

Agenda – the alliance for women and girls at risk
Response to the Prisons White Paper Consultation
January 2022

About Agenda

Agenda is an alliance of over 100 organisations working in England and Wales to build a society where women and girls are able to live their lives free from inequality, poverty and violence. We campaign for women and girls facing abuse, poverty, poor mental health, addiction, contact with the criminal justice system and homelessness to get the support and protection they need.

1. Do you agree with our long-term vision for women’s prisons?

To deliver a women’s estate that is safe, fair and promotes rehabilitation, Agenda does not believe the Government’s objectives outlined in the white paper achieve this aim. The most effective way to achieve the long-term vision for women in prison would be to significantly decrease the female custodial population by diverting women to sustainably funded community-based services, that are both trauma- and age-responsive.

Women’s pathways into the criminal justice system and experiences in prison

As acknowledged in the White Paper, the majority of women in prison have extensive experiences of disadvantage and trauma, and are imprisoned for short periods for non-violent offences. Almost two thirds (63%) of women in prison report to have experienced domestic abuse,¹ a third of women in prison were in care as children,² and the link between substance misuse and offending is stronger for women than for men.³ The complexity of women’s needs when they enter prison is compounded by the fact that prisons are inherently risky and re-traumatising environments, and do not provide adequate trauma-informed support. Women in custody are much more likely to self-harm than men, with self-harm rates amongst women in custody are at their highest level for seven years. Between June 2019 and June 2020, self-harm rates increased by 11%.⁴

Alternatives to custody

Agenda believes the most effective way to achieve the long-term vision for women’s prisons would be to significantly decrease the female custodial prison population. This can be achieved by diverting women away from the criminal justice system at the earliest possible point, and adequate and long-term investment in

¹ FOS Ministry of Justice (2018) [Table 4.3, Female Offender Strategy Supporting Data Tables](#)

² Ministry of Justice (2012) [Prisoners’ childhood and family backgrounds](#)

³ Lankelly Chase (2020) [Gender Matters](#)

⁴ Ministry of Justice (2020) [Safety in custody: quarterly update to June 2020](#)

women and girl's community-based services, including support for specific groups of women.

Women's centres and specialist girls' services are community-based support services for women and girls facing multiple disadvantage, including those in contact with the criminal justice system. These services provide holistic, gender-, age- and trauma-responsive services in safe, women- and girls-only spaces. Women's centres have a proven track record of providing effective therapeutic and practical interventions that support rehabilitation and help women turn their lives around, and prevent them entering prison in the first place.⁵ Ministry of Justice (MoJ) analysis shows a statistically significant reduction in re-offending rates for those who receive support from women's centres.⁶ Women's centres are also cost-effective. The estimated cost of keeping a woman in prison for a year is £52,121,⁷ and £1.7bn is spent on issues linked to women's offending annually.⁸ A place at a women's centre ranges from £1,223 to £4,125 per woman per year, depending on her needs. In the long term, £2.84 is saved for every £1 spent on women's centres, with one centre making a saving of £18 million over a 5-year period.⁹

Small, specialist voluntary sector providers, including women's organisations, have struggled to compete for contracts through the new probation commissioning model, the Dynamic Purchasing System. The process has been cumbersome, resource-intensive and hugely challenging for small charities with limited infrastructure. Specialist 'by and for' services, run by and for marginalised communities, are particularly vulnerable to being excluded from these processes. These services provide essential, tailored support to their communities, who often report they do not feel comfortable or are not able to access statutory services or mainstream women's services, and could provide critical support to reduce racial disproportionality in the system.

The long-term vision for the women's estate can also be more effectively pursued through full resourcing and operationalisation of the Government's *Female Offender Strategy (2018)*, *Concordat on women in or at risk of contact with the Criminal Justice System (2021)*, and the forthcoming *HMPPS Young Adult Women's Strategy*. Furthermore, the Ministry of Justice (MoJ) and Home Office (HO) should develop a cross-governmental strategy to address the inequalities faced by Black, Asian, minoritised and migrant women. It is very concerning, albeit not surprising, that the National Audit Office report has found there has been limited progress implementing the Female Offender Strategy (FoS).¹⁰ The report finds that the lack of investment in this strategy has meant several aspects of programme management and accountability, including goals, governance and monitoring and evaluation arrangements, have been weak. Despite the high cost of imprisoning women, and proven cost-effectiveness of women's centres, MoJ has only invested £9.5 million as

