



Home Office

BUILDING A SAFE, JUST
AND TOLERANT SOCIETY

**A REPORT BY BARONESS JEAN
CORSTON OF A REVIEW OF WOMEN WITH
PARTICULAR VULNERABILITIES IN THE
CRIMINAL JUSTICE SYSTEM**

THE CORSTON REPORT EXECUTIVE SUMMARY

**THE NEED FOR A DISTINCT,
RADICALLY DIFFERENT, VISIBLY-LED,
STRATEGIC, PROPORTIONATE,
HOLISTIC, WOMAN-CENTRED,
INTEGRATED APPROACH**



FOREWORD BY BARONESS CORSTON

I was delighted to be invited to conduct this very important review. My interest in women in the criminal justice system goes back many years, to the first time I visited Holloway prison. I was shocked at the reality of prison life, at the life stories of some of the women in prison and, above all, will never forget my first sight of a baby in prison.

In 2002-2003, as Chair of the Joint Committee on Human Rights (JCHR), I led a review into deaths in all kinds of state custody, and was deeply moved to see the grief and distress caused to families bereaved by a death in custody. I visited Broadmoor, where I was appalled at the inadequacy of the women's facilities, subsequently drawing it to the attention of my then ministerial colleagues. I am pleased to learn that women are no longer held in Broadmoor. I also decided that if ever I could do anything to help address the needs of women in contact with the criminal justice system, and their incarceration in our state institutions, whether in a police cell, psychiatric hospital or prison, then I would do so.

I do not believe, like some campaigners, that no women should be held in custody. There are some crimes for which custody is the only resort in the interests of justice and public protection, but I was dismayed to see so many women frequently sentenced for short periods of time for very minor offences, causing chaos and disruption to their lives and families, without any realistic chance of addressing the causes of their criminality. I acknowledge that some low-level offending women are persistent offenders who breach their bail conditions and this cannot be ignored. But breach is ratcheting up the use of custody to little avail and there are alternative community solutions which I explore in my report. The effects on the 18,000 children every year whose mothers are sent to prison are so often nothing short of catastrophic. I have concluded that the nature of women's custody in many of our prisons needs to be radically rethought.

There are many women in prison, either on remand or serving sentences for minor, non-violent offences, for whom prison is both disproportionate and inappropriate. Many of them suffer poor physical and mental health or substance abuse, or both. Large numbers have endured violent or sexual abuse or had chaotic childhoods. Many have been in care. I have concluded that we are rightly exercised about paedophiles, but seem to have little sympathy, understanding or interest in those who have been their victims, many of whom end up in prison. The tragic series of murders in Suffolk during December 2006 rightly focussed public attention on these women as women first and foremost – someone's daughter, mother, girlfriend, then as victims – exploited by men, damaged by abuse and drug addiction. These are among the women whom society must support and help to establish themselves in the community.

It seems to me that it is essential to do more to address issues connected with women's offending before imprisonment becomes a serious option. There are signs that the government would welcome a radical approach to these issues and I am grateful for this opportunity to contribute and make recommendations.

This has been a short review, only nine months, during which I have sought practical solutions to some long-term and well-known problems. I have drawn on a wealth of academic research conducted over the last thirty years, much of it commissioned by government, all of which points in the same direction. Consequently, many of the recommendations that I make have been made before.

My method has been to listen to as many people as possible with expertise and experience working with women throughout the criminal justice system. I have also undertaken a programme of visits, meetings and consultations, building on my recent experiences from the JCHR review. I am grateful to everyone I have met for their willingness to talk to me. I am particularly grateful to the many women I have met in hospitals, community centres, prisons and elsewhere who have shared with me some of their very personal experiences and the families bereaved by deaths in custody whose stories I have found both humbling and moving.

I hesitated a little before accepting this commission because, while I anticipated a great deal of support from campaigning groups and individuals, I was concerned that people serving in the criminal justice system would not welcome either the scrutiny that my review called for or the potential recommendations for change. I was right in my anticipation of support from agencies and organisations that have been lobbying for change for very many years. But I was delighted to be proved wrong by the reaction of staff and other groups, very many of whom genuinely embraced my review and saw it as a means of making real progress in converting the aspirational to reality.

A list of meetings, visits and consultations appears in the report's annexes. I invited a number of people to sit on a small reference group and I am grateful for their advice throughout the review. I also want to thank the very many other individual people and organisations who have assisted and supported me. They too are listed in the annexes.

I want to convey my particular thanks and gratitude to Jenny Hall, seconded to assist me from the Safer Custody Group for the duration of the review. I have drawn heavily on her insights, and have been energised by her drive and passion for the subject matter. The report is published in my name, and I take full responsibility for the content, but it is Jenny's report too.

