

**Commission on Justice in Wales
Oral Evidence Session
14 February 2019**

Present:	Commission members	Secretariat team
<p>Anne Fox, Clinks (AF)</p> <p>Jenny Earle, Prison Reform Trust (JE)</p> <p>Dr Kay Richmond, Soroptimist International GBI (KR)</p>	<p>Lord Thomas of Cwmgiedd, Chair, Simon Davies, Dr Nerys Llewelyn Jones, Juliet Lyon CBE, Sarah Payne CBE, Professor Rick Rawlings, Professor Peter Vaughan Sir Wyn Williams</p>	<p>Andrew Felton, Secretary to the Commission, Dave Gordon, Chris James Rhys Thomas</p>
Question area: Improve the way women are treated in the criminal justice system?		
<ul style="list-style-type: none"> • AF: If women have to be in the criminal justice system evidence supports diversion from custody and use of community based support options. Appropriate funding and built in referral mechanisms are important. Trauma informed, gender specific community approaches are needed to be responsive to women's needs. There is a good practice model of a women's centre in North Wales. There are big issues around geography and sustainable resource allocation. There is inconsistent provision at the moment. The criminal justice system is not designed with women in mind. If it was, it would have an understanding of why women offend and the people that come within its remit. It would understand trauma and adverse childhood experiences ("ACEs"). Models would then recognise those, such as problem solving justice. The chances are women have fallen through lots of holes by the time they enter the criminal justice system. The current system is rigid and female offending doesn't respond well to that. • JE: Women in the criminal justice system will commonly have been victims. This is true for some men but not systematically the way it is for women. Coercive relationships, domestic violence and such like are often drivers for women's offending. This is borne out by research "<i>there's a reason we're in trouble – domestic abuse as a driver in women's offending</i>" and evidence released by the Disabilities Trust this week called 'Making the Link.' This is a report of a pilot project at HMP Drake Hall that shows the majority of people there are affected by brain injury and that domestic violence is generally the cause. What is called for is a trauma informed and problem solving approach. • AF: There's also the issue of entry point and poverty as a driver. A high proportion of women enter the system for non-payment of fines, for example in relation to TV licences. This is a tricky issue as the fine goes to the person who opens the door. If women are at home they can end up with the fine and they may not control household funds. Issues are common to men and there are interesting public health models and Janine Roderick at Public Health Wales has done some interesting work around health inequalities. With Women, ACEs often drive women into addiction and misuse and mental health issues and most likely coercive relationships with men that drive them into offending. • JE: Mental health and so forth are factors much more pronounced for women than men. • KR: I get concerned about women being in prison in remand, they don't get a sentence, they are imprisoned for 6 weeks and when they are released their home and children are in a state of chaos. It's no surprise they reoffend because they need to meet their basic needs. Women leaving HMP Eastwood Park in Bristol expressed concerns about the disruption to their family life. • JE: Care responsibilities are a critical difference between women and men in the criminal justice system. Most women are primary carers, and not men, so children are disturbed to a greater extent by the imprisonment of their mums. Some headway is being made to raise awareness of this in terms of decision making at every stage to avoid ACEs and in the context of the Well-being of Future Generations (Wales) Act ("WFG") and policy around WFG. • KR: You should look at the Scottish experience on this issue and the work of Nancy Loucks and 		

the Families Outside charity.

Sarah Payne asked about the use of tagging in the criminal justice system.

- JE: We are waiting for the results of a MoJ study on this which has been delayed. There are things like accommodating child care needs etc. and responding to emergencies and so forth. Tagging with support can be effective and not simply punitive and it is another option supporting non custodial responses. Women need somewhere stable to live and homelessness must be addressed with any tagging option.
- AF: There is international evidence about female compliance being quite high. There are views that prisons can be a place of safety but we think not because of the disruption and trauma involved. The response needs to look at where women can continue to function well and carry on with family duties. Tagging and support services may help.

Lord Thomas asked about the impediments to alternative approaches to women's offending.

- AF: Policy around female offending is good. The Female Offender Strategy from the MoJ whilst it was delayed is almost perfect. The emerging blueprint for reducing offending in Wales is strong. But it is not clear how these strategies and plans will roll out and who will pay for them. We estimate the Female Offender Strategy was 300% underfunded when announced.

Lord Thomas asked about sentencing and whether change to legislation is required.

