

# Consultation on Expectations: Criteria for assessing the treatment of and conditions for women in prison

## Background to this consultation

Her Majesty's Inspectorate of Prisons (HMI Prisons) is currently consulting on *Expectations: Criteria for assessing the treatment of and conditions for women in prison*. The *Expectations* have been developed independently by HMI Prisons and set out the criteria by which we inspect outcomes for women in custody. This is the second version of our *Expectations* for women in prison, which we have revised so that we can continue to fulfil our responsibility to deliver independent and objective assessments of outcomes for prisoners. The revision follows a literature review, focus groups and extensive consultation with a range of stakeholders, including women in custody. The *Expectations* incorporate learning from our inspections of women's prisons and other best practice. They are underpinned by human rights treaties and standards.

After much deliberation and consultation, we have chosen to retain the four healthy prison tests of safety, respect, purposeful activity and rehabilitation and release planning. Rehabilitation and release planning has replaced resettlement, as it more accurately describes the content of the test. We have thought carefully about the content of each test and made changes to reflect the differing risk and needs of women in prison and to promote the issues that are most relevant to them. For example, the role of safe and healthy relationships now underpins the safety test; relationships with children, families and other people who are significant to women is now central to the respect test and features more prominently in other sections, such as early days in custody. We have integrated the importance of well-being, fostering a community and supporting women to deal with their needs throughout the four tests, rather than limiting these considerations to one test. We hope that these changes will lead to improved outcomes for those held in women's prisons.

The final version of the *Expectations* produced following this consultation will include short explanations of the human rights treaties and standards relevant to each *Expectations* area.

## How to participate in this consultation

We welcome comments on any aspect of the draft *Expectations* and have provided a feedback form (below) for this purpose. We have also provided a Word copy of the *Expectations* so that you can make comments or suggest changes to the drafting in the document, as we recognise that it is often easier to provide feedback in this way. You may provide feedback using either or both options. If you are commenting on or suggesting changes to the draft *Expectations* document, please use tracked changes as this allows us to ensure we capture all your suggestions.

As well as welcoming your general feedback, we are asking a series of optional questions (below and set out in the feedback form). Your responses will help us determine if the changes to our *Expectations* will improve outcomes for women.

1. Do the draft *Expectations* describe an environment in which women can be supported to make positive changes for themselves and promote their own well-being?
2. Do the draft *Expectations* promote a healthy and safe community that encourages positive behaviour and fosters positive staff-prisoner relationships?
3. Are relationships with children, families and significant others given enough focus in the draft *Expectations*?
4. Do the draft *Expectations* meet the needs of women in prison? Are there any needs of that have been missed?

Whether you decide to reply to this consultation using the feedback form or by commenting on the draft directly, please provide your details as requested in part one of the form. We are happy to accept replies from individuals or organisations.

All feedback should be returned by email to [caroline.wright@hmiprisons.gov.uk](mailto:caroline.wright@hmiprisons.gov.uk) by 31 December 2020. Please contact Caroline by email or call 020 7340 0500 if you have questions or require any assistance to complete this consultation.

## Next steps

Once the consultation period has closed, we will review all the replies we receive, make amendments to the *Expectations*, and publish the final version on our website in March 2021. We will summarise the changes we have made following the consultation and will provide this summary to everyone who participated. The summary will not attribute specific comments to individuals or organisations and we will not publish any consultation replies. Please feel free to publish your own, individual reply to this consultation.

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Agenda, the alliance for women and girls at risk, welcomes the opportunity to respond to this HM Inspectorate of Prisons for England and Wales (HMI Prisons) consultation on expectations for assessing the treatment of and conditions for women in prison. We are encouraged to see an emphasis from the outset of this criteria on the importance of a cross-cutting, trauma-responsive approach to women in prison. It is well established that women and girls in contact with the criminal justice system face significant vulnerabilities, with their experiences often underpinned by histories of violence, abuse and exploitation, substance use, poor mental health and having no safe place to call home.<sup>1</sup> Women tend to be victims of violent crimes like sexual violence and domestic abuse, and commit non-violent offences. Community-based alternatives to custody are proven to be more effective for women's rehabilitation, cost-effective for government, and less damaging to families and communities. However, Agenda welcomes the opportunity to advocate for women who do receive custodial sentences, to ensure they are treated with dignity and respect, and are given meaningful opportunities for rehabilitation.

