiences that women might have had in their lives. It takes account of gender-specific training and development. The sessions they run with women will be much more geared to the individual needs of the women than in the men's estate.¹⁶⁶

110. Commenting on the work being done to address the high levels of self-harm across the estate, Juliet Lyon CBE, Chair, Independent Advisory Panel on Deaths in Custody, told us that there was a move towards earlier, preventative work, noting that the introduction of the keyworker scheme, which has a ratio of 6 prisoners to 1 staff member, would help those staff members to know the prisoners they worked with better. Additionally, she told us that the form used as part of the Assessment, Care in Custody and Teamwork (ACCT) process had been revised for use in women's prisons, with the greater involvement of mental health staff than the previous arrangements for monitoring risk, and greater involvement of family members.¹⁶⁷ although it was still too early to assess its effectiveness.¹⁶⁸

111. Many witnesses welcomed the work being done to address levels of self-harm and suicide, particularly the changes to the ACCT process and the introduction of the Offender Management in Custody model. However, several witnesses also noted that more needed to be done to reduce self-harm in the female estate. For example, the Prisoners' Advice Service told us "Women are often placed on an ACCT or constant watch, which can make them feel like they are being punished for the act of self-harm rather than supported".¹⁶⁹ The Nelson Trust told us further resource needed to be provided to address trauma and the needs of women along with identifying behaviours associated with that trauma. The education of staff also needed to be provided to all those working within a prison setting ensuring a full understanding of the impacts of trauma and how to manage this appropriately. The Trust said: "It is essential that all staff (uniformed and civilian) working within the prison setting understand that self-harm is attachment seeking and not attention seeking".¹⁷⁰ We spoke to a number of women with experience of being in prison. Lucy told us that there needed to be more suicide awareness in prison and more training around suicide and self-harm: "It is a serious issue that is getting worse. So many lives are being lost that can be saved by simple things".¹⁷¹

112. Juliet Lyon CBE also told us that, very often, a death in custody would have been preceded by a series of attempts: "I cannot stress enough that this is a particularly vulnerable population, with an inadequate amount of support and training for staff and

166 [Q340](#) [Dr Farrar]

167 [Q288](#) [Juliet Lyon]

168 Nelson Trust ([WOP0024](#))

169 Prisoners' Advice Service ([WOP0034](#))

170 Nelson Trust ([WOP0024](#))

171 [Q117](#) [Lucy]

inadequate multidisciplinary working”.¹⁷² Peter Dawson, Director, Prison Reform Trust agreed, stating that “One thing that always strikes me is that the issues that drive so much self-harming behaviour come from before prison but they continue through prison, and they are about what is happening outside prison”.¹⁷³

113. Although the revised ACCT process is a welcome step forward, we heard evidence that concerns remain. Sandra Fieldhouse, Leader of the Women’s Inspection Team, HM Inspectorate of Prisons, told us about her frustrations at the over-reliance on the ACCT process: “Sometimes we almost perceive that the completion of an ACCT form is seen as an outcome in itself, when we know it is not”.¹⁷⁴ The Prison and Probation Ombudsman noted that “the ACCT document, even with its revisions, is still very bureaucratic and cumbersome. If you are an officer on a wing and you have several ACCT documents, it is very difficult to manage those people and care for them properly”.¹⁷⁵ The Independent Monitoring Boards also found that, whilst the ACCT process should involve a multidisciplinary team, including the opportunity for family involvement, implementation was often patchy.¹⁷⁶

114. Sandra Fieldhouse, told us about some of the positive work that was being done to address the needs of women who self-harm in a prison that had recently been inspected:

In that particular prison, they had identified a small number of women who had committed 75% of the self-harm incidents in the past six months. Their approach with those women was to help them early on, avoid their triggers setting off crises and therefore avoid them getting into self-harm. It was not anything scientific; it was some very basic approaches to take with women to try to engage them in a more positive future. It seemed to be working for that small, targeted group of women.¹⁷⁷

115. Anawim expressed its concern about the Government’s approach to suicide and self-harm, stating that the approach was very medical and did not address the root causes, as a result of both lack of training and lack of time.¹⁷⁸ INQUEST told us that in order to reduce the levels of self-harm and suicide in women’s prisons, there needed to be a concerted effort from the MoJ to address the needs of women in prison. It highlighted issues including: low staffing levels in prison, particularly on the weekends; the unmet mental health, drug and alcohol treatment needs of women in prison including the lack of understanding of procedures for monitoring ACCT processes; and the presence of intimidation and bullying by both prisoners and staff.¹⁷⁹

116. The increasing level of self-harm in the female estate over the last decade is alarming and while the number of self-inflicted deaths is low, even one death is one too many. We recognise that the MoJ and HMPPS are working to address self-harm levels across the female estate and welcome the ongoing work to improve the Assessment, Care in Custody and Teamwork (ACCT) process, and roll out the Offender Management in Custody Model. We note that the revised ACCT process is still relatively new, and

172 [Q289](#) [Juliet Lyon]

173 [Q153](#) [Peter Dawson]

174 [Q289](#) [Sandra Fieldhouse]

175 [Q289](#) [Sue McAllister]

176 Independent monitoring boards ([WOP0056](#))

177 [Q289](#) [Sandra Fieldhouse]

178 anawim Birmingham centre for women ([WOP0020](#))

179 INQUEST ([WOP0063](#))

there is not yet an evidence base to determine whether it will contribute to reduced levels of self-harm. *The Ministry of Justice should set out how it intends to evaluate and measure the success of the new ACCT process in comparison to the previous version of the process.*

117. Although many witnesses have welcomed the revised ACCT process, we note the concern expressed by some that there may be an over-reliance on ACCT, and a perception that it is seen as an outcome in itself. *Whilst the ACCT should be seen as a means to achieving a successful outcome for women in prison, the Ministry of Justice and HMPPS should set out what work is being done alongside ACCT, to ensure there is not an over-reliance on this process.*

118. We welcome the implementation of the Offender Management in Custody model in 2021. *The Ministry of Justice should confirm whether OMiC has now been rolled out fully across the female estate, and if it has not, the MoJ should set out a timeline for achieving this, including when it is anticipated that all women will be allocated a keyworker.*

A Trauma-informed approach

119. Many witnesses told us that trauma was a contributing factor to the high levels of self-harm in the female estate.¹⁸⁰ For example, Imago Dei Prison Ministry said: “Nearly every woman we have supported in prison has experienced significant trauma in her life, which will have had an impact on their mental health in some way”.¹⁸¹ Rt Revd Rachel Treweek, The Lord Bishop of Gloucester, Anglican Bishop for Prisons in England and Wales, highlighted a recent study which found that women in prison who frequently self-harmed disclosed high levels of trauma, including past experiences of domestic violence (81.5%), childhood sexual abuse (66.7%) and adult sexual abuse (60.2%).¹⁸²

120. We spoke to women with experience of being in prison and the criminal justice system. Lisa N told us about some of the contributing factors that resulted in her being imprisoned:

At the time I was sent to prison part of me was quite relieved that I was taken away from my life at the time. My life was in tatters and I was in a really destructive relationship. I could not stop using substances. I was an intravenous drug user on heroin and crack. I couldn't stop. My addiction was escalating and that had a really bad impact on my mental health. I have a bipolar diagnosis. I was hallucinating and having psychosis, and I didn't have secure housing. I think I had a lot of built-up trauma as a result of my addiction. I found myself getting caught up in heavier and heavier crimes, and involved with more and more dangerous people.¹⁸³

180 anawim Birmingham centre for women ([WOP0020](#)); The Rt Revd Rachel Treweek, The Lord Bishop of Gloucester, Anglican Bishop for Prisons in England and Wales at Church of England ([WOP0004](#)); Working Chance ([WOP0023](#)); Imago Dei Prison Ministry ([WOP0038](#))

181 Imago Dei Prison Ministry ([WOP0038](#))

182 The Rt Revd Rachel Treweek (The Lord Bishop of Gloucester, Anglican Bishop for Prisons in England and Wales at Church of England ([WOP0004](#)))

183 [Q88](#) [Lisa N]

Lucy told us that:

There are so many young women and women of my age in the system who are broken. They have been seriously abused and have ended up by going into that spiral and then coming under the criminal justice system. Some of those people have lost their children; they have lost their lives. They did not do anything; they were traumatised or seriously abused by somebody else, which destroyed their life and sent them into the criminal justice system, where a lot of them have just been left.¹⁸⁴

121. The MoJ’s Female Offender Strategy sets out the Government’s commitment to take a trauma-informed approach to women in the criminal justice system, given the high proportion of them who will have experienced some degree of trauma during their lives and the links this has to offending behaviour.¹⁸⁵ It defines a trauma-informed approach as “one that understands that violence, abuse and historic trauma (e.g. Adverse Childhood Experiences) strongly influences a person’s health, mental health and behaviour. This understanding allows a service to then develop a trauma-informed response for their service users, many of whom will have experienced such trauma”.¹⁸⁶

122. Many witnesses welcomed the trauma-informed approach and noted that this was central to addressing self-harm and suicide in the female estate. The charity, Working Chance, told us: “Gender-responsive, trauma-informed mental health services need to be a core team in every women’s prison, and granted priority over other prison processes, to ensure that they reach women”.¹⁸⁷ The Prisoners’ Advice Service recommended that prisons train specialist key workers—trauma coordinators—who can offer a holistic package of support for those who self-harm. They told us that whilst staff in female prisons should already be trained in ‘being trauma informed’, often this approach was not adopted in practice, and a failure to work with women in this way often generated negative feelings and responses. Accordingly, it was imperative that all staff were trained more proficiently in working with women who self-harm and are frequently observed to ensure that they are responding appropriately to vulnerable women’s needs.¹⁸⁸

123. In terms of how this approach is being practically implemented across the female estate, Dr Farrar told us the MoJ was mandating training for all staff to ensure that they understood a trauma-informed approach, with more intense training for those involved in offender management in custody. She also said the MoJ was carrying out research to test the effectiveness of the trauma-informed approach. She said: “we are creating in our new prison spaces rehabilitative environments [...] that are more conducive to helping people to deal with their trauma and reoffending behaviour”.¹⁸⁹

124. Many women in prison or in contact with the criminal justice system have experienced past trauma, the effects of which can be long-lasting and affect the way in which an individual interacts with the system. We welcome the work the MoJ and

184 [Q85](#) [Lucy]

185 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 30

186 Ministry of Justice, [The Concordat on Women in or at risk of contact with the Criminal Justice System](#), (December 2020), p 16

187 Working Chance ([WOP0023](#))

188 Prisoners’ Advice Service ([WOP0034](#))

189 [Q344](#) [Dr Farrar]

HMPPS are doing to implement a trauma-informed approach across the female prison estate. We also welcome the mandatory training for staff, although it is unclear whether this covers operational staff only or extends to every person working on site.

125. *The MoJ should clarify who is required to undertake the training. Additionally, the MoJ, HMPPS and NHSE/I should set out how the training will be structured and whether there will be mandated refresher training. The MoJ and HMPPS should also confirm what proportion of staff have completed the training to date, and the timeframe for all staff to have completed the training. The MoJ and HMPPS should also set out how it will monitor the completion of the training on an ongoing basis.*

Inappropriate uses of custody for women

126. Under the Mental Health Act 1983, prisons can be used as an emergency “place of safety”. In our Report, *Mental Health in Prison*, we found that this provision continues to be used where “some people who are acutely mentally ill are being sent to prison as there is nowhere else that is safe for them to be”.¹⁹⁰ In evidence to this inquiry, the Independent Monitoring Boards highlighted that this practice was still ongoing. For example, Eastwood Park IMB reported that five mental health assessments were conducted for women who were civil prisoners (i.e. not convicted of a criminal offence). The Board at New Hall also expressed concern about the increase in women with complex mental health issues. Boards also noted that placing individuals with such complex mental health needs in prison increased the risk of harm both to themselves and to others.¹⁹¹ Furthermore, the IMBs raised concerns that delays in transfers to secure mental health hospitals meant that women were being held for long periods of time in custodial segregation units. For example, at Bronzefield only 14 of the 39 transfers had taken place within the recommended 14 days from the second mental health assessment. At Eastwood Park, the Board wrote to the Minister about a woman with acquired brain injury who had been segregated for over 900 days, stating that this amounted to inhumane treatment.¹⁹²

127. HM Inspectorate of Prisons, in its Inspection of HMP Low Newton found that courts continued to send acutely mentally unwell women to the prison as a ‘place of safety’ due to the lack of appropriate support and residential placements in the community. HMIP found that in the two months prior to inspection, six women had been admitted from the courts for their own protection. HMIP stated:

It was very concerning to see that the prison is regularly being used as a ‘place of safety’ for women with acute mental health difficulties. These women should not be kept in prison where, out of sight, they exist in an environment that does not begin to address their needs. Health care and prison staff do their best to support women who are in profound distress, but they do not have the training, skills or resources to provide for patients who are so unwell. The unintended consequence of the well-intentioned

190 Justice Committee, fifth Report of Session 2021–22, [Mental Health in prison](#), HC 72, para 94

191 Independent monitoring boards ([WOP0056](#))

192 Independent monitoring boards ([WOP0056](#))

policy designed to prevent seriously mentally ill women from languishing in police cells, has led to the problem being passed onto prisons, which are themselves an equally unsuitable environment.¹⁹³

128. The use of prison as a place of safety affects both men and women, although it is not clear whether the effect of its use disproportionately affects one group or another. When questioned about whether the use of prison as a place of safety disproportionately affects women, Sandra Fieldhouse, Leader of the Women’s Inspection Team, HM Inspectorate of Prisons, told us “data gathering is so poor that nobody can find figures to demonstrate it. Everybody I speak to would assume that there is a greater proportion in women’s prisons, but nobody can know for sure”.¹⁹⁴

129. In addition to the use of prison as a place of safety, under the Bail Act 1976, provisions exist to enable courts to remand an adult to prison for their ‘own protection’ against self-harm or the harm of others, without that person being convicted or sentenced, even in cases where the charge faced could not result in a prison sentence.¹⁹⁵ This type of remanding in custody is most often used for women.¹⁹⁶ The Mayor’s Office for Policing and Crime (MOPAC) called for the repeal of this provision in the Bail Act 1976, stating that: “As a matter of principle, it is wrong to use imprisonment, to make up for failings in care and protection in the community. Prisons should never be used as a place of safety for women in distress or for welfare purposes. It is disconcerting that scrutiny and transparency is virtually non-existent, as the government does not collect data about how often this group of women are detained”.¹⁹⁷ Several other witnesses agreed that it is inappropriate to use prison as a place of safety or for a woman’s own protection and have called for this practice to cease, noting that prisons are ill-equipped for women in need of such levels of care and protection.¹⁹⁸

