

It is well established that women and girls in contact with the criminal justice system face considerable disadvantage, 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.**¹ They tend to be victims of violent crimes like sexual violence and domestic abuse, and commit non-violent offences.

Because women and girls commit less serious crimes, most are on remand or serving short sentences. This provides **little opportunity to address the underlying causes of their criminalised behaviour or prevent their reoffending**, with devastating impacts on their lives and that of their families. Black and minoritised women and girls,² as well as care-experienced women and girls, are overrepresented within the criminal justice system and face particular challenges.

Women and girls make up a minority within the criminal justice system, meaning their experiences are marginalised in a system designed for men. There is strong evidence that women and girls can be **more effectively rehabilitated outside the criminal justice system**, yet community provision is under-resourced and faces ongoing cuts, and specialist services like women's centres and specialist girls' services are under increasing strain.

Women and girls' pathways into the criminal justice system

The majority of women and girls in the criminal justice system face significant vulnerabilities, with extensive histories of abuse, violence and trauma, often combined with serious mental ill-health, substance misuse, poverty, and homelessness.

- More than half (**57%**) of women in prison report having suffered **domestic violence**,³ and **53%** report having experienced **emotional, physical or sexual abuse** during childhood.⁴ Both of these figures are likely to be significant **underestimates**.
- It is estimated that between **75-90%** of girls in the criminal justice system may have been **abused**.⁵

Agenda research has shown the strong correlation between women and girls' experiences of **violence and abuse and other forms of disadvantage which are associated with the risk of coming into contact with the criminal justice system** – for example, more than half of women with experience of extensive violence have a common mental health condition, and **1/3** have an alcohol problem.⁶ This **link between substance misuse and offending is stronger for women** than for men.⁷

The Ministry of Justice report [Women and the Criminal Justice System 2019](#) highlights that adult women and young women in the criminal justice system were more likely than adult men and young men to be experiencing **mental health problems, self-harm, physical disability, drug and alcohol problems, and money and housing worries**.

Experience of multiple disadvantage is further compounded by structural inequalities and discrimination, such as racism.

- It is estimated that **a third of women in prison were in care** as children,⁸ and nearly **two thirds of young adult women** (compared to just under half of young men) in custody aged between 16 and 21 have recently been in statutory care.⁹
- Experience of care places young women at **greater risk of a range of other forms of disadvantage which can cause significant trauma**, including sexual exploitation, substance use, early pregnancy and removal of children. Limited access to support services can lead to an escalation in problems, including criminal behaviour.¹⁰
- Approximately **17% of adult women in prison are from 'ethnic minorities'**, compared to 14% of the general population.¹¹ Approximately 9% of women in prison are Black, 5% are Asian and 4% are from a Mixed ethnic background.
- Prison records indicate about **0.3% of women in custody are Gypsy, Roma and Traveller** (compared to 0.1% of the population) - HMIP survey responses record much higher numbers in particular prisons.¹²
- Black and minoritised girls aged under 18 make up **28% of the sentenced population** and an even higher proportion (**36%**) of the remand population.¹³
- Of all women sentenced in 2019, **Black women had the highest custody rate at 23%**.¹⁴

Double Disadvantage¹⁷

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.

"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 and girls' experiences in and out of custody

Prison, in particular the use of short sentences, is **not effective** for most women and girls.

- **87% of women** in prison are there for non-violent crimes, meaning the majority (**62%**) serve short sentences of less than six months, leaving little opportunity for meaningful rehabilitative work.¹⁵
- Around **3/5** girls serve short custodial sentences for "less serious crimes", including theft and public disorder, which Youth Justice Board (YJB) guidelines advise should typically attract community-based disposals.¹⁶

- **48%** of women are reconvicted within one year of leaving prison, a figure which rises to **61%** for sentences of less than 12 months. Women released from prison are more likely to reoffend, and reoffend sooner, than those serving community sentences.
- A review of provision for girls in custody to reduce reoffending found that custody was associated with **higher levels of reoffending** than other disposals, such as community-based disposals.

‘Revolving door’ offences – repeated, non-violent crimes - **are driven by a combination of needs, often stemming from complex trauma and economic disadvantage.**

Prison is extremely damaging to women, girls and their families.