For women in custody to be effectively supported to make positive changes in their life; develop good relationships with peers and prison staff; foster relationships with their children and families; and to have their needs effectively met – Agenda sets out four key principles that must be embedded across all four tests. These principles are mutually reinforcing and so should be regarded as necessarily inter-dependent. We advocate for:

- 1) Gender-, trauma- and age-responsiveness
- 2) Cultural sensitivity and actively tackling disproportionality and inequality
- 3) Women-centred support and partnership working
- 4) Transparency and accountability

To effectively embed these principles throughout the criteria for assessing the treatment of and conditions for women in prison, Agenda recommends:

- HMI Prisons should inspect against the extent to which gender-, age- and trauma-informed principles are being adopted and implemented. The criteria for expectations should explicitly commit to this approach from the outset and throughout.<sup>2</sup>
- HMI Prisons to advocate that professionals working in the criminal justice system must be trained to respond and understand the particular experiences of women and girls, including mental health awareness and the impact of trauma and abuse, and how to respond appropriately. This training and development must incorporate gender-, age- and trauma-informed principles.
- HMIP must develop a framework for ensuring young women's safety in prison. This must include expectations on how to manage risks for young women transitioning to

<sup>1</sup> Ministry of Justice (2007) The Corston Report <http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>

<sup>2</sup> See Appendix 1 for Frameworks and assessment tools for gender-responsive and trauma-informed services. Agenda and Ava (2017) Mapping the Maze <https://weareagenda.org/wp-content/uploads/2015/11/Mapping-the-Maze-Literature-Review-Full-updated.pdf>

the adult criminal justice system, for example through the provision of 'first night centres', and how staff can more appropriately respond to this cohort, for example by measuring the extent to which staff prioritise a non-punitive, trauma-informed, strengths-based approach to empower young adult women and address risks and vulnerabilities.

- Young women should be consulted at least once a year to determine their needs for specific activities, programmes and services. Many young women will need support particularly in the area of self-harm, mental health problems, substance misuse problems and domestic abuse, and maintaining positive personal relationships and relationships with peers.<sup>3</sup>
- Figures on the use of force on women and particularly young women should be monitored by the IMB, and swift action must be taken to address any disproportionality observed.
- HMI Prisons must test prisons for the degree to which women from different groups are overrepresented and more adversely affected. In their reporting they should make specific efforts to seek out the views of women from different minoritised groups and ask prisons to respond to how they address, or plan to, the needs of different groups. They should highlight and ask prisons to take action where disproportionate outcomes are apparent.
- Assess the extent to which prisons' staff reflect the gender, religion, race and ethnicity of the women in those prisons, and the effectiveness of cultural and gender awareness training through consultation with women from minoritised communities in prison, such as Black, Asian and minoritised ethnic women, including Gypsy, Roma and Traveller women.
- HMI Prisons to lead by example and disaggregate all data collected across all protected characteristics, in particular age, gender and ethnicity, and make this data publically available and accessibly presented to allow for further analysis. Prisons should be asked to do the same.
- HMI Prisons to state expectation that prison and probation staff are trained to deliver assessments and support plans that explore women's needs through a holistic approach, which is led by the needs as identified by the woman, not the staff member or service.
- HMI Prisons to highlight examples of best practice of holistic, joined-up care in prison.
- HMI Prisons to introduce a clear expectation that prisons should be engaging with women's community based organisations, and assess how well prisons work in partnership with these organisations to meet the needs of women in prison and through the resettlement process.
- State an expectation that all relevant data on women's eligibility for and early release from prison, and women and babies in Mother and Baby Units, is recorded accurately and shared with relevant government departments.