130. In January 2021, the Department of Health and Social Care and the Ministry of Justice committed to ending the use of prison as a place of safety in their White Paper on reforms to the Mental Health Act.¹⁹⁹ We have previously recommended that the Government should, as a matter of urgency, see through its proposal to establish viable alternatives so that prisons are no longer used as a place of safety under the Mental Health Act 1983.²⁰⁰ The Committee has also recommended that the Government should bring forward legislation to amend the Bail Act 1976 so that it is unlawful to remand anyone to custody for their own protection or welfare.²⁰¹ Responding to our recommendation, the Ministry of Justice said:

The Government needs to fully consider all of the impacts of repealing this power in order to ensure its removal would not result in any vulnerable

193 HM Inspectorate of Prisons, [Report on an unannounced inspection of HMP & YOI Low Newton](#), (September 2021), p 3

194 [Q280](#) [Sandra Fieldhouse]

195 Justice Committee, fifth Report of Session 2021–22, [Mental Health in prison](#), HC 72, para 94

196 All Party Parliamentary Group on Women in the Penal System, [Prison for their own protection: the case for repeal](#), For their own protection, (2020), p 1

197 Mayor’s Office for Policing And Crime (MOPAC) ([WOP0080](#))

198 See for example: The Howard League for Penal Reform ([WOP0058](#)); Jenny Talbot, National Women’s Prisons Health and Social Care Review (Independent Chair of the Review at HMPPS & NHSE/I); Charlotte Winter (Programme manager at NHSE/I) ([WOP0057](#)); Mayor’s Office for Policing And Crime (MOPAC) ([WOP0080](#)); Independent Advisory Panel on Deaths in Custody ([WOP0060](#))

199 Department of Health and Social Care, ‘[Reforming the Mental Health Act](#)’, accessed 17 January 2022

200 Justice Committee, fifth Report of Session 2021–22, [Mental Health in prison](#), HC 72, para 98

201 Justice Committee, fifth Report of Session 2021–22, [Mental Health in prison](#), HC 72, para 103

defendants coming to harm. We are therefore currently reviewing the use of the power in order to better understand the full range of areas in which the power is used and merits of alternative measures for those who may be remanded in custody for reasons other than their mental health.²⁰²

131. We continue to believe that it is not acceptable for the custodial environment to be used as a ‘place of safety’ for the acutely unwell, or for a person’s ‘own protection’. Community settings also have a duty of care to individuals, and prisons should not be regarded as a solution to the failings of care and protection in the community. We reiterate the recommendations made in our Report ‘Mental Health in Prison’, and seek an update from the Government on the steps it is taking to address the use of prison as a place of safety or for a person’s own protection.

132. We note from the Government’s response to our ‘Mental health in prison’ Report that it is conducting a review into the use of powers to remand an individual to custody for their own protection under the Bail Act 1976. *The Ministry of Justice should set out what the scope is for the review, and the timeframe for its completion and publication.*

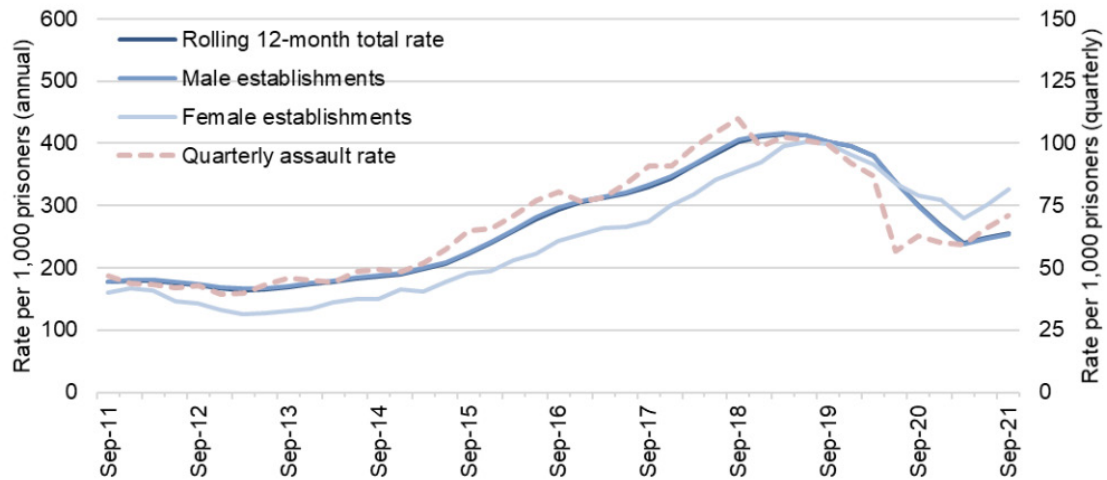
133. It is disappointing that data gathering on this issue is so poor, such that it is not possible to estimate the number of people affected across the prison estate. *The Ministry of Justice should put in place mechanisms for the collection of reliable data on the use of custody as a place of safety or for a person’s own protection for all cohorts of prisoners (male, female and youth).*

Violence in Custody

134. Figure 6 shows the quarterly 12-month rolling number of assaults per 1,000 prisoners by gender of establishment between 2011 and 2021. Whilst both male and female settings saw a decline in the rate of assaults from recent highs in 2018–19, this trend reversed during the pandemic. Since 2020, the assault rate has been higher in women’s prisons than in men’s, with the gap widening between the two.

²⁰² Justice committee, Fifth Special Report of Session 2021–22, [Mental health in prison: Government Response to the Committee’s Fifth Report](#), HC 117, p 14

Figure 6: Quarterly 12-month rolling rate of total assaults by gender of establishment, 12 months ending September 2011 to 12 months ending September 2021, with quarterly rates.



Source: Ministry of Justice, [Safety in Custody statistics, England and Wales: Deaths in Prison Custody to December 2021, Assaults and Self-harm to September 2021](#), (January 2022), p 11

135. The Chief Inspector of Prisons raised concerns about levels of violence in a recent inspection of HMP & YOI Foston Hall. He noted that: “in common with many establishments emerging from the COVID-19 pandemic, we found a deterioration in the regime and the provision of purposeful activity. Of greater concern, however, were the safety outcomes which we judged to be poor, our lowest assessment. This is a rare and unexpected finding in a women’s prison”.²⁰³ The Chief Inspector further found that the unpredictability of the regime was contributing to tensions on the wings and, it suspected, increased violence, particularly against staff. Violence was now very high, and the use of force had doubled since the last inspection and was the highest in the women’s estate.²⁰⁴

136. Elsewhere, a recent inspection of HMP Styal also found that levels of violent incidents had increased significantly since 2018 and were higher than in similar prisons. HMIP noted that “Data showed that the rate of violence had been increasing each month during the pandemic and many incidents reflected frustration among the women caused by the restrictions. There were early signs of the rate reducing with the lifting of regime restrictions”.²⁰⁵

137. It is concerning that the rate of violent incidents across the female estate rose during the pandemic. Whilst we acknowledge that the pandemic may have contributed to the increase, the MoJ and HMPPS should set out what work is being done to address the level of assault across the female estate and to prevent it from increasing further.

Improving Health and Wellbeing

138. Improving health and wellbeing in the female custodial estate is one of the ways in which the MoJ intends to deliver on its commitment to a better custodial environment, as set out in the Female Offender Strategy. The Strategy states that the MoJ is working with

203 HM Inspectorate of Prisons, [Report on an unannounced inspection of HMP & YOI Foston Hall](#), (February 2022), p 3

204 HM Inspectorate of Prisons, [Report on an unannounced inspection of HMP & YOI Foston Hall](#), (February 2022), p 3

205 HM Inspectorate of Prisons, [Report on an unannounced inspection of HMP & YOI Styal](#), (January 2022), p 21

NHS England and Public Health England to set out clear standards which prison health services should meet, and that it is joining up services in order to tackle the comorbidity of mental health and substance misuse issues. The MoJ is also undertaking a review of the interventions that are available across the women's estate to ensure it is delivering the most effective treatment options and responding to the full spectrum of women's needs.²⁰⁶

139. To improve health and social care outcomes for women in prison and upon their release, in 2021 NHS England and NHS Improvement (NHSE/I) and HMPPS jointly commissioned the National Women's Prisons Health and Social Care Review (the Women's Review). The Review is expected to report in summer 2022.²⁰⁷ Jenny Talbot, Independent Chair of the Review, told us that findings and recommendations from the Women's Review will inform NHSE/I as commissioners of prison healthcare for women, local authorities as commissioners of social care, and HMPPS as enabling commissioners for the Women's Estate, and help to develop a shared understanding of what actions are needed to improve outcomes for women in prison and upon their release.²⁰⁸

140. HMPPS in its *Guidance on Working with Women in Custody and the Community* states that "Women in prison are often even more affected and have disproportionately higher level of mental health, suicide, self-harm, drug dependence and other health needs compared to men in prison. Women also require often specific health and social care interventions that take account of their gender as well as their circumstances and their needs".²⁰⁹ We also heard this at first-hand during our visit to HMP Downview. However, at present, there is an absence of data on the physical and health needs of women which means it is unclear whether women's needs are being fully met in the custodial environment. Although self-harm figures are widely cited as an indicator of women's health needs, they do not provide a full picture of the health needs of women in the female custodial estate. Aside from statistics on self-harm, there is an absence of recent data on the specific health needs of women in custody.

141. In the absence of precise data on the physical and mental health needs of women, we asked witnesses about the health needs of women in prison. For example, Dr Durkin Consultant Forensic Psychiatrist, Central and North West London NHS Foundation Trust, told us that the cohort of women have significant comorbidity of health needs: physical health needs, mental health needs, substance misuse needs, as well as potential physical and learning disabilities. She told us: "They have often had quite chaotic lives in the community. It has been quite difficult for them to access health services, because they are quite difficult to navigate in the community. By the time that we see them in prison, the burden of their physical and mental health needs is quite significant, but what we know is helpful in prison is that, once the women are there, we can actually engage them quite well. As long as the services are there to be provided, there is quite a good uptake from women".²¹⁰

206 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 31

207 Jenny Talbot, National Women's Prisons Health and Social Care Review (Independent Chair of the Review at HMPPS & NHSE/I); Charlotte Winter (Programme manager at NHSE/I) ([WOP0057](#))

208 Jenny Talbot, National Women's Prisons Health and Social Care Review (Independent Chair of the Review at HMPPS & NHSE/I); Charlotte Winter (Programme manager at NHSE/I) ([WOP0057](#))

209 HM Prison and Probation Service, [Guidance on Working with Women in custody and the Community](#), (December 2018), p 32

210 [Q162](#) [Dr Durkin]

142. The Review's Chair, Jenny Talbot OBE gave us some insight into the initial findings of the Women's Review. She told us: "emotional wellbeing and mental health were probably two of the top priorities that women have. They also talked about sexual health, preconception advice, menopause, incontinence care and the ACCT process, which also links to self-harm and mental health".²¹¹

143. The Committee is concerned that, aside from statistics on self-harm, there is a lack of reliable and current data on the specific health needs of women in custody. In order to address women's physical and mental health needs in prison it is vital to know, in the first instance, what those needs are.

144. We welcome the work of the National Women's Prisons Health and Social Care Review. Once the review has published, NHSE/I, HMPPS and the MoJ should set out an action plan for how it will respond to its findings, including operational response, policy implications and how service offers and gaps in provision will be addressed in order to meet the specific needs of women. The action plan should also include steps to improve data collection on the health needs of women in prison.

Healthcare provision in custody

145. The Independent Advisory Panel on Deaths in Custody concluded that:

Access to the highest attainable standard of physical and mental health is a fundamental human right. Prisoners should therefore have the same standard of medical care as people living in the community. These principles form the basis for the World Health Organisation / Europe and its partners' commitment to improve health in prisons. To achieve equitable health outcomes, and given the poor physical and mental health of women in prison, a strong case can be made for particularly well-resourced healthcare for those in custody.²¹²

146. Evidence we received raised various concerns about the quality of healthcare provision, accessibility, availability of healthcare information, and problems with siloed working. INQUEST told the Committee that its casework in women's prisons continued to identify various issues that contributed to deaths in custody, including: poor physical and mental healthcare provision; failures in communication between healthcare, mental health staff and prison staff; substandard responses to medical emergencies; poor drug management processes; and the inappropriateness of the prison environment, which compounded the trauma and suffering of vulnerable women rather than working to rehabilitate them. INQUEST told us that the fact that these issues remained a constant feature of their work was "clear evidence that efforts to improve conditions for women in prison have been inadequate and ineffective".²¹³

147. Whilst it is recognised that women may have a multitude of physical and mental health needs, the data at present, particularly in relation to women's physical health needs, is inadequate to address these fully in this Report. The evidence we received primarily focused on the mental health needs that women in prison face.