Prison environments are often **risky and re-traumatising**, and do not provide adequate trauma-informed support for women and girls with complex needs. Mental health problems, often a result of trauma, are far more prevalent among women and girls in custody than in the male prison population or in the general population.

- Women in custody are much **more likely to self-harm** than men. 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%.¹⁷
- Girls in custody also **self-harm at a much higher rate** than boys, with a rate of 128.2 incidents of self-harm per 100 girls, compared to 8.1 for boys.¹⁸
- **80% of girls report feeling unsafe** whilst detained in Secure Training Centres, compared with 29% of boys.¹⁹ Girls that Agenda has spoken to describe experiences of sexist and unfair treatment from staff, as well as inappropriate and intimidating behaviour from boys, including sexual harassment in these environments.²⁰
- **112 women died** in prison between 2007-2019,²¹ and 2016 was the **deadliest year on record** with 22 deaths in women’s prisons.²²
- **Restraint, including face-down restraint**, is used alarmingly often on women and girls in secure settings, particularly girls.²³ This is an especially **re-traumatising** practice for women and girls who have survived abuse and sexual violence.

A mother’s story

“My family ceased contact with my children when I came to prison; they no longer see any extended family. My son lost his love for life and has attempted suicide twice as a result of me being in here. My daughter had to leave school to care for her brother. They had issues getting along as siblings, and I was not there to help them work it out. My son stopped taking any interest in school and refused to eat. My children were left to starve due to lack of financial help because the benefits stopped.”

-as quoted in the Prison Reform Trust 2018 report [What About Me?](#)

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 – with life-long consequences.²⁴

- In a large-scale study, **61% of women in prison had children** under the age of 18,²⁵ with women more likely to be the sole carer for a child than men.
- **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.²⁶ Because there are so few women’s prisons, women are often **held far away** from home, making family ties and support difficult to maintain.
- Children experience a wide range of emotions as a result of their mother going to prison, including **grief, trauma, and shame**. The knock-on effects of **stigmatisation** may also lead to **social isolation and discrimination**.

Women and girls face distinct and disproportionate risks leaving prison. Without effective, gender-, age- and trauma-informed resettlement support, women and girls leaving custody are at **high risk of becoming entrenched in poor outcomes**, which in turn puts them at **higher risk of reoffending**. For some women, these risks are fatal.

Homelessness: Nearly 6/10 women leaving prison have nowhere safe to go.²⁷

Exploitation and abuse: To avoid having to sleep rough, many women and girls leaving custody return to living in unsafe or exploitative living arrangements.

Mental health: The re-traumatising environment of prison, compounded by a lack of access to mental health services, means women and girls often leave prison with severe, unmet mental health needs. A 2006 study found women made up a disproportionate number of deaths by suicide within the first year of release from prison.²⁸

Poverty: The proportion of women in employment six weeks after release from prison is three times lower than for men — 4% of women compared to 11% of men were in employment.²⁹

Substance misuse: In 2018/19, 42% of women entering prison reported having a drug problem, compared to 28% of men.³⁰ Eight per cent of women are reported as developing a drug problem in prison.³¹ The high proportion of women on short sentences means there is little opportunity for treatment and rehabilitation, with the government recently acknowledging there is “not enough confidence in the quality of these services”.³²

The value of gender-specialist services

Women's centres and specialist girls' services are community-based support services for women and girls facing multiple disadvantage, including women and girls in contact with the criminal justice system. These services provide holistic, gender- 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 women entering prison in the first place.³³

- **Addressing the root causes of women's offending:** Women's centres can help tackle the disadvantage which often lies behind women's crimes.³⁴ In addition to women's improved mental health and wellbeing,³⁵ MoJ analysis shows a statistically significant reduction in re-offending rates for those who receive support from women's centres.³⁶
- **Cost-effective:** The estimated cost of keeping a woman in prison for a year is £52,121,³⁷ and £1.7bn is spent on issues linked to women's offending annually.³⁸ A place at a Woman's Centre ranges from £1,223 to £4,125 per woman, 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.³⁹

Chronic under-funding of women and girls' services

Despite it being generally agreed across government and the criminal justice system that women's centres and specialist girls' services represent the most effective support as part of alternatives to custody, many **of these services face precarity**. An initial review of 15 women's services specialist providers has revealed **a £10m gap in core funding** for Women's Centres for the year from March 2021.⁴⁰ Funding pressures have meant many services, including some of Agenda's member organisations, have struggled to maintain support – **with some already having been forced to close**.