## **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.

For many women and girls, their experiences of disadvantage are often underpinned by a history of extensive violence and abuse. Agenda research shows that women are ten times as

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<sup>3</sup> Clinks (2019) Her Majesty's Inspectorate of Prisons consultation on Expectations for Women  
<https://www.clinks.org/sites/default/files/2020-01/HMIP%20consultation%20on%20Expectations%20for%20Women.pdf>

likely as men to have experienced physical and sexual abuse during their lives, with one in 20 women affected.<sup>4</sup> Of this group of women, more than half have a common mental health condition, one in three have attempted suicide, nearly half are in the lowest income bracket, a quarter have been homeless and a third have an alcohol problem.<sup>5</sup> More than half (57%) of women in prison report having suffered domestic violence,<sup>6</sup> and 53% report having experienced emotional, physical or sexual abuse during childhood.<sup>7</sup> These figures are likely to be significant underestimates.

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## Full response

### 1) Gender-, trauma- and age-responsiveness

While the criteria commits to a cross-cutting approach to trauma-responsiveness, this can only be effective for women in prison if it is also a gender- and age-responsive approach. This is central to creating an environment that is safe for women and enables women to be able to make positive changes in their lives.

Being trauma-informed means recognising trauma as an important element of a woman's journey and recovery, and seeking to empower, build trust and meet her needs respectfully and safely through a strength-based approach.<sup>8</sup> Women's trauma and criminalised behaviour is often a legacy of extensive violence and abuse they have experienced throughout their lives. More than half (57%) of women in prison report having suffered domestic violence,<sup>9</sup> and 53% report having experienced emotional, physical or sexual abuse during childhood.<sup>10</sup> Both of these figures are likely to be significant underestimates.

This violence and abuse is both a cause and a consequence of gender inequality. Understanding women's experiences of trauma must be contextualised within these broader power dynamics, in order to avoid perpetuating them. Agenda and Centre for Mental Health research has highlighted that without being gender-informed, prison practices and environments such as restraint, being handcuffed, isolation, being searched and giving women little control over their support programmes can be extremely distressing and re-traumatising for women.<sup>11</sup> Ministry of Justice data shows women in custody are much more likely to self-harm than men.<sup>12</sup> 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%, according to the latest MoJ data.<sup>13</sup>

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<sup>4</sup> Agenda (2016) Hidden Hurt – Violence, abuse and disadvantage in the lives of women  
<https://weareagenda.org/wp-content/uploads/2015/11/Hidden-Hurt-full-report1.pdf>

<sup>5</sup> *ibid*

<sup>6</sup> Prison Reform Trust (2017) *There's a reason we're in trouble* Domestic abuse as a driver to women's offending  
[http://www.prisonreformtrust.org.uk/Portals/0/Documents/Domestic\\_abuse\\_report\\_final\\_lo.pdf](http://www.prisonreformtrust.org.uk/Portals/0/Documents/Domestic_abuse_report_final_lo.pdf)

<sup>7</sup> Women In Prison, *Key Facts* <http://www.womeninprison.org.uk/research/key-facts.php>

<sup>8</sup> Centre for Mental Health and Mental Health Foundation (2019) Engaging with Complexity. Available here: [https://www.centreformentalhealth.org.uk/sites/default/files/2019-05/CentreforMH\\_EngagingWithComplexity.pdf](https://www.centreformentalhealth.org.uk/sites/default/files/2019-05/CentreforMH_EngagingWithComplexity.pdf)

<sup>9</sup> Prison Reform Trust (2017) *There's a reason we're in trouble* Domestic abuse as a driver to women's offending  
[http://www.prisonreformtrust.org.uk/Portals/0/Documents/Domestic\\_abuse\\_report\\_final\\_lo.pdf](http://www.prisonreformtrust.org.uk/Portals/0/Documents/Domestic_abuse_report_final_lo.pdf)

<sup>10</sup> Women In Prison, *Key Facts* <http://www.womeninprison.org.uk/research/key-facts.php>