211 [Q168](#) [Jenny Talbot]

212 Independent Advisory Panel on Deaths in Custody ([WOP0060](#))

213 INQUEST ([WOP0063](#))

148. A number of witnesses commented on the quality of support available and the accessibility of mental health support in prison. Jenny Talbot noted that as part of the Women’s Review, an analysis of references to health and social care in scrutiny reports from HMIP, the IMB and PPO, had been conducted. She told us that poor mental health was the most frequently commented-on theme across all the reports. Overall, observations included: a lack of availability of mental health provision for women at risk of self-harm; restricted time out of cell and exercise; peer support and therapeutic interventions; and that more needed to be done to support a relatively small number of women with the most severe and complex needs, including timely transfers to secure hospitals or treatment facilities.²¹⁴

149. Katherine Maylon submitted evidence to the Committee about her lived experience of having served time in prison. She told us that “the prison system does not deliver the appropriate support to tackle the problem [of self-harm]. There is limited mental health support due to the chronic lack of funding and resources”. She further noted that “In some establishments the ‘personal officer’ scheme is effective however it is not utilised across the whole estate. The Samaritans’ Listener Scheme is particularly effective (and should exist as a 24-hour service across the estate) whereas Safer Custody teams have varying degrees of impact. Having access to phones in offenders’ rooms allows for greater accessibility to support services”.²¹⁵ Lisa N, who also has experience of being in prison, told us that mental health support can be a “bit of a lottery”. She said: “My experience of mental health support was that I went to see somebody once a month and it was: ‘Are you sleeping? Are you eating? How are you?’ They were very basic questions, maybe because they did not have the time or resources to go into it deeply and give me the space to be able to deal with my mental health. Unfortunately, my solution was to be put on huge amounts of medication”.²¹⁶

150. The Prisoners’ Advice Service told the Committee that mental health and other support services are hard to access in prison with waiting lists having grown longer as a result of the pandemic.²¹⁷ Dr Claire Fitzpatrick, who leads an ongoing research project, *Disrupting the Routes between Care and Custody Study*, told the Committee that “There is also a serious need for further investment in mental health support and assistance for imprisoned women who need it. Amongst those interviewed in this project, the waiting time to access mental health appointments and medication were deeply problematic for imprisoned women already in distress”.²¹⁸

151. The Independent Monitoring Boards raised concerns about the high number of women in prison with mental ill health, and the care that they received. It reported that approximately a third of the prisoners were supported by the mental healthcare service at any one time, although at Foston Hall, anecdotal evidence indicated that around 70% of the population had mental health issues. The IMBs also found that the level of resource often did not match the demand. For example, at both Low Newton and Bronzefield, Boards reported that the inpatient healthcare units had been near or at full capacity

214 Jenny Talbot, National Women’s Prisons Health and Social Care Review (Independent Chair of the Review at HMPPS & NHSE/I); Charlotte Winter (Programme manager at NHSE/I) ([WOP0057](#))

215 Miss Katherine Malyon ([WOP0003](#))

216 [Q109](#) [Lisa N]

217 Prisoners’ Advice Service ([WOP0034](#))

218 Dr Claire Fitzpatrick (Senior Lecturer in Criminology at Lancaster University); Dr Katie Hunter (Research Associate at Lancaster University); Dr Julie Shaw (Senior Lecturer in Criminology at Liverpool John Moores University); Dr Jo Staines (Senior Lecturer in Childhood Studies and Youth Justice at University of Bristol) ([WOP0035](#))

with mental health patients during the reporting year. Elsewhere, Eastwood Park IMB raised concerns that the complex needs unit for prisoners with serious mental health concerns was often full, leaving other women who required specialist support to remain on mainstream wings. At Styal, the Board noted that the psychiatry clinic that ran only one day a week was unable to provide support to all those who required it.²¹⁹

152. In our 2021 Report, *Mental Health in Prisons*, the Committee found that across the prison estate (male and female), provision of mental health care was still not adequate, and recommended that “The NHS should use its prison mental health treatment ‘needs analysis’ to quantify shortfalls in mental health services, make plans and allocate resources so mental healthcare in prisons is at least equivalent to services outside prisons, having taken account of the specific needs of the prison population”.²²⁰ The MoJ responded, noting that:

NHS England and NHS Improvement has commissioned the Centre for Mental Health to conduct a National Mental Health Needs Analysis. This piece of work will give a good understanding of how current provision meets the mental health needs of people in prison. This in turn will provide a clear quantitative picture of current mental health need, both met and unmet, and the provision of mental health services, including the range of interventions, waiting times and skill mix. This analysis is due to be ready by the end of 2021/22.

The Centre for Mental Health’s analysis follows on from the first part of its review, *The Future of Prison Mental Health Care in England*, which sets out examples of good practice and areas for improvement within the mental health pathway before custody, in prison and upon release. Findings from both parts of the Centre for Mental Health’s work will inform the review of NHS England and NHS Improvement’s prison mental health specification which is due to commence by April 2022. This will ensure any gaps in service can be identified and meaningfully tackled.²²¹

153. **It is concerning that issues relating to healthcare continue to be a contributing factor to deaths in custody. The MoJ, HMPPS and NHSE/I should set out what work they are doing to:**

- *improve communications between staff across all disciplines in prisons;*
- *improve the response to medical emergencies; and*
- *improve drug management processes.*

We welcome both the Women’s Review, and the National Mental Health Needs Analysis, which will provide a greater understanding of physical and mental health needs, existing service provision and gaps in service provision. We were concerned to hear that demand for services may be greater than the available provision and that

219 Independent monitoring boards ([WOP0056](#))

220 Justice Committee, Fifth Report of Session 2021–22, [Mental Health in prison](#), HC 72, para 21

221 Justice committee, Fifth Special Report of Session 2021–22, [Mental health in prison: Government Response to the Committee’s Fifth Report](#), HC 117, p 2

waiting lists are growing, in part due to the pandemic. *NHSE/I should also set out the work it is doing (aside from both reviews), to reduce existing waiting lists, and increase service accessibility.*

Pregnant women in prison

154. Every year a small number of pregnant women are sentenced to custody. Until recently, official figures on the number of pregnant women in prison were not gathered or published.²²² However, in the HMPPS Annual Digest 2020/21, data on the number of pregnant women in prison and of births was published for the first time. In the year to March 2021, 27 women and 19 babies were received into Mother and Baby Units (MBUs) compared to 49 women and 39 babies received in the year ending March 2020.²²³ According to the MoJ the majority of pregnant women who reach their delivery date during their custodial sentence will give birth in an outside hospital. However, the unpredictability of labour means that some will give birth in transit or in a prison setting: “Births in prison settings are rare; the latest snapshot for the year 2018 stood at less than 5 women. In these instances, prisons are supported by their onsite healthcare teams or the local hospital or maternity centre”.²²⁴

Mother and Baby Units

155. In the 12 women’s prison in England and Wales there are six MBUs at New Hall, Styal, Askham Grange, Peterborough, Bronzefield and Eastwood Park, providing an overall total capacity of 64 places for women and 70 places for babies, to allow for the possibility of twins.²²⁵ The Female Offender Strategy states that “For female offenders who are mothers to very young children and need to be in custody, it is often in the interest of the child to have them with them during the important period of bonding”.²²⁶ It further notes that “The best interests and safety of children on the unit are the primary consideration. To ensure that the existing provision responds to need and offers the best support to women and their children, we will be reviewing the operation of MBUs and our management of complex cases”.²²⁷

156. The MoJ has undertaken a fundamental review of the policy relating to pregnancy, MBUs and maternal separation from children up to the age of two in prison. The review was published in July 2020, setting out three key changes:

- Extension of the scope of the policy to include all those experiencing pregnancy or separation from children up to the age of two. This seeks to ensure that identified gaps for these cohorts are addressed. To date, the needs of these individuals have been addressed only in supplementary guidance, with no mandatory requirements attached.

222 Joint Committee on Human Rights, Twenty-Second Report of Session 2017–19, [The right to family life: children whose mothers are in prison](#), HC 1610 HL Paper 411, para 29

223 Ministry of Justice, [HMPPS Annual Digest 2020/2021](#), (July 2021), p 3

224 Ministry of Justice, [Review of operational policy on pregnancy, Mother and Baby Units and maternal separation](#), (July 2020), p 6

225 HM Prison and Probation Service, [Guidance on Working with Women in custody and the Community](#), (December 2018), p 36

226 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 28

227 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 28

- Improving the collection and use of data to inform women’s care. The intention is to collect additional data centrally, which can be used to inform policy and practice and better understand how to improve the care and support provided.
- The setting up of a biannual Stakeholder Forum that will inform future policy and operational development in this area, and improve accountability.²²⁸

157. The MoJ and HMPPS published its *Pregnancy, MBUs and Maternal Separation in Women’s Prisons Policy Framework* in September 2021. The Framework states that additional resources have been allocated to support its implementation in all public prisons. 13 FTE Band 3 Pregnancy and Mother and Baby Liaison Officers have been allocated as additional resource across all public prisons.²²⁹ The charity, Women in Prison, told the Committee that “Conditions for pregnant women and mothers of children under two may be improved by the [...] policy framework relating to this cohort, but as we have seen, policy alone does not always improve practice”.²³⁰

158. Concerns have been raised about the availability and accessibility of places on MBUs. The Prisoners’ Advice Service told us: “Whilst mother and baby units offer a vital service, it is currently only available to the very few. Availability and eligibility issues prevent women from securing a place. Women are often only identified as suitable for an MBU if they are pregnant on reception, however placements are available to those who already have young children under 18 months; this should be promoted by the prison”.²³¹ The National Women’s Prison Health and Social Care Review told us: “The low number and geographic location of MBUs mean that most new mothers and pregnant women are imprisoned at a significant distance from their family and support networks, at a time when they need them most”.²³² During the latest 12-month period, 26 applications were approved for a place within an MBU and 17 refused.²³³ Not all applications to MBUs will receive a recommendation as they do not proceed for other reasons. For example, this may be because a woman is on remand and does not receive a custodial sentence, or because Children’s Services cannot support an application due to a care order being put in place by the Family Courts.²³⁴

Access to and quality of healthcare:

159. In its *Review of operational policy on pregnancy, Mother and Baby Units and maternal separation*, the MoJ state that, in accordance with Rule 20 of the Prison Rules 1999, prisons are required to work in partnership with NHS England NHS Improvement Commissioners and the commissioned health care providers to ensure that all prisoners have access to the same quality and range of NHS services as those in the community. The MoJ also set out that prison health services are commissioned by NHS England and NHS Improvement (NHSE/I) and are delivered under the overarching principles of equivalence—that no person in prison should have their access to healthcare and the quality of their healthcare

228 Ministry of Justice, [Review of operational policy on pregnancy, Mother and Baby Units and maternal separation](#), (July 2020), p 14

229 Ministry of Justice and HM Prison and Probation Service, [Pregnancy, Mother and Baby Units \(MBUs\), and Maternal Separation from Children up to the Age of Two in Women’s Prisons](#), (October 2021), p 2

230 Women in Prison ([WOP0053](#))

231 Prisoners’ Advice Service ([WOP0034](#))

232 Jenny Talbot, National Women’s Prisons Health and Social Care Review (Independent Chair of the Review at HMPPS & NHSE/I); Charlotte Winter (Programme manager at NHSE/I) ([WOP0057](#))

233 Ministry of Justice, [HMPPS Annual Digest 2020/2021](#), (July 2021), p 34

234 Ministry of Justice, [HMPPS Annual Digest 2020/2021](#), (July 2021), p 36

services compromised because they are not in the community.²³⁵ The MoJ note that NHSE/I previously found discrepancies in practice, due to some elements of maternity services sitting outside of the responsibilities of Health and Justice commissioned services for serving women prisoners. They note that this is already being addressed as part of NHSE/I's Long-Term Plan released in January 2019²³⁶ and state:

In April 2019 a scoping exercise was done in relation to current perinatal service delivery across the Women's Estate and, using the successful Pathway developed at HMP/YOI Low Newton as a template for delivery, the Perinatal Pathway will be rolled out across the Women's Estate nationally. The Pathway was shown to significantly improve parity of care and support for pregnant women by collaboratively commissioning midwifery services with feet in both the community and the secure estate and identifying the need for dedicated specialist midwife roles in mental health and substance misuse. The standing up of these services across the estate was scheduled to roll out these bespoke pathways from April 2020. This has been impacted by Covid-19 however is part of a prioritisation approach for NHS England / NHS Improvement's Restore and Recovery planning.²³⁷

160. NHS England and NHS Improvement (NHSE/I) stated in evidence to the Committee that as part of its LTP [Long-Term Plan] commitments, NHSE/I was developing perinatal mental health services. Recently, coverage of these services had been extended to develop co-commissioned, general maternity and perinatal services for women in prisons. This included development of a service specification to underpin perinatal mental health services across the female estate. The aim is to provide a consistent and qualitative approach to the care of pregnant women and new mothers in prison.²³⁸ Kate Davies told the Committee: "We have recently updated and are about to publish a new specification on pregnancy and post-natal women in detention [...] It will be in full swing by March 2023, but we know that it will certainly begin to be rolled out by March 2022".²³⁹

161. The care provided in prison for pregnant women has come under closer scrutiny following the deaths of two babies: Baby A at HMP Bronzefield in 2019 and Baby B at HMP Styal in 2020. The Prison and Probation Ombudsman conducted two comprehensive reviews into both these two tragic deaths.

162. The *Independent investigation into the death of Baby A at HMP Bronzefield on 27 September 2019*, a report by the Prisons and Probation Ombudsman set out a disturbing set of events that have raised a number of concerns regarding the care and management of Ms A. The report found that the healthcare offered to Ms A was not equivalent to that which she could have expected in the community; maternity services at Bronzefield were

235 Ministry of Justice, [Review of operational policy on pregnancy, Mother and Baby Units and maternal separation](#), (July 2020), p 7

236 Ministry of Justice, [Review of operational policy on pregnancy, Mother and Baby Units and maternal separation](#), (July 2020), p 8

237 Ministry of Justice, [Review of operational policy on pregnancy, Mother and Baby Units and maternal separation](#), (July 2020), p 8

238 NHS England and NHS Improvement ([WOP0072](#))

239 [Q356](#) [Kate Davies]

outdated and inadequate, with insufficient oversight of the midwifery team by Ashford and St Peter's Hospitals NHS Foundation Trust; and the midwife-centric model of maternity care in the community was not appropriate in a custodial setting.²⁴⁰

163. The PPO made a number of recommendations, all but one were accepted by the MoJ. They included that the Director of Health and Justice for NHS England should [...] ensure that the learning is applied across the women's estate, including recognition that the clinic-based community model of midwifery care is not appropriate to a custodial setting, and all pregnancies in prison are high risk.²⁴¹

164. Responding to the report, Dr Farrar told us the MoJ was putting in place a number of measures across the women's estate. This included hourly observations for women in their third trimester, free access to NHS pregnancy advice services, and social services support to women in prisons. Prisons will also have multidisciplinary maternity boards for all pregnant women. She told us: "we will continue to make changes in the longer term, but there are short-term actions we have taken that are specific to all prisons".²⁴² She went on to state: "I should be clear. If people do not follow the regulations as they are meant to, there will be disciplinary action taken against those individuals; there will be investigations".²⁴³

165. The Prison and Probation Ombudsman published its report *Independent investigation into the death of Baby B at HMP&YOI Styal on 18 June 2020* in January 2022. The circumstances differed to those of Baby A, however the PPO found similarities in the findings for both cases. Ms B, who was a prisoner at HMP Styal, gave birth to a stillborn baby (Baby B) in the prison. Ms B was not aware she was pregnant until Baby B was delivered.²⁴⁴ Although the PPO did not find any evidence that staff missed obvious signs that Ms B was pregnant, the investigation raised concerns about the care she received. The PPO made a series of recommendations, which included that the Director of Health and Justice for NHS England should ensure that nurses in women's prisons receive training in recognising the signs of early labour.²⁴⁵

166. The circumstances surrounding the deaths of Baby A and Baby B identified serious failings in the care and management of Ms A and Ms B, and some serious errors in judgement, as described in the subsequent reports by the Prison and Probation Ombudsman (PPO). The findings of both reports are serious, and urgent action by the MoJ, HMPPS, NHSE/I and other listed parties must be taken. The MoJ, HMPPS and NHSE/I should set out the progress they are making against each recommendation in both reports from the PPO, and how lessons learned are being applied across the female estate.