Sustainability and continuity of existing women's centres and girls' specialist services is essential if we are to **avoid losing the expertise, relationships and goodwill** that has been built up over many years and that are necessary for joined-up interventions. The courts will not refer women and girls to programmes unless they are confident of their durability.

The policy context

The Ministry of Justice [Female Offender Strategy](#) (2018) has welcome emphasis on community support and the effectiveness of women's centres. Funding attached to the strategy, however, has fallen far short of what is needed to ensure women's services can sustainably continue their vital work. Modelling suggests an investment of at least £20 million in community services is required.

Girls and young women are particularly overlooked in criminal justice policy. Despite recognition that young women have different needs and face different risks to their male counterparts, there is no strategic focus or action plan in Government's criminal justice policy. Policy responses to youth crime and justice have been designed around young men by default and gender-specific consideration has been limited. Equally, the Female Offender Strategy makes no reference to younger women or age-appropriate responses for girls and young in contact with or at risk of coming into contact with the criminal justice system.

Despite recommendations made in the 2017 [Lammy Review](#), focusing on the treatment of, and outcomes for, Black, Asian and 'Minority Ethnic' individuals in the criminal justice system, as well as the [Laming Review](#), of how children in care can be diverted away from the criminal justice system, there has **been insufficient progress to reduce the overrepresentation of Black and minoritised or care-experienced women and girls** in the criminal justice system. Reports by the Justice Select Committee highlight this.^{41 42}

The **Transforming Rehabilitation** (TR) programme had a significant impact on women's services.⁴³ Women's access to holistic support delivered in the community was **particularly adversely affected by the process**.⁴⁴ Protracted negotiations and financial uncertainty that accompanied these reforms put many service-providers under great strain, with extended periods of uncertainty in reaching contractual agreements with Community Rehabilitation Companies (CRCs).

Last year following a consultation on the structure and services provided by the probation system, the government announced that from spring 2021, CRC contracts will end and all sentence management in England and Wales will be brought back under responsibility of the National Probation Service (NPS). Following campaigning from the women's sector, women and men will not be commissioned as one group. However, there are still concerns that small, voluntary sector women-specific providers will be edged out by the large generic charities or private sector companies in the new commissioning model, the Dynamic Framework. The new process is cumbersome, resource-intensive and hugely challenging for small charities with limited infrastructure.

Recommendations

1. **A national network of gender-specific, age-appropriate and trauma-informed women's centres and services**, open to all women and girls who need it, must be adequately and sustainably funded and commissioned. A central government funding pot drawn from different budgets for the core services of women's centres would be a highly effective way to increase the resilience of these organisations, and deliver on the objectives in the Government's Female Offender Strategy.
2. **Cross-government leadership and stronger cooperation** between central and local government aimed at delivering effective community support for women and girls that addresses the causes of their criminalised behaviour, including violence and abuse, exploitation, poor mental health, substance misuse, homelessness, poverty and experiences of gendered and racialised inequalities.
3. **A presumption against sentences of less than six months**, with investment diverted to women's community services to support this transition.
4. **Action to address discrimination and disproportionality** of outcomes amongst Black and minoritised women and girls and care-experienced women and girls, including a review of sentencing decisions, cultural and gender awareness training, effective data collection and analysis – disaggregated across all protected characteristics, and further investment in specialist women's community support.
5. **Greater gender-, age- and trauma-responsiveness** throughout the justice system, with a shift towards providing greater specialist support for women and girls, and to understanding women and girl's lives and needs. Professionals working in the adult and youth 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.