⁵ Tavin Institute (2019) [Why Women's Centres Work report](#)

⁶ Ministry of Justice (2015) [Re-offending Analysis: Women's Centres throughout England](#)

⁷ Revolving Doors (2011) [Counting the Cost](#)

⁸ Women's Budget Group (2020) [The Case for Sustainable Funding for Women's Centres](#)

⁹ Women's Budget Group (2020) [The Case for Sustainable Funding for Women's Centres](#)

¹⁰ National Audit Office (2021) [Improving outcomes for women in the criminal justice system](#)

grants to fund services for women in the community in 2018-19 and 2021-22.¹¹ This figure is dwarfed by the estimated £200 million being spent on building 500 new women's prison places.

In principle Agenda welcomes a more trauma-informed and trauma-responsive approach to working with women, including the commitment to a specialised recruitment and training proposal which will ensure that staff working with women prisoners are selected and trained to: understand how women and girls' offending, experiences of trauma and inequality are interlinked; and to be able to effectively support women who self-harm and those who have experienced domestic violence and sexual abuse. There are serious challenges to making the custodial environment more trauma-informed, however, and this must not just become a buzzword. Agenda and the Centre for Mental Health visited a women's prison attempting to apply a trauma-informed intervention.¹² Despite some positive results, women stressed that the whole of the prison needed to be trauma-informed for trauma-informed interventions to be effective. Daily acts associated with imprisonment can act as triggers to re-traumatisation, including restraint, being handcuffed, isolation, being searched, loud noises and the smell of disinfectant. Women were concerned that prison itself had the potential to re-traumatise and potentially undo the good work individual interventions had achieved, such as individual programmes.

Recommendations:

To prevent the need for prison places:

- **Reducing the female prison population:** Government should reverse its decision to spend £150 million in 500 new prison places for women and invest this in diversion schemes and gender-specific and trauma-informed community-based support which tackle the root of women and girls' criminalised behaviour.
- **Community solutions:** The national network of women's centres must be adequately and sustainably funded and commissioned to deliver gender-specific and trauma-informed support to all women and girls who need it, including developing age-appropriate support for girls and young women to divert them from the criminal justice system at the earliest possible opportunity.

For oversight and transparency:

- **Monitoring progress of the FoS:** The Ministry of Justice (MoJ) should develop, in consultation with the Advisory Board for Female Offenders (ABFO) and Female Offender Minority Ethnic (FOME) group, a clear action plan to reduce the number of women both in, and entering, custody to achieve the ambitions of the Female Offenders Strategy. The newly formed Women in the Criminal Justice System inter-ministerial group should report quarterly to the ABFO on progress to achieving these outcomes, alongside

¹¹ Russell Webster (2022) [MoJ Has Under Invested In Its Female Offender Strategy](#)

¹² Agenda and Centre for Mental Health (2019) [A Sense of Safety: Trauma-informed approaches for women](#)

progress in implementing the National Concordat, to both ABFO and FOME. to ensure more effective monitoring. Further consideration must be given to how ABFO and FOME are joined-up to ensure the expertise of both groups is effectively coordinated and drawn upon by Government.

- **Evaluation of Residential Women’s Centres:** Evidence on women’s outcomes from the first Government Residential Women’s Centres should be reported on to parliament and the public before a wider national rollout.

To reduce harm in prison:

- **Routine enquiry** should take place within the first few days upon reception to custody, as well as throughout a woman’s sentence at appropriate moments, to establish whether women and girls in custody have experiences of violence, abuse and trauma. Staff must be trained to make these enquiries sensitively and respond appropriately with pathways to support, both in custody and through the prison gates.
- **Clear and safe information recording** and sharing should be consistently implemented across the criminal justice system, to avoid the re-traumatisation of women having to repeatedly share their life histories. Women must be fully informed about what information will be recorded and shared, and given the right to withdraw personal information and testimony from all places it is stored.
- **Effective, well-resourced, trauma-informed support programmes for women and girls** around key issues they may be facing in their lives, such as domestic abuse and trauma, should be delivered across the estate with the full involvement of specialist women and girl’s services.¹³
- **Early interventions by prison staff** to prevent women and girls from reaching crisis points. There should be regular reviews and assessments of women and girls’ changing needs, and lower thresholds for mental health support.
- **Increased use of de-escalation techniques** to avoid any use of force by staff. **End the use of face-down restraint** and other forms of physical restraint used only as a last resort.¹⁴ All use of force to be recorded, including the reason it was used.
- **Increased staff capacity** to reduce caseloads and enable women and girls to have more tailored, specialist support.
- **System coordinators** to facilitate contact with external support, such as women’s centres and specialist ‘by and for’ services.
- **Training staff:** Promised trauma-informed training for MoJ staff should be designed and delivered by specialist, women-led, community-based services – including services led by and for Black and minoritised women – who have