240 Prisons and Probation Ombudsman, [Independent investigation into the death of Baby A at HMP Bronzefield on 27 September 2019](#), (September 2021), p 2

241 Prisons and Probation Ombudsman, [Independent investigation into the death of Baby A at HMP Bronzefield on 27 September 2019](#), (September 2021), p 4

242 [Q355](#) [Dr Farrar]

243 [Q356](#) [Dr Farrar]

244 Prisons and Probation Ombudsman, [Independent investigation into the death of Baby B at HMP&YOI Styal on 18 June 2020](#), (January 2022)

245 Prisons and Probation Ombudsman, [Independent investigation into the death of Baby B at HMP&YOI Styal on 18 June 2020](#), (January 2022), p 3

Family Ties

167. It is widely recognised that custody results in significant disruptions to family life, affecting both parent and child. Jenny Talbot told us that parental imprisonment can treble the risk of antisocial behaviour in children, with the cost to the state of imprisoning mothers for non-violent offences estimated at more than £17 million over 10 years. This is primarily due to the increased likelihood of their children not being in education, employment, or training.²⁴⁶ In its Female Offender Strategy, the MoJ sets out its ambition to better the conditions for those in custody, including by improving family ties.²⁴⁷ To this end, the MoJ asked Lord Farmer to undertake a review to consider the needs of female offenders to enable a better understanding of what specific measures could be taken to strengthen family ties for women who were serving sentences in the community, in custody and after they were released.²⁴⁸

168. *The Farmer Review for Women* was published in 2019. It found that women were more likely to be primary carers, and mothers in prison experienced significant anxiety because of the separation from their children. This impacted on their mental health and their responses to prison regimes, discipline, and interventions. The Review stated: “Unless and until women are reassured about their children they are unable to make progress in other areas”.²⁴⁹ Lord Farmer made 33 recommendations, with the aim of improving outcomes for women in custody. In evidence to us, the MoJ said it was continuing work to take these forward: “We are making positive progress and so far, 12 have been completed, including increased access to family contact for women in custody through the rollout of video calling in all women’s prisons, the installation of email reply systems, changes to ROTL [Release on Temporary Licence] policy, and routine access to telephone contact for women and primary carers in court custody suites”.²⁵⁰

169. In response to the review, the MoJ made policy changes to allow governors in women’s prisons to use ROTL more creatively. The new policy allows governors to authorise ROTL for rehabilitative purposes earlier and more frequently for men and women. Additionally, access to the Childcare Resettlement Licence (CRL) has been extended to primary carers of children under 18 and not just sole carers of children under 16. As a result, the total number of temporary releases in 2019 rose by 16 per cent and CRL releases rose by 200 per cent.²⁵¹ However, during the pandemic most ROTL was suspended except for essential work and compelling compassionate reasons, although the MoJ told us HMPPS was working closely with public health authorities to reintroduce ROTL safely.²⁵²

170. The Prisoners’ Advice Service told us that “Maintaining family ties has always been incredibly difficult for women, who are often housed in prisons hundreds of miles from their children, but existing difficulties have been severely exacerbated by the pandemic. Many mothers have had no physical contact with their children for over a year”.²⁵³ Her Majesty’s Inspectorate of Prisons note in its briefing paper *Focus on women’s prisons: a*

246 Jenny Talbot, National Women’s Prisons Health and Social Care Review (Independent Chair of the Review at HMPPS & NHSE/I); Charlotte Winter (Programme manager at NHSE/I) ([WOP0057](#))

247 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 7

248 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 7

249 Ministry of Justice, [The Importance of Strengthening Female Offenders’ Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime by Lord Farmer](#), (June 2019), p 16

250 Ministry of Justice ([WOP0068](#))

251 Ministry of Justice ([WOP0068](#))

252 Ministry of Justice ([WOP0068](#))

253 Prisoners’ Advice Service ([WOP0034](#))

briefing paper from HM Inspectorate of Prisons that ROTL for family contact was too slow to restart in full. At one prison, it found that relatives of babies living on the mother and baby unit were not allowed to take the babies out of the prison to bond with them, even when they were soon to become their sole carers.²⁵⁴

171. Many witnesses welcomed the Farmer Review, and the ongoing work to improve outcomes for women and their families in custody. However, concerns still remained about the progress being made in improving family ties in prison. For example, it is unclear how many women in prison are mothers.²⁵⁵ In the absence of knowing how many families are affected by maternal incarceration it is difficult to provide adequate support for the maintenance of family ties for this group.²⁵⁶ The MoJ has said that it recognises the need to centrally collect and publish figures on the number of primary carers sentenced to custody in order to better support mothers in prison. It is considering how to improve the collection of this information by making changes to the questions in the Basic Custody Screening Tool.²⁵⁷ During the passage of the Police, Crime, Sentencing and Courts Bill, on this point, Lord Wolfson of Tredegar, stated that the necessary changes to the basic custody screening tool would be made during the first quarter of the coming year 2022, which would enable the collection of data on primary carers in prison and the number of their children.²⁵⁸

172. Distance from family can present a particular challenge for mothers in prison. Given the small number of women's prisons, women are often held further from their home—on average 63 miles, with a significant number held more than 100 miles from their home.²⁵⁹ The Prison Reform Trust told us that “regular contact between imprisoned mothers and their children increases positive outcomes for children, yet around 50% of mothers do not receive visits from their children during their sentence. One in five women are held more than 100 miles away from home, making visiting difficult and often unaffordable”.²⁶⁰

173. The Assisted Prison Visits Scheme provides a contribution towards prison visit costs for close relatives, partners or sole visitors.²⁶¹ The Prison Reform Trust told us that, whilst the scheme provided financial support for up to two visits per month, families were not routinely made aware of this, and online access to the support was reported to be difficult. In its *What about me?* report on the impact of maternal imprisonment on children, the Trust found that the lack of privacy and the visiting rules (e.g. restrictions on physical contact and time limits) constrained children's interaction with their mother during a visit. The report also found that women on remand and serving short sentences were less likely to be considered for enhanced child-centred visits; the demand for Family Day visits

254 HM Inspectorate of Prisons, [Focus on women's prisons: A briefing paper from HM Inspectorate of Prisons](#), (February 2022), p 6

255 See for example, Joint Committee on Human Rights, Twenty-Second Report of Session 2017–19, [The right to family life: children whose mothers are in prison](#), HC 1610 HL Paper 411, p 3

256 Dr Natalie Booth (Senior Lecturer in Criminology at Bath Spa University); Dr Isla Masson (Programme Leader & Senior Lecturer in Criminology & Sociology at Arden University) ([WOP0016](#))

257 Ministry of Justice ([WOP0068](#))

258 HL Deb, 15 December 2021, [cols 401](#) [Lords Chamber]

259 Ministry of Justice, [The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime by Lord Farmer](#), (June 2019), p 80

260 Prison Reform Trust ([WOP0043](#))

261 HM Prison and Probation Service, [Assisted Prison Visits Scheme](#), (July 2017), p 2

far outweighed availability; prisons rarely had age-appropriate activities for older children and teenagers; and the cost of phone calls from prison was prohibitively high, particularly to mobile phones.²⁶²

174. Recognising the challenges of maintaining family contact during the pandemic, the Self-Harm Taskforce implemented a number of measures to mitigate the impact on the wellbeing of women prisoners. This included increased pin credit allowance and access to video calling to encourage and enable connection with family.²⁶³ The Independent Monitoring Boards told us that all prisoners were provided with additional phone credit, and where there were already in-cell telephones, this facilitated contact between prisoners and their families. However, this was not the case at all prisons—they cited HMP Downview as a particular disadvantage.²⁶⁴

175. The MoJ’s plans to expand the female estate include the provision of spaces in existing prisons for children to visit and stay with their mothers. However, some witnesses expressed concerns about this. For example, the Prisoners’ Advice Service told us: “Although this plan supports maintaining family ties, it does it in an utterly inappropriate, and bordering on harmful, manner”.²⁶⁵ Agenda Alliance said the proposed introduction of overnight stays in custody for women’s children was not an appropriate solution to this problem: “Keeping women out of custody in the first place, and developing models whereby women can leave custody for family visits, are far more appropriate methods of promoting family ties and reducing the need for children to be exposed to the prison environment”.²⁶⁶

176. The Independent Monitoring Boards (IMB) commented on the support available for women to maintain family contact. At HMP Send, IMB reported that the prison offered financial assistance for travel expenses and hotels for families who had to travel a long way for visits and struggled to afford the associated costs. At Eastwood Park, it noted that successful efforts had been made to improve family ties for prisoners with children under 12 by introducing some overnight stays in the mother and baby unit (MBU) for children to spend time with their mothers. At Styal, it reported that family intervention workers from Phoenix Futures helped prisoners with family issues by liaising with social and children’s services, setting up child contact, delivering parenting classes and providing support at final meetings between mother and child prior to adoption.²⁶⁷ The IMBs also highlighted that at some establishments, the Prison Advice and Care Trust (PACT) managed the visitors’ centre and provided family engagement case work, supervised play and family activities, but there were concerns at some prisons about the lack of PACT employees and volunteers. For example, at Downview the Board raised concerns about shortages, which had led to waiting lists for family casework support—in January 2020 there were 18 prisoners awaiting at PACT referral. The IMBs also noted similar concerns at Eastwood Park where, at the end of the last reporting year, HMPPS had withdrawn funding for two of the three PACT workers.²⁶⁸

262 Prison Reform Trust ([WOP0043](#))

263 Ministry of Justice ([WOP0068](#))

264 Independent monitoring boards ([WOP0056](#))

265 Prisoners’ Advice Service ([WOP0034](#))

266 Agenda Alliance ([WOP0059](#))

267 Independent monitoring boards ([WOP0056](#))

268 Independent monitoring boards ([WOP0056](#))

177. We recognise that custody can have a significant effect on family life and welcome the work being done in response to Lord Farmer’s Review for Women. We note that 12 of the 33 recommendations have been actioned; however, it is not clear what progress has been made on the remaining 21 recommendations. *The Ministry of Justice should set out its progress against each of the remaining 21 recommendations, including the timeframe for actioning them.*

178. It continues to be a concern that the MoJ does not know how many women in prison are primary carers. Without this data, it is not possible to assess the specific needs of mothers in prison, or how well these needs are being met. We note that the MoJ is considering how to improve the central collection of this information by making changes to the questions in the Basic Custody Screening Tool. *The MoJ should set out what work it is doing to ensure that vital information, such as this, is collected and published. It should also set out an indicative timeline for the collection and publication of this data.*

179. As discussed in previous chapters, we welcome the work being done to improve community alternatives to custody and to make these a viable option for women. However, for those who are sentenced to custody, given the small number of prisons, we know that women will often be placed far away from their homes, and the challenges this presents for both parent and child. The Assisted Prisons Visits Scheme is welcome; however, we are concerned to hear that families are not routinely made aware of it. *The MoJ needs to do more to ensure that all families are made aware of the Assisted Prison Visits Scheme.*

180. We recognise the damaging effect that the pandemic had on face-to-face contact for women and welcome the measures that were taken to ensure that women could maintain contact with their families. *The Ministry of Justice should set out what measures, if any, that were introduced in response to the pandemic, will be kept on a long-term basis. Additionally, the MoJ should set out the situation with regard to family contact as it currently stands; the MoJ should include information on the number of monthly family visits that took place across the female prison estate pre-Covid, and how many are now taking place. Additionally, the MoJ should set out what measures have been put in place to ensure that women are able to access family visits as needed.*

Education, Training and Employment

181. Education, Training and Employment (ETE) is a fundamental part of supporting offenders to be released successfully back into the community. In October 2021, The Secretary of State for Justice hosted an offender employment summit, and spoke of the importance of ETE: “if an offender has a job within 6 months of release, they are up to nine percentage points less likely to reoffend. So, getting a job; getting into employment is absolutely crucial”.²⁶⁹

182. The MoJ published its Education and Employment Strategy in May 2018. The Strategy notes that the proportion of offenders who are in P45 employment one year after release is just 17%, with the evidence indicating that there were not large differences in employment rates for male and female ex-offenders. The Strategy states: “This low employment rate

269 Ministry of Justice, [Dominic Raab hosts offender employment summit](#), accessed 24 February 2022

contributes to higher levels of reoffending and comes at a direct cost to the welfare system”.²⁷⁰ It set out some key problems with the prison education system, noting that prisons have not been sufficiently geared towards getting prisoners into work on release. In particular, “prison education has delivered qualifications but not been tailored closely enough to the requirements of employers or the needs of different cohorts of prisoners. With large-scale contracts, governors in England have lacked the levers to manage performance and integrate education properly into prison regimes. At times in the past, training for female prisoners has been driven by stereotypes about ‘suitable’ employment rather than market intelligence about employment opportunities”.²⁷¹

183. The Strategy recognises the need for a specific approach to managing the education needs of women in prison, stating that “We will also set out our approach to managing and rehabilitating female offenders, including how best to support women into employment when they leave custody. For example, this will include how women can manage childcare responsibilities alongside rehabilitation programmes and working commitments”.²⁷² The Women’s Policy Framework also recognises the importance of education, training and employment (ETE) for women in prisons and requires that, “In custody, women are given the opportunity to access appropriate education, learning, skills (including parenting skills), and employment.”²⁷³

184. The Committee saw first-hand the importance of training during its visit to HMP Downview, where there is a workshop on site run by the London College of Fashion, which was involved in providing PPE during the pandemic. The prison also has a photographic workshop run by Max Spielmann. The layout of the workshop has been designed to resemble that of its stores as closely as possible, to enable women to transition smoothly into work there when they leave prison.

Educational Need

185. It is recognised that women in the criminal justice system have more complex needs and this may affect their engagement with ETE. Whilst the importance of ETE for women in prison is recognised, there is a lack of data on the specific educational needs of women, as well as a lack of up-to-date data on the effectiveness of educational provision.