EXECUTIVE SUMMARY AND RECOMMENDATIONS

1. This has been a short and economic review, not an in-depth lengthy resource intensive commission. In nine months I have held five consultation events, visited six women's prisons, three women's community centres and one medium secure women's hospital. I have had over 40 meetings with individuals and groups and over 250 people have contributed in some way to my review. There is much more that could be done but I am confident that I have seen and heard enough to enable me to draw conclusions and make recommendations. I have interpreted my terms of reference liberally and sought to include all those women whom I regard as either inappropriately located in prison and all those outside who are at risk of offending. I consider these women in terms of their "vulnerabilities", which fall into three categories. First, domestic circumstances and problems such as domestic violence, child-care issues, being a single-parent; second, personal circumstances such as mental illness, low self-esteem, eating disorders, substance misuse; and third, socio-economic factors such as poverty, isolation and unemployment. When women are experiencing a combination of factors from each of these three types of vulnerabilities, it is likely to lead to a crisis point that ultimately results in prison. It is these underlying issues that must be addressed by helping women develop resilience, life skills and emotional literacy.

2. There are three important and very positive points that I want to make at the outset. First the number of self-inflicted deaths of women in prison custody has fallen. No one wishes to be complacent about this and every single death is one too many. Nevertheless, it is encouraging that the numbers have fallen from 14 in 2003 and 13 in 2004 to four in 2005 and three in 2006. I have no doubt that this reduction is in part due to the determined efforts of many staff and greatly improved drug treatment services in all women's prisons. The dark days of Waite Wing are, I hope, gone forever. Second, the provision of all types of health services within women's prisons has improved in recent years with prison health having been absorbed into the NHS and this is welcome. Third, I pay tribute to the many dedicated, caring staff working throughout all of the criminal justice agencies, who strive every day to provide a decent environment and improve the well-being of the women in their care. I have been very impressed by much of what I have seen.

3. I have, however, concluded that it is timely to bring about a radical change in the way we treat women throughout the whole of the criminal justice system and this must include not just those who offend but also those at risk of offending. This will require a radical new approach, treating women both holistically and individually – a woman-centred approach. I have concluded that there needs to be a fundamental re-thinking about the way in which services for this group of vulnerable women, particularly for mental health and substance misuse in the community are provided and accessed; there needs to be an extension of the network of women's community centres to support women who offend or are at risk of offending and to direct young women out of pathways that lead into crime.

4. 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. There is also a need for an integrated approach across government demonstrated by the creation of an Inter-Departmental Ministerial Group for women who offend or are at risk of offending supported by a Commission for this group of women as a visible, strategic lead. I have also concluded that there needs to be a re-design of women's custody introduced in parallel with other gender specific workable disposals and sanctions. I summarise below the main conclusions of my review. I also set out chapter-by-chapter all of my recommendations, which build into my Blueprint which can be found in Chapter 8 of my report.

CHAPTER 2. MEN AND WOMEN; EQUAL OUTCOMES REQUIRE DIFFERENT APPROACHES - THE NEED FOR A *DISTINCT* APPROACH.

5. My first recommendation concerns the treatment of men and women within the criminal justice system. From April 2007 the government will have a statutory duty to take positive action to eliminate gender discrimination and promote equality under the Equality Act. I have seen little evidence that much preparatory work is in hand in respect of the imminent statutory duty or of any real understanding that treating men and women the same results in inequality of outcome. Equality does not mean treating everyone the same. The new gender equality duty means that men and women should be treated with equivalent respect, according to need. 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. For example:

- Most women do not commit crime;
- Women with histories of violence and abuse are over represented in the criminal justice system and can be described as victims as well as offenders;
- The biological difference between men and women has different social and personal consequences;
- Proportionately more women than men are remanded in custody;
- Women commit a different range of offences from men. They commit more acquisitive crime and have a lower involvement in serious violence, criminal damage and professional crime;
- Relationship problems feature strongly in women's pathways into crime;
- Coercion by men can form a route into criminal activity for some women;
- Drug addiction plays a huge part in all offending and is disproportionately the case with women;
- Mental health problems are far more prevalent among women in prison than in the male prison population or in the general population;
- Outside prison men are more likely to commit suicide than women but the position is reversed inside prison;
- Self-harm in prison is a huge problem and more prevalent in the women's estate;
- Women prisoners are far more likely than men to be primary carers of young children and this factor makes the prison experience significantly different for women than men;
- Because of the small number of women's prisons and their geographical location, women tend to be located further from their homes than male prisoners, to the detriment of maintaining family ties, receiving visits and resettlement back into the community;
- Prison is disproportionately harsher for women because prisons and the practices within them have for the most part been designed for men;
- Levels of security in prison were put in place to stop men escaping;
- The women's prison population suffers disproportionately because of the rapidly increasing male prison population and the pressure to find places for men, leading to re-rolling of female prisons;
- 30% of women in prison lose their accommodation while in prison; and
- Women and men are different. Equal treatment of men and women does not result in equal outcomes.