¹ Ministry of Justice (2007), *The Corston Report*

² 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' girls and young women to highlight the way in which these groups are constructed as 'minorities' through processes of marginalisation and exclusion

³ Prison Reform Trust (2017) *'There's a reason we're in trouble' Domestic abuse as a driver to women's offending*

⁴ Women In Prison, *Key Facts*

⁵ Beyond Youth Custody (2014) *Resettlement Of Girls And Young Women*

⁶ Agenda (2016) *Hidden Hurt – Violence, abuse and disadvantage in the lives of women*

⁷ Lankelly Chase (2020) *Gender Matters*

⁸ Ministry of Justice (2012) *Prisoners: childhood and family backgrounds*

⁹ House of Commons Justice Committee (2016) *Young adults in the criminal justice system. Eighth Report of Session 2017–19.*

¹⁰ Broadhurst, K. & Mason, C. (2017) *Birth Parents and the Collateral Consequences of Court-ordered Child Removal: Towards a Comprehensive Framework. International Journal of Law, Policy and the Family*, 31(1), 41-59.

¹¹ Ministry of Justice (2019) *Race and the criminal justice system statistics 2018, Ch 6, Table 6.01.*

¹² Prison Reform Trust (2017) *Counted Out: Black, Asian and minority ethnic women in the criminal justice system*

¹³ The Griffin Society (2017) *Outnumbered, locked up and overlooked? The use of penal custody for girls in England and Wales*

¹³ *ibid*

¹⁴ Ministry of Justice (2020) *Women and the Criminal Justice System 2019*

¹⁵ Prison Reform Trust (2018), *Prison: the facts, Bromley Briefings, Summer 2018*

¹⁶ Goodfellow, P. (2017) *Outnumbered, locked up and overlooked? The use of penal custody for girls in England and Wales*

¹⁷ Ministry of Justice (2020) *Safety in custody: quarterly update to June 2020*

¹⁸ Youth Justice Board and Ministry of Justice (2019). *Youth Justice Statistics 2017/18.*

¹⁹ HMIP (2019) *Children in Custody 2017-18*

²⁰ Plan International UK (2020) *THE STATE OF GIRLS' RIGHTS IN THE UK 2019-2020*

²¹ Ministry of Justice (2020) *Deaths in prison custody 1978 to 2019*

²² INQUEST (2018), *Still Dying on the Inside: Examining deaths in women's prisons*

²³ Youth Justice Board and Ministry of Justice (2020) *Youth Justice Statistics 2018/19 – England and Wales*

²⁴ Prison Reform Trust (2018) *What about me?*

²⁵ Caddle, D. & Crisp, D. (1997) *Imprisoned women and mothers*

²⁶ Caddle, D and Crisp, D. (1997) *Mothers in Prison*

²⁷ Prison Reform Trust, London Prisons Mission, Prison Reform Trust, the Church of St Martins (2020) *Safe Homes For Women Leaving Prison*

²⁸ D. Pratt, M. Piper, L. Appleby, R. Webb and J. Shaw, *Suicide in recently released prisoners: a population-based cohort study*

²⁹ Ministry of Justice (2019) Community Performance Quarterly, update to March 2019, Offender Employment Circumstance table (April 2017 to March 2019), London: MoJ

http://www.prisonreformtrust.org.uk/Portals/0/Documents/Women/workingitout220120_final.pdf

³⁰ Ministry of Justice (2020) *A Smarter Approach to Sentencing*

³¹ Home Office (2020) *Review of drugs: phase one report*

³² Ministry of Justice (2020) *A Smarter Approach to Sentencing*

³³ Tavin Institute (2019) *Why Women's Centres Work report*

³⁴ Anawim (2014), *Custody Pilot Project*

³⁵ Centre for Welfare Reform (2011) *Women at the Centre*

³⁶ Ministry of Justice(2015), *Re-offending Analysis: Women's Centres throughout England*

³⁷ Revolving Doors (2011) *Counting the Cost*

³⁸ Women's Budget Group (2020) *The Case for Sustainable Funding for Women's Centres*

³⁹ *ibid*

⁴⁰ *ibid*

⁴¹ House of Commons Justice Select Committee (2020) *Children and Young People in Custody (Part 1): Entry into the youth justice system*

⁴² House of Commons Justice Select Committee (2018) *Young adults in the criminal justice system*

⁴³ Ministry of Justice (2013) *Transforming Rehabilitation: A Strategy for Reform.*

⁴⁴ Clinks (2018) *Under represented, under pressure, under resourced: The voluntary sector in Transforming Rehabilitation*

About Agenda

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 For further information, please contact: [Hermione Greenhalgh hermione@weareagenda.org](mailto:hermione.greenhalgh@weareagenda.org)