186. Figures on educational need vary and, in particular, little is known about women with additional learning needs. In 2018, the MoJ reported that 40% of women (compared to 35% of men) in custody were identified as ‘having a learning difficulty/challenge’.²⁷⁴ The Royal College of Speech and Language Therapists told us that “Research from adult prisons has found that up to 79% of adults have speech, language and communication needs [...] Women are also likely to have conditions, which are prevalent across the prison estate, that have communication difficulties commonly associated with them. These include autism, learning disabilities and mental health”.²⁷⁵ The education provider, Novus, found that women were less likely to be identified as having autism/ASD and ADHD and therefore receive adequate support to enable them to progress at the same rate as their

270 Ministry of Justice, [Education and Employment Strategy](#), (May 2018), p 6

271 Ministry of Justice, [Education and Employment Strategy](#), (May 2018), p 6

272 Ministry of Justice, [Education and Employment Strategy](#), (May 2018), p 7

273 Ministry of Justice, [Women’s Policy Framework](#), (June 2021), p 6

274 Ministry of Justice, [Community Performance Quarterly, update to March 2019, Employment Circumstance table \(April 2017 to March 2019\)](#), (July 2019)

275 Royal College of Speech and Language Therapists ([WOP0011](#))

peers. This was due to gender differences in the way these challenges were presented. For example, both ASD/ADHD can be ‘masked’ by developed social skills in women, and see this replicated in prisons.²⁷⁶

187. More generally, the Prisoner Learning Alliance told us many women entering prison had had a disrupted education—32% had been expelled or permanently excluded from school, and 31% had experienced being taken into care as a child, which may have meant moving home and school and periods of absence from education, alongside emotional upheaval.²⁷⁷ The Alliance also told us that the available data was old, and no statistics on educational achievements before and attainment or improvement during prison had been published for the last three years. Accordingly, there was also no up-to-date data on the effectiveness of education provided. The Alliance told us “It is difficult to know how there can be a strategic approach to educating women in prison, if the data about their needs and qualification levels is unclear”.²⁷⁸

188. It is clear that there is a gap in education data for women, which makes it difficult to provide education that meets the specific needs that women may present with. We do not know their educational needs, whether they have learning disabilities, and nor do we know their qualification levels, thus making it difficult to pitch education to women at the right level. *The Ministry of Justice and HMPPS, alongside education providers, should set out how they are working to address this data gap and ensure that data is collected and made available publicly.*

Quality and accessibility

189. Generally, education provision for women is considered to be better than provision for men. For example, Francesca Cooney, Head of Policy, Prisoners’ Education Trust told us: “When we compare it to the male estate, it is a very rosy picture [...] Most, but not all, women’s prisons will get the top two judgements from Ofsted in Ofsted inspections. Women’s prisons tend to have more activity places. They tend to have better attendance than we see in the male prisons, and certainly before Covid three quarters of women were enjoying the education they were having in prison and thought that it would help them on their release”.²⁷⁹ However, she also noted that, “generally, in prison education for women, I think curriculum is too narrow. There are not enough higher-level courses. There is nothing above GCSE level. For women who either come in at that higher level, which is probably around 10% of women coming in, or for women who progress to that level during a prison sentence, there is not very much available for them. They might be asked to do something like become a mentor or a teaching assistant, but there won’t be anything really within the prison that they can study”.²⁸⁰

190. Throughout this Report we have discussed the complex needs that woman in the female estate present with. Witnesses noted that unaddressed needs can provide a barrier to accessing and engaging with education. Novus told us that women in custody often have multiple complex needs (e.g. substance misuse) which need to be addressed before they are ready or able to participate effectively in education: “These needs need to be identified

276 LTE Group (trading as Novus) ([WOP0050](#))

277 Prisoner Learning Alliance ([WOP0048](#))

278 Prisoner Learning Alliance ([WOP0048](#))

279 [Q220](#) [Francesca Cooney]

280 [Q220](#) [Francesca Cooney]

and addressed as early as possible, for example during induction, to ensure women receive prompt support to address any barriers, Effective partnership working is important to enable an individual's wider needs to be addressed, for example signposting to healthcare services".²⁸¹

191. Other witnesses noted the challenges that short sentence lengths may have on access to education, and the quality of education that is provided. 73% of prison sentences given to women were for six months or less, whilst some women who have breached licences serve only 14- 28 days consequently. The Prison Education Trust told us: "there is an assumption that these custodial periods are too short to engage in the education or training or work opportunities available [...] While it is possible to provide meaningful activity for women who are in custody for short periods, it is resource intensive and rare".²⁸² Novus, stated:

How education is delivered within prisons, the majority on a roll-on/roll-off basis also means that learner groups can continually change, with often differing sentence lengths and individual needs that often results in a high churn of learners not experienced in mainstream education. Prison population pressures often also result in prisoners being moved part way through their programme. For example, some education courses are run infrequently (e.g. 'Music in Prisons' - twice yearly for 6 weeks). Therefore some learners on short sentences may not have the opportunity to participate in relevant courses and pathways that best meet their needs. This presents challenges in providing an individualised approach due to prison regimes and restrictions which are out of providers' control. Sequencing and allocation is challenging and is informed by regime and timetabling rather than individual need.²⁸³

192. For women serving longer sentences, some witnesses told us that education provision can be poor. The Prisoners' Education Trust said: "Data on women's prior attainment levels is unclear and no information about any educational progression while in prison has been published for three years. Although a minority of women enter prison with qualifications at level 2 or above, many achieve this level whilst in custody and reach a ceiling where no further progress is possible. Often women feel frustrated by the emphasis placed on basic skills and low-level education, with limited further opportunities".²⁸⁴

193. Other concerns have been raised regarding funding and commissioning arrangements. The Prisoner Learning Alliance stated that the current commissioning arrangements had led to fragmented provision of education: "Four women's prisons are in a contracting lot with education provided by Novus, four are under two contracts with Weston College, and Milton Keynes College and Sodexo have two prisons each. There is no national strategic approach to education for women, although we are aware that department heads from women's prisons do meet informally. There is much positive work and some excellent initiatives but education in women's prisons can be subsumed into regional or contractual arrangement that focus on male prisons".²⁸⁵ On funding, Novus told us there were significant funding issues in prison education, in comparison to mainstream community provision. For example, a comparison of the current Adult Education Budget funding

281 LTE Group (trading as Novus) ([WOP0050](#))

282 Prisoners' Education Trust ([WOP0049](#))

283 LTE Group (trading as Novus) ([WOP0050](#))

284 Prisoners' Education Trust ([WOP0049](#))

285 Prisoner Learning Alliance ([WOP0048](#))

compared to the Prison Education Framework (PEF) showed that only one third of the funding available under AEB was available per learner in PEF. This has a wider impact on its ability to attract, recruit and retain good teachers.²⁸⁶

194. Whilst we recognise that the quality of education provision across the female estate is generally better than in the male estate, it is concerning that provision for women is too narrow, and access to education can be varied, depending on sentence length. The Ministry of Justice should set out what work is being done to broaden provision of employment, training and education to meet the specific needs of women, both on short sentences and long sentences.

Release on Temporary Licence, Training and Employment

195. We received evidence on the quality of training provision and onward employment upon release from prison, with some noting that training provision is limited. Francesca Cooney, Head of Policy, Prisoners' Education Trust, told us: "There are not enough training opportunities, and there are not enough links between employers and prisoners. There is a little bit and it tends to be a little better in the two open prisons that we have."²⁸⁷

196. Release on Temporary Licence (ROTL) allows prisoners to be released temporarily to go on either a training course to help them find work once they are released fully; training or education courses about life and work skills; or to carry out paid employment. ROTL can also support women to resettle into their local communities. The Prisoner Learning Alliance told us: "Given the difficulty of providing a wide range of courses for a limited prison population, mechanisms such as ROTL placements, partnership work, distance learning and imaginative use of ICT could help diversify the curriculum. There are numerous women-centred community and voluntary sector organisations who could meet the specific learning and resettlement needs of women". However, the Alliance said funding arrangements and the complexities of the Dynamic Purchasing System can make this difficult.²⁸⁸ The charity, Working Chance told us the fact that women are often imprisoned far from their home also adds to the cost and complexity of ROTL and limits women's ability to obtain employment or voluntary work that they can continue on release.²⁸⁹

197. In 2019, the MoJ announced changes to the rules for ROTL that would give prison governors greater autonomy and allow prisoners more opportunities to work and train with employers while serving their sentence to increase their chances of securing an immediate job on release.²⁹⁰ In addition, the MoJ has established the New Futures Network, a specialist part of HMPPS that brokers partnerships between prisons and employers in England and Wales, to help create partnerships between employers, and empower governors to improve employment opportunities for prisoners on release. The network places regional employment experts into regional prison groups to provide advice to governors, and encourages more businesses to work with prisons.²⁹¹ The MoJ told us the "New Futures Network has a full-time Employment Broker dedicated to forging partnerships between

286 LTE Group (trading as Novus) ([WOP0050](#))

287 [Q221](#) [Francesca Cooney]

288 Prisoner Learning Alliance ([WOP0048](#))

289 Working Chance ([WOP0023](#))

290 Prisoners' Release on Temporary Licence, Standard Note [SN06878](#), House of Commons Library, July 2019

291 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p

prisons in the Women's Estate and employers. These partnerships provide businesses with individuals who are ready to take up work opportunities within industries workshops, as part of workplace Release on Temporary Licence, and employment on release".²⁹²

198. Francesca Cooney, Head of Policy at the Prisoners' Education Trust told us:

ROTL is massively underused, and it almost completely stopped during lockdown and Covid. I would say this is another area where women are really disadvantaged by security and risk arrangements that are much more appropriate for men. All 12 of our women's prisons are designated as resettlement prisons, which means they are able and entitled to give women ROTL. However, they do not always have the links with the local employers, the local colleges or the local universities. There is no real data on how many women go out to employment or how many women go out to training or education. We know that the links just are not strong enough.²⁹³

199. Although witnesses broadly welcomed the work of the New Futures Network, some have commented on its ability to meet the needs of women. Francesca Cooney highlighted that there was only one broker for the whole of the women's estate, looking after 10 prisons. She also noted that: "both the female offender strategy and the education and employment strategy committed to more employment opportunities for women but aligned with their caring responsibilities, and I do not think we are seeing enough work being done in that area."²⁹⁴ The charity, Working Chance, told us that the New Futures Network's (NFN) employment brokers were responsible for large geographical areas based on prison location, making it uncertain how effectively they could scope job opportunities in release areas: "Since women in prison are held much further than men from their homes, it seems likely that they are at a disproportionate disadvantage. It is not clear how much progress has been made through the NFN so far, and no intention to publicly report on progress has been announced. We want to see how the NFN's strategy for women's prisons differs to that for the male estate".²⁹⁵

200. We welcome the changes to release on temporary licence to give prison governors greater autonomy and allow prisoners more opportunities to work and train with employers while serving their sentence. However, it is not clear how these changes have considered the specific needs of female offenders. *The Ministry of Justice should set out how the needs of female offenders were considered in this regard—specifically in relation to Education, Training and Employment (ETE). Additionally, the MoJ should set out how the changes have improved women's access to ETE opportunities and should provide data to demonstrate this.*

201. The New Futures Network has the potential to increase job opportunities for women upon release from prison. However, given the small size of the female estate and the likelihood that women will be placed far from home, it is unclear how the New Futures Network will adapt to address this specific need. *The Ministry of Justice should set out how their New Futures Network strategy for female prisons differs to that for the male estate, taking into consideration the specific challenges that are present in the female estate. Additionally, the Ministry of Justice should set out what progress has*

292 Ministry of Justice ([WOP0068](#))

293 [Q232](#) [Francesca Cooney]

294 [Q221](#) [Francesca Cooney]

295 Working Chance ([WOP0023](#))

been made in developing the New Futures Network and how success is being measured, including the number of women who have been placed into employment since it became operational.

5 Resettlement

202. The Female Offender Strategy sets out the Government’s commitment to see fewer women coming into the criminal justice system and reoffending. It states that “Provision of adequate services in the community and a gender-informed probation service are vital to supporting women to stay in the community either instead of custody or after release”, and commits to providing more support for those offenders managed in the community.²⁹⁶ The Strategy sets out the challenge, stating that “Community provision of the services that would support women are inconsistent [...] For those who are being managed in the community under supervision post-release, lack of access to supportive community services can contribute to recall to custody. In an internal review of recall case files, lack of safe accommodation and substance misuse were found to be driving the two most common reasons for recall to prison: failure to keep in touch and non-compliance”.²⁹⁷

203. *Statistics on Women and the Criminal Justice System*, 2019, show that in the 2017/18 cohort, the reoffending rate was higher for males at 30%, compared to 23% for females. Among both adult female and male offenders, the reoffending rate was highest for those aged 35 to 39 at 30.4% and 34.4%, respectively. However, women had a higher average number of reoffences per reoffender (also known as the frequency rate) compared to men, at 4.33 and 3.99 respectively.²⁹⁸

Probation Reform

204. Probation delivery was unified under the new Probation Service from June 2021. The MoJ told us: “the reforms lay the foundations for strengthening supervision and support for offenders while improving the stability of the core service provision”.²⁹⁹ HM Treasury agreed additional investment of £155 million for 2021/22, to increase probation officer numbers, better target rehabilitation services, and improve vital infrastructure. The MoJ told us: “We continue to value the expertise and innovation of the voluntary and private sectors, commissioning external organisations to deliver specialist services like accommodation, education and training, personal wellbeing, and services for women”.³⁰⁰ Under the new probation model, the MoJ has commissioned interventions through a single Women’s Specific Service, which is intended to ensure that the interventions are responsive to women’s specific needs. The MoJ also told us that, where applicable, Women’s Specific Services will support a woman’s transition from custody back into the community and focus on places where they will reside rather than the prison they are released from.³⁰¹

205. In setting out some changes to the resettlement model, HMPPS note that under the old model, prisoners released from non-resettlement prisons were only able to access through-the-gate services if they were commissioned.³⁰² The new resettlement approach

296 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 18

297 Ministry of Justice, [Female Offender Strategy](#), (June 2018) p 19

298 Ministry of Justice, [Statistics on Women and the Criminal Justice System 2019](#), (November 2020), p 5

299 Ministry of Justice ([WOP0068](#))

300 Ministry of Justice ([WOP0068](#))

301 Ministry of Justice ([WOP0068](#))

302 ‘Through the gate’ was introduced by the Government in 2015 to bring about a step change in rehabilitation, and so reduce reoffending. New services were rolled out in prisons to prepare prisoners for release and resettlement and increase their prospects of leading a better life. (HM Inspectorate of Probation, [An Inspection of Through the Gate Resettlement Services for Short-Term Prisoners](#), October 2016.)

provides pre-release activities for all sentenced individuals, whichever prison they are held in before release and considers necessary support, including the importance of strong family relationships to support desistance.³⁰³

206. Whilst the probation reforms have been generally welcomed, some witnesses noted concern, particularly in relation to the resettlement model. For example, Clinks stated: “We have been told by voluntary organisations currently providing through the gate services that neither they nor many governors fully understand the resettlement proposals and how they will work in practice”.³⁰⁴

Barriers to resettlement

207. The Committee heard evidence about the barriers to achieving successful resettlement for women, and a reduction in reoffending. Among others, concerns were raised specifically about the availability and appropriateness of accommodation for women post-release, the resettlement provision for those women who are in custody far from home and the continuity of care from custody to the community.