<sup>11</sup> Agenda and Centre for Mental Health (2019) *A sense of safety: Trauma-Informed approaches for women*  
<https://weareagenda.org/wp-content/uploads/2019/11/ASenseOfSafety.pdf>

<sup>12</sup> In 2019, the number of individuals who self-harmed per 1,000 prisoners was 335 for females and 148 for males. Self-harm per individual was over twice as high for females at 9.3 instances, compared to 4.4 for males. Ministry of Justice (2020) *Women and the Criminal Justice System 2019* <https://www.gov.uk/government/statistics/women-and-the-criminal-justice-system-2019>

<sup>13</sup> Ministry of Justice (2020) *Safety in custody: quarterly update to June 2020*  
<https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-june-2020>

*“If an animal bites and keeps whining, there is something wrong with that animal. That should be translated into people: if someone who is usually in a happy mood is being destructive, moody or unhappy, it isn’t simply that this person has an attitude; something is going to be wrong. Staff who have been trained in trauma-informed approaches are recognising that now and it’s making all the difference...”*

-Woman on Prison-based trauma programme for women (South East)

Young women in prison and transitioning into the adult criminal justice system have gender- and age-specific needs which must be understood in order to be trauma-responsive to this cohort. Young women’s distinct needs are often marginalised, ignored and misunderstood in the adult criminal justice system. In an annual report from 2012, HMI Prisons noted that a failure to identify and address the needs of young adult women had become ‘a consistent feature’ of inspections of women’s prisons.<sup>14</sup>

Although data on experiences of abuse amongst girls and young adult women specifically in the criminal justice system can be scarce, various studies have estimated that between 75-90% of girls in custody may have been abused.<sup>15</sup> Young women often experience victimisation in their own relationships, and mental health is a serious and growing problem for young women. Ministry of Justice data shows that 13% of girls and young adult women (13–18) engaging with liaison and diversion services in the year ending March 2018 were identified as at risk of suicide or self-harm, compared to 5% of boys and young men. The gender differences between adult women (15%) and men (14%) in this respect is less stark.<sup>16</sup> The Harris review on self-inflicted deaths of 18 – 24 year-olds in custody noted that young adult women can be particularly vulnerable, and a higher proportion of young adult women (18–24) took their own lives than older women from 2002 to 2013.<sup>17</sup> The average number of self-harm incidents per woman in custody is 4.8, compared to 4.9 for girls in custody aged 10-18.<sup>18</sup>

For women’s prisons to be a supportive environment which fosters positive staff-prisoner relationships, age-responsive ways of working are essential. Despite most young women in the criminal justice facing significant vulnerabilities, very few prisons have a specific offer or response for younger women. Girls transitioning into the adult criminal justice system are confronted with a cliff edge of support on their 18<sup>th</sup> birthday.<sup>19</sup> Where risks to young adult women are identified, interventions intended to protect or manage this can be experienced by young adult women as unhelpful, punitive and (re)traumatising. Young adult women expressing their sadness and anger overtly and exhibiting disruptive behaviours may experience inappropriate responses by professionals who misinterpret them as manipulative or delinquent. The use of force, physical restraint and

<sup>14</sup> Allen, R. (2016) *Meeting the needs of young adult women in custody*. [https://www.t2a.org.uk/wp-content/uploads/2016/03/Young-Adult-Women-in-Custody\\_LR2.pdf](https://www.t2a.org.uk/wp-content/uploads/2016/03/Young-Adult-Women-in-Custody_LR2.pdf)

<sup>15</sup> Beyond Youth Custody (2014) RESETTLEMENT OF GIRLS AND YOUNG WOMEN RESEARCH REPORT [http://www.beyondyouthcustody.net/wp-content/uploads/421\\_research-report\\_04\\_8\\_w-front\\_cover.pdf](http://www.beyondyouthcustody.net/wp-content/uploads/421_research-report_04_8_w-front_cover.pdf)