¹³ For example, Agenda and Centre for Mental Health visited was a women’s prison attempting to apply a trauma-informed intervention. Female prisoners could voluntarily participate in a programme to help them address and cope with their past traumas, and women we spoke to who had taken part were very positive about its benefits. For more information, see: Agenda and Centre for Mental Health (2019) [A Sense of Safety: Trauma-informed approaches for women](#).

¹⁴ In line with the updated [Criteria for assessing the treatment of and conditions for women in prison](#) by HM Inspectorate of Prisons, which notes that the use of force and restraint must only be used “when absolutely necessary and as a measure of last resort. The force or restraint used must be the minimum necessary and for the shortest possible time.” The criteria also makes clear the requirement that Use of force documentation is completed promptly and the data is monitored to understand and act on emerging patterns and evidence of disproportionality for protected and minority characteristics.

consulted with women and girls with lived experience to develop this training.

For further supporting evidence for these recommendations, please refer to Agenda's written evidence to the Justice Select Committee inquiry on 'Women in Prison': <https://committees.parliament.uk/writtenevidence/36780/pdf/>

2. What more could we do to support women in custody, with particular reference to meeting the needs of women prisoners with protected characteristics?

Women with protected characteristics often face additional vulnerabilities, impacting on both their pathways to the criminal justice system, and experiences within the custodial estate. For example, young adult women are in a unique position in the criminal justice system as a minority on account of both their age and gender.¹⁵ Black, Asian, minoritised and migrant women are over-represented in the custodial estate,¹⁶ and face discrimination on the basis of their race and gender, and sometimes their faith.¹⁷ Failure to understand women's intersectional experiences of inequality and disadvantage, both within and outside of the criminal justice system, means women are not given the right support to be able to rebuild their lives outside custody, leaving them at risk of reoffending.

Younger women in custody

Young women in prison are a particularly vulnerable group, reporting poorer experiences of prison than older women in key areas, including their first few days in the adult women's estate, feelings of safety during their first night, greater levels of feeling insulted, intimidated or threatened by members of staff and lower levels of feeling respected by staff. A failure to identify and address the needs of young women in prison has been highlighted as a "consistent feature" of inspection reports.

At the end of 2021, the newly-published Prisons Strategy White Paper outlined the Ministry of Justice's intention to develop a dedicated Young Women's Strategy as part of a commitment to providing 'tailored, age-appropriate care and services to young women in custody'. This, in combination with the development of the Youth Custody Service's forthcoming strategy for girls in the secure estate marks a significant change in approach to girls and young women in contact with the criminal

¹⁵ For example, there is greater prevalence of mental health issues amongst young adult women, including higher rates of suicide compared to young adult men and older adult women. (Agenda and Alliance for Youth Justice (2020) [Young Women's Justice Project Literature Review](#))

¹⁶ Agenda (2020) [Agenda Briefing: Women and girls in contact with the criminal justice system](#)

¹⁷ The [Corston Report](#) highlights that Black and minoritised women are "more likely to be living in a deprived area, more likely to be subject to poverty, have experienced care and been excluded from school." [Agenda and Women in Prison \(2017\)](#) spoke to Black and minoritised women about their experiences in the criminal justice system. Women reported feeling discriminated against in the courts and in prison. One woman reflected: "Women are treated lesser than men and I think Black, Asian people are treated lesser than white people, so if you are a Black or Asian woman... You're already at a disadvantage, a double disadvantage."

justice system and presents a real opportunity to get things right for a long-overlooked and particularly vulnerable group.

To fully harness this opportunity for change and end the cycle of abuse, inequality and offending for young women, a strategy for young women in the justice system must outline steps to address the vulnerabilities which drive young women's earliest experiences of criminalisation. This should include a central focus on the impacts of structural inequalities such as gender-inequality, poverty and racism. To respond to the range of interconnected forms of disadvantage young women in contact with the criminal justice system face, a cross-departmental approach is imperative. Alongside this, the Youth Custody Service's strategy for girls relates must connect to the strategy for young women to ensure consistency in approach and to prevent young women from continuing to experience distressing and destabilising transitions from the youth to adult system.