Accommodation provision

208. Accommodation issues were highlighted as one of the primary barriers to effective resettlement and reduced reoffending. The Safe Homes for Women Leaving Prisons initiative, which is a joint project by St Martins in the Fields, the Prison Reform Trust and London Prisons Mission, estimate that close to six out of ten women who leave prison do so homeless.³⁰⁵ The Initiative told us: “Women are less likely than men to be rough sleeping and are often described as the ‘hidden homeless’ because rather than put themselves at risk on the street they will tend to ‘sofa surf’, exchange sex or risk exposure to abusive and coercive relationships for a roof over their heads”.³⁰⁶

209. Furthermore, the Initiative highlighted the Corston Report’s conclusion that the accommodation pathway was the most in need of rapid, fundamental gender-specific reform. The evidence we received suggests that this remains the case. Dr Jenny Earle told the Committee:

The fact is that we are still seeing six out of 10 women being released homeless into the community. That sets them up to fail. It is not good enough. It is not only three years since the female offender strategy was published; it is nearly 15 years since Baroness Corston declared the accommodation pathway to be the one most in need of reform in resettlement pathways [...] There is not a system that ensures that women will get the right support at least two weeks before release. There is no point trying to address a woman’s housing need on the day of release and thinking that there will be a good result.³⁰⁷

303 HMPPS, [The Target Operating Model for probation services in England and Wales](#), (February 2021), p 68

304 Clinks ([WOP0067](#))

305 London Prisons Mission ([WOP0045](#))

306 London Prisons Mission ([WOP0045](#))

307 [Q241](#) and [Q253](#) [Dr Earle]

210. In February 2020 the Independent Monitoring Boards conducted a survey of women being released in 10 of the 12 women's prisons. It found that only 41% of women interviewed said they had housing to go to upon release. The report also found that a quarter of the women had lost their homes as a result of imprisonment, often for a very short prison sentence.³⁰⁸ Jenny Talbot OBE, Independent Chair of the National Women's Prisons Health and Social Care Review, told us: "Homelessness is one of many factors that continues to negatively impact women's health and wellbeing and is strongly correlated with poor outcomes on release from prison".³⁰⁹

211. The Nelson Trust told us: "Currently local authorities will not hold a bed space for women within supported accommodation this meaning a high percentage of women are released homeless. There is also a lack of transport to ensure the safe return of women to their home areas".³¹⁰ The charity, Changing Lives, further noted that accommodation was often either not provided in a timely manner and/or was not conducive to effective resettlement.³¹¹ It also stated that:

Many women will not have confirmed accommodation on the day of release which creates further stress. It is very difficult to plan in advance when most supported accommodation providers are unable to hold beds [...] Large scale hostel-style supported accommodation is often not suitable for women leaving prison, yet is commonly used as the default option. Although these services are clearly much better than sleeping on the streets, we find that women can become 'stuck' in the system for years in an environment that is not conducive to substance misuse recovery or desistance from crime, or they find the environment so challenging that homelessness feels like a better option.³¹²

212. The Ministry of Justice recognises that a lack of secure housing is a significant barrier to successful rehabilitation, especially for women. It told us:

HMPPS has developed a national Accommodation Framework that sets out our responsibilities, our partners responsibilities and a framework for how to build on success and work together with partners to ensure that offenders can access and maintain settled accommodation that is safe and appropriate for their needs. The framework contains specific aims in terms of women's access to post release accommodation, including the provision of more places in Approved Premises and more appropriate accommodation through the Bail Accommodation and Support Services (BASS) that are currently run by NACRO. In relation to both Approved Premises and BASS provision, MoJ and HMPPS are currently reviewing demand and capacity with a view for future expansion to support the new unified probation model.³¹³

308 Independent Monitoring Boards, [Resettlement: A survey by Independent Monitoring Boards of women being released from prison](#), (August 2020), p 2

309 Jenny Talbot, National Women's Prisons Health and Social Care Review (Independent Chair of the Review at HMPPS & NHSE/I); Charlotte Winter (Programme manager at NHSE/I) ([WOP0057](#))

310 Nelson Trust ([WOP0024](#))

311 Changing Lives ([WOP0025](#))

312 Changing Lives ([WOP0025](#))

313 Ministry of Justice ([WOP0068](#))

The MoJ also sets out other measures it has taken to address homelessness, including:

- As part of its COVID-19 response, HMPPS set up seven Homelessness Prevention Taskforces (HPTs) to work with local authorities and other partners to find accommodation for offenders released from prison. They will work with those being released from prison to enable them to move on to long-term settled accommodation.
- To reduce re-offending and provide health and well-being support, the MoJ has launched a new accommodation service, providing up to 12 weeks of basic temporary accommodation for prison leavers who would otherwise be homeless. The service will launch in five of the 12 probation regions in England and Wales. All individuals, aged 18 and over, released from prison at risk of homelessness to one of the five selected regions will be eligible. Individuals moving on from Approved Premises who are at risk of homelessness will also be eligible. It is anticipated that the new intervention will provide support for approximately 3,000 service users.
- The opening of the first AP [Approved Premises] for women in London since 2008. Hestia Battersea was changed from male to female AP to give a better geographic spread of APs for women. In addition, Eden House, the first new AP for women in over 30 years opened in 2021. The service will also be available as a residential requirement of a community order, subject to eligibility and the sentence of the court, as well as for women leaving prison.

213. Some witnesses noted that, although there has been progress in addressing the accommodation needs of women, more still needed to be done, particularly on joint working. Dr Earle told us: “if the female offender strategy was more proactive it could develop a more effective strategy that joined up local authorities, housing providers, the voluntary sector and statutory bodies to provide better outcomes for women [...] The scale of the problem is not huge; it is just that it requires joint collaborative working at both national and local level to get the pathway sorted out”.³¹⁴ In January 2021, the Government announced £70 million of investment in accommodation and wider support for prison leavers to reduce homelessness and risk of reoffending. However, the Rt Revd Rachel Treweek told us: “more work has to be done to recognise the distinct gendered aspects of this issue. I would continue to call for cross-government strategy to address the housing needs of women in the criminal justice system”.³¹⁵

214. Accommodation is one of the most significant and urgent barriers to effective resettlement. We welcome the work the MoJ is doing to address this barrier and are particularly pleased to hear about the new accommodation service. We note that it provides up to 12 weeks of basic temporary accommodation for approximately 3,000 prison leavers. However, we are concerned that, given the comparatively small size of the female prison population, female prison leavers may be disadvantaged in accessing this service provision. *The Ministry of Justice should set out how it will ensure that women are able to access this service provision as needed, and whether a proportion of this accommodation has been specifically reserved for women leaving prison.*

314 [Q257](#) [Dr Earle]

315 The Rt Revd Rachel Treweek, The Lord Bishop of Gloucester, Anglican Bishop for Prisons in England and Wales at Church of England ([WOP0004](#))

215. As important as service provision is, quality and appropriateness of accommodation is also important for female prison leavers. *The Ministry of Justice should set out what the basic accommodation consists of (e.g. hostel spaces, hotels etc.) and how it has considered the specific needs of women in this accommodation offer.*

216. We recognise that accommodation is an issue that sits not only within the remit of the MoJ—it requires joint working across Government departments, local authorities, third sector organisations etc to achieve effective change. *The Ministry of Justice should develop a cross-department strategy to address the accommodation needs of women in the criminal justice system. The strategy should detail different departments' responsibilities and how work will be conducted across government to respond to the accommodation needs of women in the criminal justice system.*

Distance from home

217. As noted earlier in this Report, women are more likely to be held in custody further from their home due to the small size of the female estate, which can make it harder for family and friends to visit and for women to receive the appropriate support. Several witnesses noted the resettlement challenges for these women. The Nelson Trust told us that: “Women in prison more local to their resettlement areas may have access to support from smaller third sector organisations whilst in custody and through the gate. Opportunities through the gate are also local such as relationships built with local employers and colleges. This once again highlights the lack of support for women imprisoned away from their resettlement areas”.³¹⁶ Vicky Davis, Eastwood Park Team Manager, The Nelson Trust, told us “I do not believe resettlement is available to all; it is very much a postcode lottery [...] it is very difficult to support all the women when you have such a large geographical area to cover”.³¹⁷ Changing Lives noted that: “We have seen good practice when women are able to meet people they will work with in the community prior to release [...] This continuity of care is not provided across the board, and cannot be provided when women are in prison far away from their home”.³¹⁸

218. During our visit to HMP Downview we heard that, alongside HMP Drake Hall, the prison planned to start taking women held on remand in order to support HMP Bronzefield in managing its remand population. It was hoped that the move towards having more multi-functional prisons would make it easier for women held on remand to be placed closer to their homes and families, and that the number of times women were moved around the estate would be reduced.

219. We recognise the resettlement challenges that women may face when they are held in custody far from their home area. We welcome the efforts to address this for prisoners held on remand. However, it is not clear what wider work is being done to mitigate the effects of geography on resettlement. *The Ministry of Justice and HMPPS should set out what work is being done to mitigate the disadvantage some women may face to their resettlement when they are held in custody far from their homes.*

316 Nelson Trust ([WOP0024](#))

317 [Q251](#) [Vicky Davis]

318 Changing Lives ([WOP0025](#))

Short sentences and resettlement

220. Women are often in prison serving shorter prison sentences than men. In 2019, the average custodial sentence length for male offenders was 19.7 months compared to 11.3 months for female offenders. In 2019, 50% of offenders who were sentenced to custody received sentences of up to and including 3 months. The throughput of women on short sentences is high—out of the 3,310 receptions into the female estate in 2020, 2,314 were on sentences of less than 12 months (70%).³¹⁹ Whilst the throughput of women on short sentences is high, the population of those on short sentences at any one point in the year remains low; for example on 30 June 2020, there were 264 women serving sentences of less than 12 months on that specific day, out of a total female prison population of 2,638 (10%).³²⁰ According to HMPPS, those subject to short sentences have a higher than average recall/breach rate and a higher reconviction rate compared to the general population.³²¹

221. The Prison Reform Trust noted the damage that short sentences can do to women in regard to resettlement. It told us that “rehabilitation can be particularly difficult for women on short sentences. During their sentence they may have lost their accommodation, their job and have serious issues associated with caring responsibilities but may not be in prison long enough to access release services”.³²² The Nelson Trust, who have staff based at HMP Eastwood Park, noted that the resettlement service available there was not suitable due to the large geographical area the prison covered along with the high levels of short sentences.³²³ Vicky Davis, Eastwood Park Team Manager at the Nelson Trust told us that, in regard to courses, there is a high number of women on the waiting list, so if they are on short sentences it is highly unlikely they will be able to access those courses in the first place.³²⁴ She also noted that:

To resettle a female offender on a short sentence is always challenging. It takes a long time to engage a woman when she is in prison. To ensure she gets the most effective resettlement you need to be able to engage and build a relationship, and that is difficult with a short sentence. Housing continues to be a big issue. I have worked in prisons for 16 years. It has always been an issue and I do not think it has got any better.³²⁵

222. Several witnesses told us that providing continuity of care for those on short sentences can be particularly challenging. Jenny Talbot told us that:

It can be hard for women on short sentences to effectively engage with and benefit from available health and social care services, and for services to develop the most appropriate package of care. Short prison sentences fracture relationships with local services—for example, the most recent HNA for HMP Styal noted that some women ‘lost’ their Community Psychiatric Nurse, which can lead to referral procedures needing to be reinstated, repeated screenings and the need for a full mental health

319 Ministry of Justice, [Offender management statistics quarterly: October to December 2020](#) [Prison Receptions 2020, Table A2_7], (April 2021)

320 Ministry of Justice, [Offender management statistics quarterly: October to December 2020](#) [Prison Receptions: October to December 2020, Table A1_6], (April 2021)

321 HMPPS, [The Target Operating Model for probation services in England and Wales](#), (February 2021), p 209

322 Prison Reform Trust ([WOP0043](#))

323 Nelson Trust ([WOP0024](#))

324 [Q238](#) [Vicky Davis]

325 [Q237](#) [Vicky Davis]

assessment [...] Short prison sentences disrupt lives—they are too short for any benefit to be gained but long enough for women to lose their home, their job and potentially, their children.”³²⁶

223. More generally on continuity of care, Changing Lives stated that “Prisons often provide great services, but the progress that the women have made in custody is lost if the transition to community-based services is not managed well. For example, it is very hard to access mental health treatment in the community with long waiting lists”.³²⁷ It goes on to note that “continuity of care between prison and the community is vital to effective resettlement, particularly during the first few days post-release, yet this process is often overly demanding for women without appropriate support”.³²⁸ The Nelson Trust stated that in order to achieve more suitable resettlement and reduced reoffending there needed to be a more joined up service between community agencies and those in the prison. For example, the Trust said it was not appropriate for a women to have to wait two weeks for her benefits to be actioned by DWP following release from custody or to have to wait two days for her script [prescription, e.g. Methadone] to be organised with the local drug and alcohol service.³²⁹

224. In its Target Operating Model for the Future of Probation, HMPPS set out that it was implementing early adopters of the short sentence function in some regions and learning from these to inform its longer-term approach. The Service told us: “Our focus is on developing strategies to improve engagement, a partnership approach to support quick access, fast interventions to sustain any existing community services and to fast track referrals to reduce waiting times before new services are in place”.³³⁰ HMPPS also noted that within the new probation service a short sentence function will be created within each of the 12 probation regions: “the role and focus of the team will be to provide work with those serving shorter sentences to ensure services are sustained and provided, relationships are built, and transitions are supported as effectively as possible”.³³¹ HMPPS also noted that there will be an additional focus on those cohorts who receive a disproportionate number of short prison sentences including women who, due to the geographical spread of the women’s estate, are often a distance from home.³³²