RECOMMENDATION

- Every agency within the criminal justice system must prioritise and accelerate preparations to implement the gender equality duty and radically transform the way they deliver services for women.

CHAPTER 3. LIFE AND DEATH. HOW WOMEN EXPERIENCE PRISON - THE NEED FOR A RADICALLY DIFFERENT APPROACH.

6. These were the women I saw in prisons:

- Most were mothers. Some had their children with them immediately prior to custody, others had handed them to relatives or their children had been taken into care or adopted.
- Some were pregnant. Some discovered they were pregnant when they had no idea that that could be a possibility.
- They were drug users. It was not uncommon to have £200 a day crack and heroin habits disclosed.
- They were alcoholics.
- They often looked very thin and unwell.
- They had been sexually, emotionally and physically abused.
- They were not in control of their lives.
- They did not have many choices.
- They were noisy and at first sight confident and brash but this belied their frailty and vulnerability and masked their lack of self-confidence and esteem.
- They self harmed.
- They had mental health problems.
- They were poor.
- They were not all the same, they were individuals.
- There were significant minority groups, including BME and foreign national women.

7. A soon-to-be published report of women in custody explains how women recounted the stress that came from newly encountering the prison environment, with crowding, noise and a threatening atmosphere. They were alarmed at sharing cells with women with mental health problems and who self-harmed; they were frightened and unprepared when confronted with women who were suffering severe drug withdrawal or seizures. They complained that the prison environment was dirty with unhygienic sharing of facilities. Five women in a dormitory could be sharing one in-cell sink, which was being used for personal washing as well as cleaning eating utensils. There was a lack of fresh air and ventilation. Some women reported that vermin were present in the areas where they ate, slept and stored their personal food items. Prison facilities hindered them from maintaining self-care, including limited access to personal hygiene products and restricted access to bathing. Shower facilities were often dirty. I too was dismayed to find that in some of the prisons I visited there were toilets, often without lids, in cells and dormitories, sometimes screened by just a curtain, sometimes not screened at all. It is humiliating for women to have to use these facilities in the presence of others, most particularly during menstruation.

8. The following describes a typical ten-day period in a women's local prison:

- A woman had to be operated on as she had pushed a cross-stitch needle deep into a self-inflicted wound.
- A woman in the segregation unit with mental health problems had embarked on a dirty protest.
- A pregnant woman was taken to hospital to have early induced labour over concerns about her addicted unborn child. She went into labour knowing that the Social Services would take the baby away shortly after birth.
- A young woman with a long history of self-harm continued to open old wounds to the extent that she lost dangerous amounts of blood. She refused to engage with staff.
- A woman was remanded into custody for strangling her six-year old child. She was in a state of shock.
- A woman set fire to herself and her bedding.

- The in-reach team concluded that there was a woman who was extremely dangerous in her psychosis and had to be placed in the segregation unit for the safety of the other women until alternative arrangements could be made.
- A crack cocaine addict who displayed disturbing and paranoid behaviour (but who had not been diagnosed with any illness) was released. She refused all offers of help to be put in touch with community workers.

9. We must find better ways to keep out of prison those women who pose no threat to society and to improve the prison experience for those who do. One example is the regular, repetitive, unnecessary overuse of strip-searching in women's prisons which is humiliating, degrading and undignified and a dreadful invasion of privacy. For women who have suffered past abuse, particularly sexual abuse, it is an appalling introduction to prison life and an unwelcome reminder of previous victimisation. It is also clear that prison is not the right place for many women. They need help and caring, therapeutic environments to assist them rebuild their lives. This is not an easy option; it is demanding a great deal of women to delve into issues they prefer to block out. For those with drug addictions clinical detoxification does not stop the habit. Those women for whom prison is necessary would clearly benefit from being in smaller units closer to home or more easily accessible for visitors, such as in city centres. The existing system of women's prisons should be dismantled and replaced by smaller secure units for the minority of women from whom the public requires protection.