<sup>16</sup> A gender gap also exists between adult women (15%) and men (14%) in the same study but there is a more noticeable difference between genders amongst young people. Ministry of Justice (2017) Statistics on Women and the Criminal Justice System 2017 A Ministry of Justice publication under Section 95 of the Criminal Justice Act 1991.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/759770/women-criminal-justice-system-2017..pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759770/women-criminal-justice-system-2017..pdf)

<sup>17</sup> The Harris Review (2015) Changing Prisons, Saving Lives: Report of the Independent Review into Self-inflicted Deaths in Custody of 18-24 year olds. <https://www.gov.uk/government/publications/harris-review-self-inflicted-deaths-in-custody>

<sup>18</sup> Data compared from Youth Justice statistics: 2017 to 2018 (Table 8.10)

<https://www.gov.uk/government/statistics/youth-justice-statistics-2017-to-2018>

and Safety in Custody Statistics 2020

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/930458/safety-in-custody-q2-2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/930458/safety-in-custody-q2-2020.pdf)

<sup>19</sup> House of Commons Justice Committee (2016) Young adults in the criminal justice system: Seventh Report of Session 2016-17 <https://publications.parliament.uk/pa/cm201617/cmselect/cmjust/169/169.pdf>

isolation is increasingly and disproportionately used against girls in custody settings to manage behaviour and even self-harm.<sup>20</sup>

### **Recommendations:**

- HMI Prisons should inspect against the extent to which gender-, age- and trauma-informed principles are being adopted and implemented. The criteria for expectations should explicitly commit to this approach from the outset and throughout.<sup>21</sup>
- HMI Prisons to advocate that professionals working in the criminal justice system must be trained to respond and understand the particular experiences of women and girls, including mental health awareness and the impact of trauma and abuse, and how to respond appropriately. This training and development must incorporate gender-, age- and trauma-informed principles.
- HMIP must develop a framework for ensuring young women's safety in prison. This must include expectations on how to manage risks for young women transitioning to the adult criminal justice system, for example through the provision of 'first night centres', and how staff can more appropriately respond to this cohort, for example by measuring the extent to which staff prioritise a non-punitive, trauma-informed, strengths-based approach to empower young adult women and address risks and vulnerabilities.
- Young women should be consulted at least once a year to determine their needs for specific activities, programmes and services. Many young women will need support particularly in the area of self-harm, mental health problems, substance misuse problems and domestic abuse, and maintaining positive personal relationships and relationships with peers.<sup>22</sup>
- Figures on the use of force on women and particularly young women should be monitored by the IMB, and swift action must be taken to address any disproportionality observed.

## **2) Cultural sensitivity and actively tackling disproportionality and inequality**

The criteria commits to assessing the extent to which gender is understood to interact with other protected characteristics. Women have different needs and experiences, some of which are driven by a range of different inequalities. Understanding how women's various intersecting identities shape the inequalities they experience, including where women are disproportionately represented within, and impacted by, the criminal justice system, is vital for meeting the needs of women. Women's experiences of trauma must also be seen through this lens.

For example, Black and minoritised<sup>23</sup> women are not only overrepresented in prison, but their specific needs and experiences are systematically overlooked. An HMI Prisons report noted that Black and minoritised women are more likely to experience isolation leading to increased levels of depression when in prison, whilst at the same time they may be less likely to seek help from health care staff.<sup>24</sup> Research has shown that within mental health services, models of 'recovery' can overlook the impact of forms of discrimination such as racism, thereby failing

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<sup>20</sup> Goodfellow, P. (2019) 'Outnumbered, locked up and over-looked? The use of penal custody for girls in England & Wales'. The Griffin Society.