225. Women on short sentences face significant challenges regarding resettlement. We welcome the introduction of the short sentence function; however, it is not clear how this works in practice to address the needs of female offenders on short sentences. We note that there have been early adopters of this function, and learning from this will inform the longer-term approach. *The MoJ and HMPPS should set out when this function will be rolled out across all probation regions, and what work the Short Sentence Team will undertake to support women to resettlement successfully back into the community and how success will be measured.*

326 Jenny Talbot, National Women’s Prisons Health and Social Care Review (Independent Chair of the Review at HMPPS & NHSE/I); Charlotte Winter (Programme manager at NHSE/I) ([WOP0057](#))

327 Changing Lives ([WOP0025](#))

328 Changing Lives ([WOP0025](#))

329 Nelson Trust ([WOP0024](#))

330 HMPPS, [The Target Operating Model for probation services in England and Wales](#), (February 2021), p 75

331 HMPPS, [The Target Operating Model for probation services in England and Wales](#), (February 2021), p 75

332 HMPPS, [The Target Operating Model for probation services in England and Wales](#), (February 2021), p 76

226. Continuity of care for women on short and longer sentences is fundamental to successful resettlement. *The MoJ and HMPPS should set out what work they are doing to ensure that women experience continuity of care from prison through to release.*

Conclusions and recommendations

Women in the Criminal Justice System

1. There has been a longstanding recognition, dating back to the 2007 Corston Report, that women who enter the criminal justice system, and those who go on to enter custody, are more likely to be complex and vulnerable individuals. We have heard how women often present with challenges such as substance misuse and mental health issues as well as complex histories of trauma and abuse, including domestic abuse. The 2018 Female Offender Strategy represented a welcome step forward in the Government's recognition that a specific approach was needed to achieve outcomes for women. We are, however, concerned about the lack of progress the Government has made against the aims and objectives set out in the Strategy and note that the Female Offender Programme has lacked the investment needed to make the aims of the Strategy achievable in reality. (Paragraph 24)

Reducing the number of women in Custody

2. One of the strategic objectives of the Female Offender Strategy is to see fewer women in custody. Whilst there has been a decline since February 2017 from 3,958 to 3,219 in July 2022, to a large extent this has been a result of lower crime and the reduction in court activity during the pandemic. Moreover, the MoJ itself now predicts an increase in the female population by more than a third over present levels in the next three years. (Paragraph 28)
3. The Female Offender Strategy set out an ambition to improve Out of Court Disposals (OOCs). However, the Strategy did not set out how this would be achieved, and to date, there has been no clear evidence to suggest that more women have been diverted away from custody through improved use of OOCs. (Paragraph 39)
4. We welcome the Government's intention through the Police, Crime, Sentencing and Courts Act 2022, to reform the Out of Court Disposals framework. *We recommend that the Government set out how it will prioritise gender-specific diversionary routes as part of its plans to improve OOCs. The Ministry of Justice should also set out how it will measure the success of the new OOCs, and how it will specifically measure outcomes for women.* (Paragraph 40)
5. Liaison and diversion (L&D) services play an essential role in identifying a woman's need and diverting her from the criminal justice system where appropriate. We are pleased to hear that NHS England has achieved 100% geographical coverage of L&D services and that NHS England are currently enhancing the existing women's pathways across all L&D services. We recognise the concerns raised by some that there has been no direct investment into women's pathways, despite recognition that they are important. We know that services are not available at the same level and quantity across the country; this may lead to inconsistency in service provision for women. Additionally, a lack of funding in the women's pathway may lead to some women continuing to enter the custodial estate, despite their needs being better addressed in the community. (Paragraph 46)

6. *The Ministry of Justice and NHSE/I should set out what financial investment is being made in developing women's pathways and how this money will be spent to ensure that women's pathways are being enhanced across all liaison and diversion services. The MoJ and NHSE/I should also set out a timeframe for when they expect all women's pathways to be fully operational. (Paragraph 47)*
7. *We recommend that the Sentencing Council considers whether an overarching guideline or guidance for sentencing female offenders is required. (Paragraph 49)*
8. We support the MoJ's commitment to supporting a greater proportion of women to successfully serve their sentences in the community. We recognise that a shift from custodial to community sentences must be led by the judiciary; however, we note concerns raised by witnesses that sentencer confidence in community sentences has declined. (Paragraph 60)
9. *The Ministry of Justice should set out what work it is doing with the judiciary to ensure that they have all the relevant and necessary information to inform sentencing decisions. The MoJ should also set out what work is being done to ensure that community sentences offer a credible alternative to custody. Furthermore, we recommend that the MoJ seek the views of the judiciary on ways to improve community alternatives and increase confidence. (Paragraph 61)*
10. Pre-sentence reports (PSRs) provide the opportunity for a more personalised response to offending in order to support effective sentencing. We are concerned to see that the number of reports has declined substantially over the last 10 years. We welcome the work that the Ministry of Justice is doing to improve the quality of PSRs; however, it is less clear what work is being done to increase their use. *The Ministry of Justice should evaluate why the number of pre-sentence reports has declined in recent years, and what work is being done to increase the use of pre-sentence reports. (Paragraph 76)*
11. *Regarding the pre-sentence report pilot, the Ministry of Justice should set out how it will measure the success of this pilot, and the criteria it will use to determine whether to expand the initiative. The MoJ should also set out what its targets are for the number of women who will receive a fuller pre-sentence report under the pilot, and at the end of the pilot period, it should publish an evaluation of the pilot. The MoJ should include in its evaluation the outcomes for ethnic minorities, as well as the steps required to ensure that the specific needs of BAME women are met through pre-sentence reports. (Paragraph 77)*
12. *Given the widespread agreement that pre-sentence reports play a crucial role for women, we agree with Lord Farmer and others that full written pre-sentence reports should be mandatory for all women facing custodial sentences. (Paragraph 78)*
13. Whilst it is disappointing that the MoJ's progress to date in establishing five new Residential Women's Centres has been slow, we welcome the Government's recent announcement that Swansea will be the location of the first centre. *The Ministry of Justice should set out an indicative timeline for the development of the remaining four pilot sites. (Paragraph 87)*

14. We recognise that the Residential Women's Centre model is new and untested, and so we acknowledge the concerns of many of our witnesses over how the centres will operate in practice and how their provision will differ from that of custody. *As it develops its plans for the Swansea centre and other sites, the Ministry of Justice should set out in greater detail how the centres will operate in practice, including how they will differ from custody. Additionally, the MoJ should set out how it intends to evaluate and report on the effectiveness of the pilot.* (Paragraph 88)
15. The Committee has heard about the benefits of existing Women's Centres in potentially diverting women from custody and providing support to women in their local communities. We note the concerns raised by witnesses that the Government's investment in Residential Women's Centres risks diverting money away from Women's Centres that have a proven track record. *We would welcome reassurance from the Government that there will not be a diversion of resources away from existing Women's Centres. The Ministry of Justice should also set out how it intends to continue to support the work of Women's Centres in the community alongside the development of RWCs.* (Paragraph 89)
16. Evidence suggests that Community Sentence Treatment Requirements (CSTRs) can offer a credible and appropriate alternative to custody for women. The Committee welcomes the work being done to increase their use from what is a very low base through the CSTR Programme. *The Ministry of Justice should now commit to rolling out the programme so that CSTRs are available in all court areas to achieve 100% coverage.* (Paragraph 95)

Better Custody

17. The Committee notes the concerns raised by witnesses that the commitment to build 500 prison places in the female estate appears at odds with the aims of the Female Offender Strategy. However, we also recognise that the 500 additional prison places have the potential to improve custodial conditions for those who are imprisoned, as well as going some way towards achieving the Strategy's aim of making the female estate more trauma informed. *We would welcome further clarity on the Government's plans for the 500 places. The Ministry of Justice and HMPPS should set out:*
 - *A breakdown of how the 500 prison places will be used. For example, how many places will be allocated as open prison places; how many places will be allocated to replace old for new prison places and how many will be entirely new places in the closed estate;*
 - *How many old prison places in the female estate have been decommissioned since the announcement of 500 new places, and how many it anticipates will be decommissioned in the coming years;*
 - *How many new prison places have already been built, and what the timeline is for completing the construction of the remaining places; and*
 - *The modelling the MoJ and HMPPS undertook to determine that 500 places were needed.* (Paragraph 102)

18. The increasing level of self-harm in the female estate over the last decade is alarming and while the number of self-inflicted deaths is low, even one death is one too many. We recognise that the MoJ and HMPPS are working to address self-harm levels across the female estate and welcome the ongoing work to improve the Assessment, Care in Custody and Teamwork (ACCT) process, and roll out the Offender Management in Custody Model. We note that the revised ACCT process is still relatively new, and there is not yet an evidence base to determine whether it will contribute to reduced levels of self-harm. *The Ministry of Justice should set out how it intends to evaluate and measure the success of the new ACCT process in comparison to the previous version of the process.* (Paragraph 116)
19. Although many witnesses have welcomed the revised ACCT process, we note the concern expressed by some that there may be an over-reliance on ACCT, and a perception that it is seen as an outcome in itself. *Whilst the ACCT should be seen as a means to achieving a successful outcome for women in prison, the Ministry of Justice and HMPPS should set out what work is being done alongside ACCT, to ensure there is not an over-reliance on this process.* (Paragraph 117)
20. We welcome the implementation of the Offender Management in Custody model in 2021. *The Ministry of Justice should confirm whether OMiC has now been rolled out fully across the female estate, and if it has not, the MoJ should set out a timeline for achieving this, including when it is anticipated that all women will be allocated a keyworker.* (Paragraph 118)
21. Many women in prison or in contact with the criminal justice system have experienced past trauma, the effects of which can be long-lasting and affect the way in which an individual interacts with the system. We welcome the work the MoJ and HMPPS are doing to implement a trauma-informed approach across the female prison estate. We also welcome the mandatory training for staff, although it is unclear whether this covers operational staff only or extends to every person working on site. (Paragraph 124)
22. *The MoJ should clarify who is required to undertake the training. Additionally, the MoJ, HMPPS and NHSE/I should set out how the training will be structured and whether there will be mandated refresher training. The MoJ and HMPPS should also confirm what proportion of staff have completed the training to date, and the timeframe for all staff to have completed the training. The MoJ and HMPPS should also set out how it will monitor the completion of the training on an ongoing basis.* (Paragraph 125)
23. We continue to believe that it is not acceptable for the custodial environment to be used as a ‘place of safety’ for the acutely unwell, or for a person’s ‘own protection’. Community settings also have a duty of care to individuals, and prisons should not be regarded as a solution to the failings of care and protection in the community. *We reiterate the recommendations made in our Report ‘Mental Health in Prison’, and seek an update from the Government on the steps it is taking to address the use of prison as a place of safety or for a person’s own protection.* (Paragraph 131)
24. We note from the Government’s response to our ‘Mental health in prison’ Report that it is conducting a review into the use of powers to remand an individual to

custody for their own protection under the Bail Act 1976. *The Ministry of Justice should set out what the scope is for the review, and the timeframe for its completion and publication.* (Paragraph 132)

25. It is disappointing that data gathering on this issue is so poor, such that it is not possible to estimate the number of people affected across the prison estate. *The Ministry of Justice should put in place mechanisms for the collection of reliable data on the use of custody as a place of safety or for a person's own protection for all cohorts of prisoners (male, female and youth).* (Paragraph 133)
26. It is concerning that the rate of violent incidents across the female estate rose during the pandemic. *Whilst we acknowledge that the pandemic may have contributed to the increase, the MoJ and HMPPS should set out what work is being done to address the level of assault across the female estate and to prevent it from increasing further.* (Paragraph 137)
27. The Committee is concerned that, aside from statistics on self-harm, there is a lack of reliable and current data on the specific health needs of women in custody. In order to address women's physical and mental health needs in prison it is vital to know, in the first instance, what those needs are. (Paragraph 143)
28. *We welcome the work of the National Women's Prisons Health and Social Care Review. Once the review has published, NHSE/I, HMPPS and the MoJ should set out an action plan for how it will respond to its findings, including operational response, policy implications and how service offers and gaps in provision will be addressed in order to meet the specific needs of women. The action plan should also include steps to improve data collection on the health needs of women in prison.* (Paragraph 144)
29. It is concerning that issues relating to healthcare continue to be a contributing factor to deaths in custody. *The MoJ, HMPPS and NHSE/I should set out what work they are doing to:*
 - *improve communications between staff across all disciplines in prisons;*
 - *improve the response to medical emergencies; and*
 - *improve drug management processes.*

We welcome both the Women's Review, and the National Mental Health Needs Analysis, which will provide a greater understanding of physical and mental health needs, existing service provision and gaps in service provision. We were concerned to hear that demand for services may be greater than the available provision and that waiting lists are growing, in part due to the pandemic. *NHSE/I should also set out the work it is doing (aside from both reviews), to reduce existing waiting lists, and increase service accessibility.* (Paragraph 153)

30. The circumstances surrounding the deaths of Baby A and Baby B identified serious failings in the care and management of Ms A and Ms B, and some serious errors in judgement, as described in the subsequent reports by the Prison and Probation Ombudsman (PPO). The findings of both reports are serious, and urgent action by the MoJ, HMPPS, NHSE/I and other listed parties must be taken. *The MoJ, HMPPS*

and NHSE/I should set out the progress they are making against each recommendation in both reports from the PPO, and how lessons learned are being applied across the female estate. (Paragraph 166)