RECOMMENDATIONS

- The government should announce within six months a clear strategy to replace existing women's prisons with suitable, geographically dispersed, small, multi-functional custodial centres within 10 years.
- Meanwhile, where women are imprisoned, the conditions available to them must be clean and hygienic with improvements to sanitation arrangements addressed as a matter of urgency.
- Strip-searching in women's prisons should be reduced to the absolute minimum compatible with security; and the Prison Service should pilot ion scan machines in women's prisons as a replacement for strip-searching women for drugs.
- The work underway in respect of foreign national offenders should take account of the views expressed in my report. The strategy being developed should include measures designed to prevent prison becoming a serious option.

DEATHS IN CUSTODY AND BEREAVED FAMILIES

10. In Chapter 3 of my report I describe the circumstances of some recent self-inflicted deaths of women in prison and the grief these tragedies cause to their families. Most depressing was the familiarity of these events, which followed the same patterns time and again with little indication that lessons were being learned to prevent further deaths. I make a recommendation concerning families' access to public funding for legal representation at inquests. The state has unlimited access to legal funding and will always have legal representation and Counsel at inquests that engage Article 2 of the *European Convention on Human Rights*, the right to life. It is inequitable that families whose close relatives have died whilst being cared for by the state should undergo means testing when applying for legal funding to represent their interests.

RECOMMENDATION

- Public funding must be provided for bereaved families for proper legal representation at timely inquests relating to deaths in state custody that engage the state's obligations under Article 2 of the European Convention on Human Rights. Funding should not be means tested and any financial eligibility test should be removed whenever Article 2 is engaged. Funding should also cover reasonable travel, accommodation and subsistence costs of families' attendance at inquests.

CHAPTER 4. WHO'S IN CHARGE? THE NEED FOR VISIBLE LEADERSHIP AND A STRATEGIC APPROACH.

11. My next set of recommendations address the yawning gap in the national structures that exist for meeting the needs of women who offend or are at risk of offending. No one person or body is responsible or accountable for provision of care and services for women coming into contact with the criminal justice system or their health, in particular, their mental health needs. I am very concerned that the Department of Health in particular is failing to get to grips with the needs of this population, especially those outside the prison walls. There is no one person or organisation championing women, directing from the top level, setting national standards, monitoring performance or coordinating the diverse organisations or taking responsibility when things go wrong. I have concluded that mainstreaming services for women in the criminal justice system is necessary and more likely to lead to a reduction of re-offending and a seamless continuation of care and provision both inside and outside the prison walls, which appears sadly lacking at present. But it seems to me that partnership working cannot operate effectively on the ground in the absence of top-level direction bringing together all of these diverse interests into a cohesive strategy for women in the criminal justice system.

12. A strategic top level cross-departmental commission, headed by someone very senior - director level - with authority to direct work in hand relating to women in the criminal justice system, supported by sufficient staff from the various departments and agencies involved must be put in place. The commission should be governed by a new inter-departmental ministerial group encompassing all relevant government departments. Without the safeguard of strong, visible direction of issues relating to women in the criminal justice system, provision for women is likely to continue to be inconsistent and to depend on the level of priority and strength of leadership afforded locally and the depth of local understanding about women's needs. The nature of facilities for women - a small number of geographically spread prisons; the arbitrary re-rolling of women's prisons to cater for the demands of the growing male prison population; the lack of provision of suitable approved premises, especially for bail and particularly in rural areas; distance from home and families; frequent cross border transfers; and the wish of some women to settle away from their home areas on release in order to escape previous harmful relationships have resulted in women in the criminal justice system persistently being marginalised and their needs unmet. Without a proper central structure, regionalised provision of services is likely to lead to further dilution of expertise in women-specific agendas at a time when what is needed is a central point of excellence and a champion for women to drive agendas forward. The excellent Women's Offending Reduction Programme (WORP), which was launched in March 2004 with a three-year lifespan, must form a key part of the agenda of the new Commission.