[https://www.thegriffinsociety.org/system/files/papers/fullreport/griffins\\_research\\_paper\\_2017-02\\_-\\_full\\_paper.pdf](https://www.thegriffinsociety.org/system/files/papers/fullreport/griffins_research_paper_2017-02_-_full_paper.pdf)

<sup>21</sup> See Appendix 1 for Frameworks and assessment tools for gender-responsive and trauma-informed services. Agenda and Ava (2017) Mapping the Maze <https://weareagenda.org/wp-content/uploads/2015/11/Mapping-the-Maze-Literature-Review-Full-updated.pdf>

<sup>22</sup> Clinks (2019) Her Majesty's Inspectorate of Prisons consultation on Expectations for Women <https://www.clinks.org/sites/default/files/2020-01/HMIP%20consultation%20on%20Expectations%20for%20Women.pdf>

<sup>23</sup> The term 'Black, Asian and Minority Ethnic' is commonly used in policy contexts but it can reinforce the idea that certain groups automatically occupy a minority position. Drawing on critical analysis of this term by services led by and for marginalised groups, we refer to 'Black and minoritised' women to highlight the way in which these groups are constructed as 'minorities' through processes of marginalisation and exclusion.

<sup>24</sup> HM Inspectorate of Prisons, The Mental Health of Prisoners, 2007

<https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2014/07/Mental-Health.pdf>

to connect women and girls' mental ill-health with the oppression they face.<sup>25</sup> Services can characterise reactions to racism as signs or symptoms of illness, meaning that this, rather than the ongoing discrimination women and girls face, is addressed.<sup>26</sup> Black and minoritised women and girls also face distinct challenges in resettlement on release from prison, such as racial discrimination, stigma, isolation, cultural differences, language barriers and uncertainty about their future related to insecure immigration status and having No Recourse to Public Funds. A recent report by HMI Prisons found a third of Black and minoritised prisoners interviewed felt that their ethnicity had a significant impact on their experience of rehabilitation and release planning, but almost no staff identified this to be an issue.<sup>27</sup>

### Double Disadvantage

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."*

Women with other intersecting minoritised identities are also overrepresented in the criminal justice system and disproportionately likely to experience (re)traumatisation in a system that overlooks their distinct experiences and needs. For example, disabled women are overrepresented in prisons: a greater proportion of women in prison (55%) are considered disabled than men in prison (34%),<sup>28</sup> and are more likely than non-disabled prisoners to report needing treatment and support for a drug or alcohol problem, having experienced abuse or observed violence as a child, being homeless before custody, and needing help to find a job for when released.<sup>29</sup> LGBTIQ women face homophobic and transphobic discrimination in the prison system and from other prisoners.<sup>30</sup> Without tailored support that understands women's lives and experiences of trauma in the context of their experiences of structural disadvantage and discrimination, prison environments can be extremely risky and retraumatising for women.

While the current criteria sets out a number of indicators to monitor and address inequalities for specific minoritised groups, there should be a stronger emphasis on the need for prisons to demonstrate cultural awareness and proactively tackle disproportionality and inequality experienced by women with protected characteristics. This is key to ensuring prisons are sensitive and responsive to the needs of all women.

### Recommendations:

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<sup>25</sup> Women's Health & Equality Consortium (2017) Taking a forward view on women and mental health: key messages for government; Fitzpatrick, R. et al. (2014) Ethnic Inequalities in Mental Health: Promoting Lasting Positive Change, London: Lankelly Chase Foundation, Mind, The Afiya Trust and Centre for Mental Health; Kalathil, J (2011) Recovery and Resilience: African, African-Caribbean and South Asian Women's experience of recovering from mental illness, London: Mental Health Foundation and Survivor Research.

<sup>26</sup> Agenda (2020) Struggling Alone: Girls' And Young Women's Mental Health <https://weareagenda.org/wp-content/uploads/2020/11/Struggling-Alone-3.pdf>

<sup>27</sup> HM Inspectorate of Prisons (2020) *Minority ethnic prisoners' experiences of rehabilitation and release planning* <https://www.justiceinspectorates.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2020/10/Minority-ethnic-prisoners-and-rehabilitation-2020-web-1.pdf>

<sup>28</sup> Ministry of Justice (2012) Estimating the prevalence of disability amongst prisoners: results from the Surveying Prisoner Crime Reduction (SPCR) survey [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/278827/estimating-prevalence-disability-amongst-prisoners.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/278827/estimating-prevalence-disability-amongst-prisoners.pdf)