Run in partnership with the Alliance for Youth Justice, the Young Women's Justice Project has made clear the value and quality of the insights young women caught up in the criminal justice system are able to share. If the Ministry of Justice's Young Women's Strategy is to have a significant impact on practice on the ground, those with lived and learned experience of the system must play a central role in shaping it – from the earliest stages of its development, through to its evaluation.

Developing a more age responsive system

- **The planned Young Women's Strategy must be well-resourced and strategically governed** to support an improved response to young women at all stages of the criminal justice system, including those in prison. This should address inequalities which drive the concerning and persistent over-representation of Black and minoritised and care-experienced young women in prison, and be evaluated against outcomes developed in consultation with young women and the services supporting them.
- **Development of transitions guidance** for practitioners supporting girls and young women moving from the youth to adult's estate, responsive to the needs of Black and minoritised and care-experienced girls.

Pregnant women and mothers

Pregnant women in prison are an extremely vulnerable group - as well as their children. An estimated 600 pregnant women enter prisons in England each year, and about 100 babies are born inside.¹⁸ Maternity services are not equal to those in the community, putting women and their children's lives at risk. The tragic recent deaths of a new-born baby at HMP Bronzefield in 2019, after her 18 year-old mother gave birth alone in her cell, and of a stillbirth of a woman who did not realise she was pregnant and was not visited by the prison's duty nurse despite complaints of acute

¹⁸ Shona Minson, [The impact of imprisonment on pregnant women and their unborn children](#), A summary of research evidence from Dr Laura Abbott, Fellow of the Royal College of Midwives, Senior Lecturer in Midwifery, University of Hertfordshire, 26 March 2020

abdominal pain in HMP Styal in 2020, clearly illustrate that no pregnant women should be held in these conditions.¹⁹

Beyond pregnancy, women and their children are disproportionately impacted by custodial sentences – many of which are under six months and for non-violent offences²⁰ - and the use of remand and recall.²¹ Women’s imprisonment affects an estimated 17,240 children in England and Wales, who are separated from their mothers and most often forced to leave home – though this data is still not centrally collected.²² It is estimated that 95% of children who are separated from their mother by imprisonment have to leave the family home to go into care or live with relatives.²³ Only some progress has been made to deliver the recommendations from the Farmer Review, which highlighted the importance of women maintaining family ties while in prison – for example, the gradual rollout of video technology. However, the central problem remains that the small number of women’s prisons means women are often held in custody far from their homes. Most women’s families, friends and children will not have the time or financial ability to travel long distances on a regular basis.

Recommendations for mothers and pregnant women

- **Protecting the rights of the child:** The expectation for sentencers to consider the impact of sentencing primary carers on children must be given statutory force to shift entrenched practice.
- **Pregnant women’s** sentences should be deferred, or replaced with community orders, and if custodial sentences are deemed unavoidable, those reasons must be justified in open court.²⁴
- **Better healthcare for pregnant women** for whom custodial sentences are deemed unavoidable, including working with voluntary, specialist organisations such as Birth Companions to ensure there is join-up between NHS services and the prison - including support from midwives, access to scans, and that women have a maternity notebook.
- **Maintaining family ties:** The Government must publish the delayed progress report on recommendations from the Farmer review which was due in September 2020.

Black, Asian, minoritised and migrant women in custody

Black, Asian, minoritised and migrant women face the ‘double disadvantage’ of gender inequality and racism when they encounter the criminal justice system. This stops them from getting the support they need both within the system and when they try to rebuild their lives outside, leaving them at risk of reoffending.

¹⁹ Justice Gap (2022) [Pregnant women should have sentences deferred or replaced with community orders](#)

²⁰ Agenda (2020) [Agenda Briefing: Women and girls in contact with the criminal justice system](#)

²¹ As a snapshot, in 2019, a staggering 46 per cent of women entering prison did so on remand. Howard League for Penal Reform (2020) [Reset: Rethinking remand for women](#)

²² Prison Reform Trust (2018) [What about me?](#)

²³ Caddle, D and Crisp, D. (1997) [Mothers in Prison](#)

²⁴ As recommended by: Brown, G., Epstein, R. and Garcia de Frutos, M. (2021) [Why are pregnant women in prison?](#)

In many cases women can face additional disadvantage in the form of faith inequalities when they encounter the criminal justice system. The failure to acknowledge and support faith as an important part of their identity can further accentuate their sense of unfairness and marginalisation.