31. We recognise that custody can have a significant effect on family life and welcome the work being done in response to Lord Farmer's Review for Women. We note that 12 of the 33 recommendations have been actioned; however, it is not clear what progress has been made on the remaining 21 recommendations. *The Ministry of Justice should set out its progress against each of the remaining 21 recommendations, including the timeframe for actioning them. (Paragraph 177)*
32. It continues to be a concern that the MoJ does not know how many women in prison are primary carers. Without this data, it is not possible to assess the specific needs of mothers in prison, or how well these needs are being met. We note that the MoJ is considering how to improve the central collection of this information by making changes to the questions in the Basic Custody Screening Tool. *The MoJ should set out what work it is doing to ensure that vital information, such as this, is collected and published. It should also set out an indicative timeline for the collection and publication of this data. (Paragraph 178)*
33. As discussed in previous chapters, we welcome the work being done to improve community alternatives to custody and to make these a viable option for women. However, for those who are sentenced to custody, given the small number of prisons, we know that women will often be placed far away from their homes, and the challenges this presents for both parent and child. The Assisted Prisons Visits Scheme is welcome; however, we are concerned to hear that families are not routinely made aware of it. *The MoJ needs to do more to ensure that all families are made aware of the Assisted Prison Visits Scheme. (Paragraph 179)*
34. We recognise the damaging effect that the pandemic had on face-to-face contact for women and welcome the measures that were taken to ensure that women could maintain contact with their families. *The Ministry of Justice should set out what measures, if any, that were introduced in response to the pandemic, will be kept on a long-term basis. Additionally, the MoJ should set out the situation with regard to family contact as it currently stands; the MoJ should include information on the number of monthly family visits that took place across the female prison estate pre-Covid, and how many are now taking place. Additionally, the MoJ should set out what measures have been put in place to ensure that women are able to access family visits as needed. (Paragraph 180)*
35. It is clear that there is a gap in education data for women, which makes it difficult to provide education that meets the specific needs that women may present with. We do not know their educational needs, whether they have learning disabilities, and nor do we know their qualification levels, thus making it difficult to pitch education to women at the right level. *The Ministry of Justice and HMPPS, alongside education providers, should set out how they are working to address this data gap and ensure that data is collected and made available publicly. (Paragraph 188)*
36. Whilst we recognise that the quality of education provision across the female estate is generally better than in the male estate, it is concerning that provision for women

is too narrow, and access to education can be varied, depending on sentence length. *The Ministry of Justice should set out what work is being done to broaden provision of employment, training and education to meet the specific needs of women, both on short sentences and long sentences.* (Paragraph 194)

37. We welcome the changes to release on temporary licence to give prison governors greater autonomy and allow prisoners more opportunities to work and train with employers while serving their sentence. However, it is not clear how these changes have considered the specific needs of female offenders. *The Ministry of Justice should set out how the needs of female offenders were considered in this regard—specifically in relation to Education, Training and Employment (ETE). Additionally, the MoJ should set out how the changes have improved women’s access to ETE opportunities and should provide data to demonstrate this.* (Paragraph 200)
38. The New Futures Network has the potential to increase job opportunities for women upon release from prison. However, given the small size of the female estate and the likelihood that women will be placed far from home, it is unclear how the New Futures Network will adapt to address this specific need. *The Ministry of Justice should set out how their New Futures Network strategy for female prisons differs to that for the male estate, taking into consideration the specific challenges that are present in the female estate. Additionally, the Ministry of Justice should set out what progress has been made in developing the New Futures Network and how success is being measured, including the number of women who have been placed into employment since it became operational.* (Paragraph 201)

Resettlement

39. Accommodation is one of the most significant and urgent barriers to effective resettlement. We welcome the work the MoJ is doing to address this barrier and are particularly pleased to hear about the new accommodation service. We note that it provides up to 12 weeks of basic temporary accommodation for approximately 3,000 prison leavers. However, we are concerned that, given the comparatively small size of the female prison population, female prison leavers may be disadvantaged in accessing this service provision. *The Ministry of Justice should set out how it will ensure that women are able to access this service provision as needed, and whether a proportion of this accommodation has been specifically reserved for women leaving prison.* (Paragraph 214)
40. As important as service provision is, quality and appropriateness of accommodation is also important for female prison leavers. *The Ministry of Justice should set out what the basic accommodation consists of (e.g. hostel spaces, hotels etc.) and how it has considered the specific needs of women in this accommodation offer.* (Paragraph 215)
41. We recognise that accommodation is an issue that sits not only within the remit of the MoJ—it requires joint working across Government departments, local authorities, third sector organisations etc to achieve effective change. *The Ministry of Justice should develop a cross-department strategy to address the accommodation needs of women in the criminal justice system. The strategy should detail different*

departments' responsibilities and how work will be conducted across government to respond to the accommodation needs of women in the criminal justice system. (Paragraph 216)

42. We recognise the resettlement challenges that women may face when they are held in custody far from their home area. We welcome the efforts to address this for prisoners held on remand. However, it is not clear what wider work is being done to mitigate the effects of geography on resettlement. *The Ministry of Justice and HMPPS should set out what work is being done to mitigate the disadvantage some women may face to their resettlement when they are held in custody far from their homes. (Paragraph 219)*
43. Women on short sentences face significant challenges regarding resettlement. We welcome the introduction of the short sentence function; however, it is not clear how this works in practice to address the needs of female offenders on short sentences. We note that there have been early adopters of this function, and learning from this will inform the longer-term approach. *The MoJ and HMPPS should set out when this function will be rolled out across all probation regions, and what work the Short Sentence Team will undertake to support women to resettle successfully back into the community and how success will be measured. (Paragraph 225)*
44. Continuity of care for women on short and longer sentences is fundamental to successful resettlement. *The MoJ and HMPPS should set out what work they are doing to ensure that women experience continuity of care from prison through to release. (Paragraph 226)*

Formal minutes

Tuesday 19 July 2022

Members present:

Sir Robert Neill, in the Chair

Rob Butler

James Daly

Maria Eagle

The following declarations of interest to the inquiry were made.³³³

Draft Report (*Women in Prison*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 226 read and agreed to.

Summary agreed to.

Resolved, That the Report be the First Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available (Standing Order No. 134).

Adjournment

[Adjourned till Tuesday 6 September 2022 at 2.00 pm]

³³³ For a full record of interests in relation to this inquiry see the formal minutes for the inquiry pertaining to meetings on 6 July 2021, 20 July 2021, 14 September 2021, 19 October 2021 and 2 November 2021.

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Tuesday 6 July 2021

Phil Bowen, Director, Centre for Justice Innovation; **Laura Seebohm**, Executive Director of External Affairs, Changing Lives; **Katy Swaine Williams**, Consultant, Centre for Women's Justice [Q1–37](#)

Dr Kate Paradine, Chief Executive Officer, Women in Prison; **Donna Everett**, Coordinator of the Wandsworth Hub, Beth Centre and South London Alliance; **Sophie Taylor**, Head of Commissioning - Safer Communities, Lambeth Council [Q38–80](#)

Tuesday 20 July 2021

Lucy, Former Prisoner; **Keds**, Former Prisoner; **Lisa N**, Former Prisoner [Q81–117](#)

Jessica Mullen, Acting Co-Chief Executive and Director of Influence and Communications, Clinks; **Peter Dawson**, Director, Prison Reform Trust; **Jemima Olchawski**, Chief Executive, Agenda Alliance [Q118–158](#)

Tuesday 14 September 2021

Dr Cath Durkin, Consultant Forensic Psychiatrist, Central and North West London NHS Foundation Trust; **Dr Amanda Brown**, GP, HMP Bronzefield; **Jenny Talbot**, National Women's Prisons Health and Social Care Review, Independent Chair, National Women's Prisons Health and Social Care Review [Q159–213](#)

Francesca Cooney, Head of Policy, Prisoner Education Trust; **Annick Platt**, Director of Operations, Novus [Q214–234](#)

Tuesday 19 October 2021

Laura Seebohm, Executive Director Innovation and Policy, Changing Lives; **Vicky Davis**, Eastwood Park Team Manager, The Nelson Trust; **Dr Jenny Earle**, Adviser to the London Prisons Mission, Safe Homes for Women Leaving Prison Initiative [Q235–266](#)

Sandra Fieldhouse, Inspector, Leader of the Women's Inspection Team, HM Inspectorate of Prisons; **Juliet Lyon CBE**, Chair, Independent Advisory Panel on Deaths in Custody; **Sue McAllister CB**, Prison and Probation Ombudsman [Q267–302](#)

Tuesday 2 November 2021

Victoria Atkins MP, Minister of State for Prisons, Ministry of Justice; **Dr Jo Farrar**, Second Permanent Secretary, Ministry of Justice, and Chief Executive Officer, HM Prison and Probation Service; **Kate Davies CBE**, Director of Health and Justice, Armed Forces and Sexual Referral Centres (SARCs), NHS England [Q303–388](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

WOP numbers are generated by the evidence processing system and so may not be complete.

- 1 A serving prisoner ([WOP0079](#))
- 2 APPEAL ([WOP0017](#))
- 3 Agenda Alliance ([WOP0059](#))
- 4 Anawim Birmingham centre for women ([WOP0020](#))
- 5 Anonymous, ([WOP0018](#))
- 6 Baldwin, Dr Lucy (Senior Lecturer, De Montfort University) ([WOP0021](#))
- 7 Booth, Dr Natalie (Senior Lecturer in Criminology, Bath Spa University); and Masson, Dr Isla (Programme Leader & Senior Lecturer in Criminology & Sociology, Arden University) ([WOP0016](#))
- 8 Central and North West London NHS Foundation Trust (CNWL) ([WOP0066](#))
- 9 Centre for Criminology, University of Oxford ([WOP0064](#))
- 10 Centre for Justice Innovation ([WOP0047](#))
- 11 Centre for Women's Justice ([WOP0042](#))
- 12 Changing Lives ([WOP0025](#))
- 13 Clinks ([WOP0067](#))
- 14 Epstein, Ms Rona (Honorary Research Fellow, Coventry Law School, Coventry University) ([WOP0051](#))
- 15 Fitzpatrick, Dr Claire (Senior Lecturer in Criminology, Lancaster University); Hunter, Dr Katie (Research Associate, Lancaster University); Shaw, Dr Julie (Senior Lecturer in Criminology, Liverpool John Moores University); and Staines, Dr Jo (Senior Lecturer in Childhood Studies and Youth Justice, University of Bristol) ([WOP0035](#))
- 16 Her Majesty's Chief Inspector of Prisons ([WOP0071](#))
- 17 Hibiscus Initiatives ([WOP0032](#))
- 18 INQUEST ([WOP0063](#))
- 19 Imago Dei Prison Ministry ([WOP0038](#))
- 20 Independent Advisory Panel on Deaths in Custody ([WOP0060](#))
- 21 Independent monitoring boards ([WOP0056](#))
- 22 JENGBA ([WOP0062](#))
- 23 Keep Prisons Single Sex ([WOP0014](#))
- 24 KeyRing ([WOP0078](#))
- 25 LTE Group (trading as Novus) ([WOP0050](#))
- 26 Lambeth Council; Southwark Council; Wandsworth Council; and Together for Mental Wellbeing ([WOP0037](#))
- 27 Leese, Dr Maggie (Head of Department, Teesside University); Ferguson, Jennifer (Lecturer, Teesside University); and Bell, Dr Victoria (Principal Lecturer, Teesside University) ([WOP0015](#)) Lightowlers, Dr Carly (Senior Lecturer - Criminology, University of Liverpool) ([WOP0013](#))

- 28 London Assembly Housing Committee ([WOP0082](#))
- 29 London Prisons Mission ([WOP0045](#))
- 30 Malyon, Miss Katherine ([WOP0003](#))
- 31 Mayor's Office for Policing And Crime ([WOP0073](#))
- 32 Mayor's Office for Policing And Crime (MOPAC) ([WOP0080](#))
- 33 Ministry of Justice ([WOP0068](#))
- 34 NHS England and NHS Improvement ([WOP0072](#))
- 35 Napo ([WOP0065](#))
- 36 Nelson Trust ([WOP0024](#))
- 37 Prison Reform Trust ([WOP0043](#))
- 38 Prisoner Learning Alliance ([WOP0048](#))
- 39 Prisoners' Advice Service ([WOP0034](#))
- 40 Prisoners' Education Trust ([WOP0049](#))
- 41 Prisons & Probation Ombudsman ([WOP0054](#))
- 42 Prisons and Probation Ombudsman ([WOP0074](#))
- 43 Prisons and Probation Ombudsman (PPO) ([WOP0083](#))
- 44 Rachel, The Rt Revd (The Lord Bishop of Gloucester, Anglican Bishop for Prisons in England and Wales, Church of England; and The Lord Bishop of Gloucester, Anglican Bishop for Prisons in England and Wales, Church of England) ([WOP0004](#))
- 45 Royal College of Speech and Language Therapists ([WOP0011](#))
- 46 Safe Homes for Women Leaving Prison Initiative ([WOP0081](#))
- 47 Talbot, Jenny, National Women's Prisons Health and Social Care Review (Independent Chair of the Review , HMPPS & NHSE/I); and Winter, Charlotte (Programme manager , NHSE/I) ([WOP0057](#))
- 48 The Disabilities Trust ([WOP0055](#))
- 49 The Howard League for Penal Reform ([WOP0058](#))
- 50 Think Through Nutrition ([WOP0005](#))
- 51 Traveller Movement ([WOP0006](#))
- 52 Turner, Dr Jo (Associate Professor of Criminology, Staffordshire University); and Jalili-Idrissi, Dr Arta (Lecturer in Criminology, Staffordshire University) ([WOP0019](#))
- 53 University of Cambridge ([WOP0069](#))
- 54 University of Cambridge and Royal Holloway, University of London ([WOP0070](#))
- 55 Unlock ([WOP0022](#))
- 56 West Midlands Police and Crime Commissioner ([WOP0061](#))
- 57 Women in Prison ([WOP0075](#))
- 58 Women in Prison ([WOP0053](#))
- 59 Women's Budget Group ([WOP0008](#))
- 60 Working Chance ([WOP0023](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

Session 2021–22

Number	Title	Reference
1st	The Coroner Service	HC 68
2nd	Rainsbrook Secure Training Centre	HC 247
3rd	The Future of Legal Aid	HC 70
4th	Covid-19 and the criminal law	HC 71
5th	Mental health in prison	HC 72
6th	Court capacity	HC 69

Session 2019–21

Number	Title	Reference
1st	Appointment of Chair of the Office for Legal Complaints	HC 224
2nd	Sentencing Council consultation on changes to magistrates' court sentencing guidelines	HC 460
3rd	Coronavirus (COVID-19): The impact on probation services	HC 461
4th	Coronavirus (Covid-19): The impact on prisons	HC 299
5th	Ageing prison population	HC 304
6th	Coronavirus (COVID-19): The impact on courts	HC 519
7th	Coronavirus (COVID-19): the impact on the legal professions in England and Wales	HC 520
8th	Appointment of HM Chief Inspector of Prisons	HC 750
9th	Private prosecutions: safeguards	HC 497
10th	Sentencing Council consultation on sentencing guidelines for firearms offences	HC 827
11th	Sentencing Council consultation on the assault offences guideline	HC 921
12th	Children and Young People in Custody (Part 1): Entry into the youth justice system	HC 306
13th	Sentencing Council: Changes to the drugs offences definitive guideline	HC 751
14th	Appointment of the Chair of the Independent Monitoring Authority	HC 954
15th	Appointment of the Chief Inspector of the Crown Prosecution Service	HC 955

Number	Title	Reference
16th	Children and young people in custody	HC 922
17th	Rainsbrook Secure Training Centre	HC 1266
18th	The future of the Probation Service	HC 285