RECOMMENDATIONS

- I recommend the immediate establishment of an Inter-Departmental Ministerial Group for women who offend or are at risk of offending to govern a new Commission and to drive forward the Commission's agenda within their individual departments. Ministers from the Home Office, DCLG, DH, DfES, DCA, DWP and HM Treasury should sit on the Group. There should be close links between the new Group, the Inter-Ministerial Group for Reducing Re-offending and the Inter-Ministerial Group on Domestic Violence. The Group should be led by the Home Office Minister initially but transferred to the DCLG Minister within three years because the focus of the Group is more closely aligned to the community agenda.
- I recommend the immediate establishment of a Commission for women who offend or are at risk of offending, led at director level, with a remit of care and support for women who offend or are at risk of offending. This must be a cross-departmental structure, which incorporates the Women's Offending Reduction Programme; sits initially within the Home Office but transfers to DCLG within three years; and is staffed by a multi-agency team from the Home Office, DCLG, DH, DfES, DCA and DWP. Staff should also be seconded from relevant NGOs and voluntary agencies. Within three years the Commission should transfer from the Home Office to DCLG.
- The Inter-Ministerial Group for Reducing Re-offending should re-examine its aims and ensure that its approaches properly address specific issues relating to women's criminality.
- There should be greater visible direction in respect of women in custody and a much higher profile.
- Systematic safeguards should be put in place so that good practice approaches like Carousel are not lost.
- I do not recommend a separate sentencing framework for women but this should be re-considered in the light of early experience of the statutory gender discrimination duty.
- I recommend acceptance of the offer made by The Griffins to act as a central repository for information for and about women who offend or are at risk of offending and to promote its use by others.

SEVEN PATHWAYS TO RESETTLEMENT

13. I considered work in hand in connection with the seven resettlement pathways which I fear are leading to fragmentation of services and funding streams. Many of the small voluntary agencies working with women do not fit exclusively into a sole pathway and these artificial divisions risk putting an intolerable administrative burden on these small bodies. I looked closely at the pathway on accommodation because that is women's greatest resettlement concern on release and it seems to me to be the pathway most in need of speedy, fundamental gender specific reform. I also spent some time during my review considering education, learning, training and skills because this is a subject in which I have a particular interest and which seemed to me during my visits and meetings very sadly lacking in the concept of emotional literacy, the base from which all learning must start. Respect for one another, forming and maintaining relationships, developing self-confidence, simply being able to get along with people without conflict must come before numeracy and literacy skills. Life skills, for example, how to live as a family or group, how to contribute to the greater good, how to cook a healthy meal, are missing from the experiences of many of the women in modern society who come in contact with the criminal justice system. The chaotic lifestyles and backgrounds of many women result in their having very little employment experience or grasp of some very basic life skills. Two additional pathways for women have been developed to the credit of the Prison Service Women and Young People's Group and I recommend that they should be mandatory in every regional resettlement plan for women, namely:

- Pathway 8: support for women who have been abused, raped or who have experienced domestic violence.
- Pathway 9: support for women who have been involved in prostitution.

RECOMMENDATIONS

- The seven pathways should be much better coordinated strategically for women and should incorporate pathways eight and nine for women, which I endorse.
- Work to establish regional and local pathway strategies and action plans is vital and good practice relating to women, for example, London's Resettlement Strategy, should be promoted and disseminated.
- The accommodation pathway is the most in need of speedy, fundamental, gender-specific reform and should be reviewed urgently, taking account of the comments in my report. In particular, more supported accommodation should be provided for women on release to break the cycle of repeat offending and custody and the intentional homelessness criterion for ex-prisoners should be abolished.
- Life skills should be given a much higher priority within the education, training and employment pathway and women must be individually assessed to ensure that their needs are met.

CHAPTER 5. ALTERNATIVE SANCTIONS - THE NEED FOR A PROPORTIONATE APPROACH.

14. In Chapter 5 of my report I consider the overuse of custody for women sentenced and on remand; some alternative sanctions and disposals; and I make recommendations about sentencing policy and practice. I have concluded that more is needed by way of alternative sanctions and disposals, which are gender specific and in which sentencers can have confidence. More needs to be done to inform sentencers about the existence and nature of those schemes which do exist. Much more needs to be done to divert low-level offending women not just from court but also from prosecution. More needs to be done to divert young women away from criminal activity before they start offending. The restrictions placed on sentencers particularly around breaches of community orders must be made more flexible as a matter of urgency. More bail placements are needed for women suitable to their needs. More supported accommodation is needed on release to break the cycle of repeat offending and custody and speedier access to psychiatric reports is essential. This is a big agenda that cuts across many different statutory and other agencies but it is consistent with stated government policy on these issues. What is needed, as a matter of urgency, is a Commissioner for women who offend or are at risk of offending to push it forward and make sure that it happens.

15. Problems that lead to offending – drug addiction, unemployment, unsuitable accommodation, debt – are all far more likely to be resolved through casework, support and treatment than by being incarcerated in prison. The vast majority of women offenders are not dangerous. Because most women do not commit crime there is no deterrence value and the cost to society is enormous, not simply the cost of keeping women in prison (each prison place represents a capital investment of about £77k annually) but also the indirect cost of family disruption, damage to children and substitute care, lost employment and subsequent mental health problems. The continued use of prison for women appears to offer no advantages at huge financial and social cost.