For Black, Asian, minoritised and migrant women experiences of violence and abuse, and the 'ripple effects' of criminal justice involvement like worsening mental health, isolation, and poverty, are compounded by racism, discrimination and a lack of appropriate specialist support. The mental health of Black and minoritised women, for example, is often treated as a discipline and control issue in custody, rather than as something that requires treatment and care.²⁵

Agenda, together with [Hibiscus Initiatives](#), [Muslim Women In Prison](#), [Zahid Mubarek Trust](#), [Criminal Justice Alliance](#) and [Women In Prison](#), has **developed a 10-point action plan** for change to improve outcomes and reduce inequalities and discrimination against Black, Asian, minoritised and migrant women in contact with the criminal justice system. This action plan has been developed through consultation with women with lived experience as well as government officials and specialist organisations, and provides clear steps that are needed to make a real difference in the lives of the most marginalised women in our community.

Recommendations for Black, Asian, minoritised and migrant women

- **Commissioning and funding of specialist 'by and for' services:** Ensure accessibility of funding and commissioning mechanisms and procedures in all parts of the criminal justice system to achieve the wide participation of small and medium-sized, voluntary and specialist sector organisations run 'by and for' the communities they serve, including through the use of grants and capacity building programmes rather than contracts.
- **Training for staff:** Train criminal justice staff on culture, ethnicity, race, faith, gender, and anti-racism to meet the multiple and intersecting needs of Black, Asian, minoritised and migrant women, enabling and resourcing specialist organisations and those with lived experience to develop and deliver this.
- **Resources for staff:** Develop practical resources and guides for Home Office (HO) and MoJ staff on the rights of Black, Asian, minoritised and migrant women who have language barriers and require support in different languages or in easy read to incorporate their needs and ensure sentencers take into consideration their experiences throughout each stage of the criminal justice system.

²⁵ Agenda and Women in Prison spoke to Black and minoritised women about their experiences in the criminal justice system. Women reported feeling discriminated against in the courts and in prison.

"I find here if you are black and you've got mental health issues you are going to segregation [general agreement] because you are a danger. But if you are white or you've got mental health issues you are on the wing – or you are in [in-reach mental health support service] and it's ok so when they kick off and have their little mood swings, she's got issues, it's OK...but a black person with mental health issues you go to segregation." - "For a white person it's mental health and for a black person it's classed as anger management issues." For more information, please see Agenda and Women in Prison (2017) Double Disadvantage: The experiences of Black, Asian and Minority Ethnic women in the criminal justice system.

- **Recruitment:** Recruit Black, Asian, minoritised and migrant women with lived experience in the criminal justice system to become peer mentors and cultural mediators across the whole system.
- **Equalities data and monitoring:** MoJ to publish their report on “Women in the Criminal Justice System” on an annual basis. For this report to also identify and analyse in greater depth the key racial disparities in women’s level and type of contact with the criminal justice system and experiences within the criminal justice system, including the use of remand and prosecutions where histories of poor mental health were identified in pre-sentence reports.
- **Remand and custodial sentencing:** MoJ to end the use of disproportionate remands and custodial sentencing on Black, Asian, minoritised and migrant women.
- **Probation and immigration status:** Identify gaps in the probation services for Black, Asian, minoritised and migrant women with insecure immigration statuses.
- **Scrutiny:** Improve the effectiveness of current external scrutiny bodies to identify and challenge direct and indirect race, sex and religious discrimination.
- **Pre-Sentence Reports:** Ensure Black, Asian, minoritised and migrant women and their individual circumstances are properly taken into consideration both by effective legal representation and Pre-Sentence Reports (PSRs).
- **Family relationships:** Address issues identified in the Farmer Review around strengthening family relationships (including with children) in prison and community relating to address the impact on Black, Asian, minoritised and migrant women and their families and their specific needs around contact, mediation, and risk.

To read the full action plan, please visit: <https://weareagenda.org/tackling-double-disadvantage/>

We would welcome the opportunity to discuss the issues outlined in this consultation response with you in more depth. To arrange a call or for more information, please get in touch with hermione@weareagenda.org