<sup>29</sup> *ibid*

<sup>30</sup> Lamble, S. (2012) Rethinking gendered prison policies: impacts on transgender prisoners. ECAN Bulletin (16), pp. 7-12. <https://eprints.bbk.ac.uk/id/eprint/7625/1/7625.pdf>



- HMI Prisons must test prisons for the degree to which women from different groups are overrepresented and more adversely affected. In their reporting they should make specific efforts to seek out the views of women from different minoritised groups and ask prisons to respond to how they address, or plan to, the needs of different groups. They should highlight and ask prisons to take action where disproportionate outcomes are apparent.
- Assess the extent to which prisons' staff reflect the gender, religion, race and ethnicity of the women in those prisons, and the effectiveness of cultural and gender awareness training through consultation with women from minoritised communities in prison, such as Black, Asian and minoritised ethnic women, including Gypsy, Roma and Traveller women.
- HMI Prisons to lead by example and disaggregate all data collected across all protected characteristics, in particular age, gender and ethnicity, and make this data publically available and accessibly presented to allow for further analysis. Prisons should be asked to do the same.

### 3) Women-centred support and partnership working

Central to promoting a healthy and safe community that encourages positive behaviour and fosters positive staff-prisoner relationships is ensuring that women's mental distress is understood in the context of their lives and experiences, enabling a wide range of presenting issues to be explored and addressed. For the many women and girls in prison who have suffered violence and abuse, their trauma can lead them to go onto face multiple problems like very low self-esteem, poor mental and physical health and turning to drugs and alcohol as coping mechanisms. The Ministry of Justice report *Women and the Criminal Justice System 2019* highlights that older adult women and young women in the criminal justice system were more likely than older adult men and young men to be experiencing a range of disadvantages simultaneously, including mental health problems, self-harm, physical disability, drug and alcohol problems, and money and housing worries.<sup>31</sup>

Substance misuse – often a coping mechanism for women and girls living with trauma - can exacerbate experiences of mental ill-health. Despite there being fewer women in prison than men, research shows that the link between substance misuse and offending is stronger for women than for men.<sup>32</sup> A thematic review conducted by HMI Prisons in 2010 found that young adult women (18–21) were more likely than older women to report an alcohol problem on arrival at prison and to feel that they might have an alcohol problem on release. They were also more likely to report developing a drug problem in prison, although less likely to arrive with one.<sup>33</sup> Without appropriate care and support, women's problems can spiral - with devastating consequences for them, their families and the community.

Holistic support which practically addresses women's multiple, interlinked needs through collaborative working and advocacy in multi-agency settings is essential - rather than requiring women to seek support for a number of different issues in isolation. This tailored, woman-centred approach recognises the complex and multiple needs each woman may experience, and the differing coping mechanisms that may have been established in response to trauma.

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<sup>31</sup> Ministry of Justice (2020) *Women and the Criminal Justice System 2019*

<https://www.gov.uk/government/statistics/women-and-the-criminal-justice-system-2019>

<sup>32</sup> Lankelly Chase (2020) *Gender Matters* <https://lankellychase.org.uk/wp-content/uploads/2020/02/Gender-Matters-full-report-Feb-2020.pdf>

<sup>33</sup> HMIP (2010) *Thematic report by HM Inspectorate of Prisons: Women in prison – A short thematic review* <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2014/05/Women-in-prison-short-thematic-2010-rps-.pdf>

“...the help covers every topic you could think of. It's good because you talk about issues you want to talk about, not what a member of staff wants to talk about...”