16. Community sentences which are already available to sentencers could be used more widely and effectively for women. Electronic monitoring and curfew can be part of a community order. Offence specific solutions could also be extended, for example, the "prostitution referral order", tailored to the needs of the individual and delivered by a supervisor with expertise in working with women in prostitution. This can link women to dedicated support projects which offer long-term support to help them get out of prostitution. Some sentencers advocate greater use of supervision of non-custodial sentences by the original sentencer because many offenders lack a framework of structure and support in their lives and benefit from an authority figure taking an active interest in their lives. If sentencers themselves could regularly review compliance with non-custodial community orders, it would increase their confidence in sanctions alternative to prison and I believe that sentencer supervision would prove cost effective in the longer-term. The innovative Liverpool Community Justice Centre, for which section 178 *Criminal Justice Act 2003* has been enacted, is showing good results, as are specialist drug court pilots.

17. 50% of current new receptions at Holloway are for breach. This is not a sensible use of scant resources and prison staff time and I consider that there is a distinction to be drawn between serious breach of licence and poor time-keeping. There needs to be more tolerance for women who fail to meet appointments because of their domestic responsibilities and their underlying anxieties which affect compliance such as lack of self-esteem, lack of confidence and distrust of conventional service providers. Two-thirds of the women who go to prison do so on remand and more than half of them do not go on to receive a custodial sentence, with one in five acquitted. Courts sometimes remand women to custody pending further information about them. I believe that sentencers should demand convincing evidence that the defendant is fit for custody because imprisonment can cause serious damage to women. I also believe that, while it is not a legal requirement to take account of the likely sentence, it is inequitable and lacking common sense to remand someone to custody for petty offences that will in all likelihood not attract a custodial sentence. Bail information schemes in women's prisons are in general poor and there are unacceptably arbitrary disparities within provision across the estate. The number of untried receptions who get bail with a report stands at only 5.2%. It makes no sense for the Prison Service to neglect its bail information schemes, which can reduce numbers in prison and save money. The practice of sending a woman to prison as a "place of safety" or "for her own good" is appalling and must stop. Nor should sentencers use prison as a means of accessing services, such as detoxification, for women. Provision must be made more readily available in the community.

RECOMMENDATIONS

- Custodial sentences for women must be reserved for serious and violent offenders who pose a threat to the public.
- Women unlikely to receive a custodial sentence should not be remanded in custody.
- Women must never be sent to prison for their own good, to teach them a lesson, for their own safety or to access services such as detoxification.
- More supported bail placements for women suitable to their needs must be provided.
- Defendants who are primary carers of young children should be remanded in custody only after consideration of a probation report on the probable impact on the children.
- Community solutions for non-violent women offenders should be the norm.
- Community sentences must be designed to take account of women's particular vulnerabilities and domestic and childcare commitments.
- Sentencers must be informed about the existence and nature of those schemes that do exist and should support and visit them.
- The restrictions placed on sentencers around breaches of community orders must be made more flexible as a matter of urgency.
- Section 178 Criminal Justice Act 2003 should be implemented more generally.
- Bail information schemes in women's prisons must be properly monitored resourced and used.

CHAPTER 6. PRISON WITHOUT WALLS – THE NEED FOR A HOLISTIC, WOMAN-CENTRED APPROACH.

18. I am convinced that women's community centres like Asha and Calderdale, pioneers of a woman-centred approach, have found the right way to treat women and that their work must be extended and built on as a real alternative to prison. Their broad approach is to treat each woman as an individual with her own set of needs and problems and to increase their capacity to take responsibility for their lives. They recognise the impact that victimisation and isolation by disadvantage can have on a woman's circumstances and behaviour; the shame and stigma that many women feel by a number of life experiences, not just being convicted of an offence but also mental illness or being a single parent. Perceptions of being judged as a failure serve to reinforce disadvantage, isolation and social exclusion. The centres are able through multi-agency partnerships to provide the support of community-based services, which themselves recognise the value of centres because they provide access to many women whom they have previously been unable to reach.

19. The aim of the centres is to develop an integrated approach to routing women to appropriate services to meet their needs at various stages of their offending history, from prevention and diversion to resettlement into the community at the end of sentence, whether served in the community or in custody. They draw together the various services in the community that provide interventions for issues key to women's well-being such as physical and mental health, drug and alcohol misuse, physical, sexual and emotional abuse, family support, housing, domestic violence, education and training, employment, finance, benefits and debt advice, programmes to address attitudes, thinking and behaviour, legal advice, counselling and therapy, improving self-esteem, isolation and poverty. More funding must be made available immediately to extend the network of centres across the country. I appreciate that this cannot happen overnight and a programme needs to be drawn up by the new Commissioner for Women who offend or are at risk of offending.

20. As community centres for women are developed there will be scope to re-role the existing women's prisons for men, for whom generally they were originally built. A small proportion of the £1.5 billion planned to be raised by the government for creating 8,000 new prison places for the male population could go a very long way indeed to make this happen. I consider that protracted piloting and evaluation is unnecessary. The evidence is already clearly visible and accepted by government. In the longer term I and many others believe that community centres will help many women stop re-offending in a way in which prison has manifestly failed to do. They will also help reduce the enormous social cost and damage to children, which have never been satisfactorily quantified in monetary terms.

21. Two particular areas, Wales and Eastern Region, have approached me about developing community centre provision in their areas and these would be good places to start.

RECOMMENDATIONS

- The Together Women Programme must be extended as quickly as possible and a larger network of community centres should be developed in accordance with a centrally coordinated strategic national plan drawn up by the new Commissioner for women who offend or are at risk of offending.
- Services should be provided based on the one-stop-shop approach of centres like Asha and Calderdale and must be appropriate and coordinated to meet the profiled needs of local women, including minorities such as BME women.
- Regional commissioning must be fully in line with the strategic national plan.
- Women's centres should be used as referral centres for women who offend or are at risk of offending. Referral should be by schools, general practitioners, probation, prisons, police, courts, CPS, self and other individuals.
- Women's centres should also be used as court and police diversions; as part of a package of measures for community sentences; and for delivery of probation and other programmes.
- I urge the regional offender managers for Wales and Eastern Region to take forward the projects outlined in my report.

PUBLIC OPINION

22. I believe that it is timely to build on indications that the public is not as punitive in outlook as some suppose and wants to know the facts and to have a rational debate. Educating the public and persuading sentencers to have confidence in alternative sanctions must be an integral part of the strategy relating to women who offend and who are at risk of offending. Prison is not the right place for many damaged and disadvantaged women. I recommend that this should become a key consistent message right from the top of government. This may go some way to heighten the awareness of the general public and encourage a reasoned and enlightened debate. The radical proposals that I recommend for women should be treated as a pilot for other groups within the criminal justice system, young men for example.

RECOMMENDATION

- There must be a strong consistent message right from the top of government, with full reasons given, in support of its stated policy that prison is not the right place for women offenders who pose no risk to the public.

CHAPTER 7. WOMEN'S HEALTH AND WELL-BEING - THE NEED FOR AN INTEGRATED APPROACH.

23. There is no doubt that there have been significant improvements in the provision of health services for women in prison in recent years as a result of prison health care being absorbed into the NHS and a similar exercise between the NHS and police is now necessary to bring consistency and higher standards of health care to police custody suites. But prisons are being asked to do the impossible; the fact is that many women in prison have been failed by society including the NHS long before they arrived at the prison gates and many are simply too ill for prison to be an appropriate location for them. Prison is being used to contain those for whom there is no proper provision outside prison, or who have already been excluded from society. And of course prisons are being asked to do this on the cheap. It is also clear that mental health services in the community are failing to adequately address the mental health needs of women, notwithstanding the existence of the Department of Health's women's mental health strategy and implementation guidance.

24. The soon-to-be-published report by the Department of Public Health, University of Oxford details the findings of one of the largest studies examining the health of 500 women prisoners in England and Wales during a three month period of custody and provides a great deal of new, useful and disturbing information about the health of these women. This study found that women in custody are more than five times likely to have a mental health concern than women in the general population, with 78% exhibiting some level of psychological disturbance when measured on reception into prison, compared with a figure of 15% for the general adult female population. 58% of women had used drugs daily in the six months before prison and 75% of women prisoners had taken an illicit drug in those six months. Crack cocaine, heroin, cannabis and benzodiazepines were the most widely used drugs. These figures indicate a worsening of the problems of drug use since the 1997 ONS Study. The Oxford Study reported that 42% of women prisoners drank alcohol in excess of government guidelines prior to imprisonment. (The comparable figure for the general adult female population is 22%.) This too indicates a worsening of alcohol abuse in women since the 1997 ONS study. The Oxford researchers also found that women coming into prison had very poor physical, psychological and social health, worse than that of women in social class V, the group within the general population who have the poorest health.