-Woman on Prison-based trauma programme for women (South East)

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Ensuring women's needs are met during her sentence and women are supported through the gate into the community must also involve effective partnership working with women's centres and gender-specialist services. Women's community based organisations often report that maintaining regular communications and partnered working with prisons can be challenging, particularly during the Covid-19 pandemic. As part of Agenda's *Voices from Lockdown* research, Agenda spoke to a number of organisations supporting women in prison.<sup>35</sup> At a seminar hosted in April, services supporting women in prison reported that despite the Ministry of Justice announcing plans to release pregnant women and women in Mother and Baby Units on 31 March 2020, 14 services had not been provided with sufficient and timely information which would allow organisations to support women into the community.<sup>36</sup>

Other women eligible for early release had been waiting for 4 or 5 weeks at this point, with organisations still waiting to hear which would be approached for release planning. Some women have been released into the community with no support services alerted or available in that area – often without phones or safe accommodation. It was also not clear to organisations in the first months of the national lockdown how emergency funding would be transferred to voluntary organisations, and whether this funding could be used to cover core costs, like buying IT equipment and phones for women. Support from voluntary organisations is central to empowering women to make positive changes in their lives in custody and in the community. Prisons must value women's community based organisations as equal partners in effectively addressing women's multiple and complex needs and reducing reoffending.

#### Recommendations:

- HMI Prisons to state expectation that prison and probation staff are trained to deliver assessments and support plans that explore women's needs through a holistic approach, which is led by the needs as identified by the woman, not the staff member or service.
- HMI Prisons to highlight examples of best practice of holistic, joined-up care in prison.
- HMI Prisons to introduce a clear expectation that prisons should be engaging with women's community based organisations, and assess how well prisons work in partnership with these organisations to meet the needs of women in prison and through the resettlement process.

#### 4) Transparency and accountability

The final principle Agenda believes should be embedded across all four assessment criteria is a much stronger emphasis on the transparency and accountability of women's prisons. There is currently a lack of available data to effectively hold prisons to account. This representation has already set out the case for data to be disaggregated across all protected characteristics,

<sup>34</sup> Agenda and Centre for Mental Health (2019) *A sense of safety: Trauma-Informed approaches for women* <https://weareagenda.org/wp-content/uploads/2019/11/ASenseOfSafety.pdf>

<sup>35</sup> Agenda (2020) *Voices from Lockdown: A Chance for Change* <https://weareagenda.org/wp-content/uploads/2020/08/Voices-From-Lockdown-A-Chance-For-Change-v2.pdf>

<sup>36</sup> Agenda (2020) *Written Evidence from Agenda for the Women and Equalities Select Committee Inquiry into Coronavirus and the impact on people with protected characteristics* [https://weareagenda.org/wp-content/uploads/2020/04/Final\\_Web\\_Written-Evidence-from-Agenda-for-the-Women-and-Equalities-Select-Committee-inquiry-into-Coronavirus-and-the-impact-on-people-with-protected-characteristics.pdf](https://weareagenda.org/wp-content/uploads/2020/04/Final_Web_Written-Evidence-from-Agenda-for-the-Women-and-Equalities-Select-Committee-inquiry-into-Coronavirus-and-the-impact-on-people-with-protected-characteristics.pdf)

particularly gender, age and ethnicity, but it is also vital that data on women's eligibility for and early release from prison is accurately recorded and made available so that the voluntary sector can advocate for women stuck on long waiting lists, and make arrangements for their release in good time.

Individual prisons should also report on the numbers of pregnant women, births or stillbirths within the prison estate to the Ministry of Justice, which should hold this data centrally. In the last few years there have been a string of incidents involving pregnant women in custody, with a number of babies tragically dying in prison.<sup>37</sup> To guarantee women's and children's safety, respect, and effective rehabilitation and release planning, there needs to be a culture shift in prisons that embraces greater transparency and accountability.

**Recommendations:**

- State an expectation that all relevant data on women's eligibility for and early release from prison, and women and babies in Mother and Baby Units, is recorded accurately and shared with relevant government departments.

**About Agenda**

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Agenda, the alliance for women and girls at risk, is working 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. [www.weareagenda.org](http://www.weareagenda.org)

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<sup>37</sup> The Guardian (2020) Death of baby in Cheshire prison prompts investigation  
<https://www.theguardian.com/society/2020/jun/19/death-baby-cheshire-prison-prompts-investigation>