25. The *NHS Plan* in 2000 contained a commitment to have women-only community day care provision established in every health authority by 2004. Not only has this commitment not been met, it appears no longer to be an NHS plan target. It must be re-instated and PCTs required to resource and implement it. DH at the highest level should also reconfirm its commitment to implement not just its own *Women's Mental Health Strategy* but also its commitment to the action it signed up to in respect of the Women's Offending Reduction Programme. A DH minister must sit on the Inter-Departmental Ministerial Group for women who offend or are at risk of offending and DH must play a key part in the Women's Commission for this group.

26. Almost every sentencer I spoke to during my review bemoaned the shortage of clinicians able to provide timely specialist reports but provision of Criminal Justice Liaison and Diversion Schemes is patchy, under-resourced and much neglected because there is no mandatory requirement to have a scheme in place nor is there ring-fenced funding. There are parallels here with prison bail information schemes and I cannot understand the logic in failing to invest modest sums in essential diversion schemes given the cost of keeping these women in prison and the unquantifiable social damage. The NHS is failing to provide services for women with mental illnesses who come into the criminal justice system and failing to provide the machinery necessary to divert them into suitable health care on arrest or from court. I heard time and again from prison staff that it could still take months to find a suitable bed for a woman. Meanwhile their health deteriorates, sectioning is delayed until a bed has been secured (a practice I deplore) and, moreover, specialist staff outside the prison play no active role in the care of the woman before the transfer is effected even though her need has been identified.

SELF-HARM

27. Self-injury is an increasing phenomenon throughout society but the levels of self-harm within some of our women's prisons and the persistent severe self-mutilation of around 50 women in custody at any one time is shocking. Equally shocking is the apparent acceptance that this is the norm and the expectation that prison staff will take on the management of these women, insufficiently trained and sometimes uncomprehending of the motivation that drives women to injure themselves, as part of their normal daily (and nightly) routine. It is clear to me that prison cannot be the right place for managing these types of behaviours, which stem from deep-rooted long-term complex life experiences such as violent and/or sexual abuse, lack of care and/or post-traumatic stress disorder, in addition to a personality disorder. These are problems created within the community, which is where they should be addressed. The Prison Service cannot and should not be expected to solve social problems. Low-level offending women who self-harm should be diverted out of the route to prison into appropriate NHS services. The management and care for more serious offending self-harming women should be led by the NHS, either in an NHS resource or shared multi-disciplinary care in prison.

RECOMMENDATIONS

- All magistrates' courts, police stations, prisons and probation offices should have access to a court diversion/Criminal Justice Liaison and Diversion Scheme in order to access timely psychiatric assessment for women offenders suspected of having a mental disorder. These schemes should be integrated into mainstream services and have access to mental health care provision. Funding for the creation and maintenance of schemes should be ring-fenced.
- Sentencers must be able to access timely psychiatric reports and fail to remand in custody/sentence if not available.
- DH at the highest level should reconfirm its commitment to implement not just its own Women's Mental Health Strategy but also to the action it signed up to in respect the Women's Offending Reduction Programme (WORP). This will require senior leadership within DH.
- A DH minister must sit on the Inter-Departmental Ministerial Group for Women who offend or are at risk of offending and, at official level, DH must play a key part in the Women's Commission for this group. This must go wider than Prison Health and must include policy responsibility for women's mental health in the community.
- In recognition of the need to develop distinct approaches for women stated in the 2000 NHS Plan, the Department of Health should reinstate its commitment for the provision of a women-only day centre within every health authority and do so by 2008.
- There must also be an investment in more rigorous training and ongoing support and supervision for all those charged with meeting the complex needs of women. This training, which should include gender awareness and how community sentences can meet the needs of female offenders, should be extended to include all staff within the criminal justice system in contact with women, particularly those who make sentencing and bail decisions.
- The NHS should provide health care services to police custody suites; in busy areas this will require a 24-hour presence and ideally be a registered mental health worker.
- The management and care of self-harming women should be led by the NHS, either in an NHS resource or shared multi-disciplinary care in prison.

AND FINALLY

28. An additional 8,000 places for men are planned and a reported £1.5 billion is being sought to fund them. Unless the current sentencing trend can be reversed, more must follow. A much smaller level of funding would provide an opportunity for government to do something innovative for women. I do not pretend that my proposals will free up hundreds of prison places overnight. It will take time and determination and persistence but I do believe that, if my package of recommendations is implemented, over time the women's prison population will decrease. Another factor that makes this the right time to take action is that new commissioning arrangements are currently being worked up by the National Offender Management Service. The time is right to adopt a new approach to women in the criminal justice system, with central drive and direction at the highest level of a long-term strategy, coupled with a sound structure for commissioning services.

© Crown Copyright 2007
ISBN 978-1-84726-177-9

Publication Date: March 2007