- JE: The Prison Reform Trust advocates a statutory presumption against sentences of less than 1 year. Scotland has committed to do this. The reality is we will not get legislative change in the immediate future. That said, we are pressing for the repeal of the Rehabilitations of Offenders Act provisions relating to the mandatory post custody supervision of women which has led to a high level of women being recalled to prison. Plenty can be done without legislative change and we are already seeing improvements to sentencing decisions as a result of raising awareness of the importance of considering children in the decision making process.
- AF: There are issues around sentencer confidence in services, particularly if a problem solving model approach is used. We work with magistrates to help them know what services are available. My members in the voluntary sector will know what resources they have this year but they may have no guarantee of funding in the next or future years.
- JE: The Centre for Justice Innovation has done work highlighting the decline in the number of community sentences handed down by the courts and this reflects the lack of confidence amongst sentencers. This reflects in turn the underfunding for community based options. We can send you early findings of a pilot on community based sentencing attached to a Women's centre in Northampton

Lord Thomas asked why further devolution would enable things to be done differently in Wales.

- RK: Looking at Scotland, it can move more quickly.
- AF: I would refuse to have a prison built for women in Wales.
- JE: I have a matrix of Government promises in the Female Offender Strategy showing our concerns about the delivery of them, i.e. by whom by when and so forth. I'm happy to share this with you. My view is that Wales has great scope to go further and faster in delivering a whole system approach as so many relevant services are already devolved. There is already Welsh primary legislation regarding violence against women. The WFG establishes a framework for taking children into account and there is an ACEs driven approach. One area that needs attention is Welsh housing legislation which is not helpful in terms of women coming out of prison. Wales has nearly all the powers it needs apart from justice. The scale of the problem is manageable but it needs political will and a joined up approach.

Question area: How do you prevent women entering the criminal justice system?

- AF: I sit on the All Wales Criminal Justice Board and there is good collaboration. I see a top-down approach where more grass roots connectivity would be better. There is a fracturing of the different parts of the criminal justice system. For example, the court system is separate from the police system. There is not a community based co-commissioning type model to identify what is needed in specific communities. Perhaps PCCs have a role here. But I am concerned the IOM Women's Pathfinder model will roll out differently across Wales because of different PCC funding decisions.

Sarah Payne asked whether there was a role for a single public body in Wales to be responsible and accountable in this area.

- KR: Social Care Wales may be an interesting body to talk to. Wales has led on the adoption of the UNCRC and is looking at the Commission to End All Forms of Discrimination Against Women (CEDAW) too.
- JE: It is powerful to get stakeholders round the table with women who have experienced the criminal justice system to brainstorm what approaches should be available for women.
- AF: There is the Women in Justice in Wales Group that sits under the All Wales Criminal Justice Board and is chaired by the Deputy PCC for South Wales. I see effective partnership working in the grey area of devolution and the forthcoming blueprint is a really good example of that. You may not need devolution – look at what's been achieved in the youth justice system with the preventative approach. Perhaps the Criminal Justice Boards at a local level should have more of a focus on this. YJB Cymru under the leadership of Dusty Kennedy took forward the principle of "children first". You could think of woman first offender second and look at the nature of what brings a woman into the criminal justice system. A pragmatic problem solving approach is best.
- JE: Ensuring delivery is the challenge. We've suggested in England the Minister make a Parliamentary Statement on the anniversary of the Female Offender Strategy. The Prison Reform Trust did some work on a Women's Justice Board to draw services together and to hold people account and I can share that work with you.

Question area: Women's prison in Wales

- JE: If you build one in Wales you will fill it up and a prison built in the Australian Capital Territory is an example of this having happened. There is not one location in Wales that would solve the problems of travel and distance experienced by women currently imprisoned in England. The risk is that you will send more women to prison when the evidence is that you need to send fewer. It can be the wrong incentive. And a prison place costs 10 times a community order.
- AF: A women's prison in Wales would also go against both UK and Welsh Government strategies. The framework for reducing reoffending between Welsh Government and HMPPS talks about diversion of women away from custody.
- JE: Prison is not all it is thought to be in terms of protecting the public from offending because there are high rates of reoffending by women who serve short sentences. The evidence against prison as an effective response to low level offending is clear.
- RK: The women's Pathfinder project shows that diverting women from prison is more effective. The Soroptimist's were against building a new women's only prison in Scotland. The Scottish Government has been diverting funds into community based solutions instead and the figures for women in prison in Scotland were showing a decline as against figures for England and Wales.
- JE: I will give you a copy of our Wales factsheet which has recent figures on diversion from custody and reoffending rates as well as the cost of a prison place. We haven't costed building a women's prison.
- AF: The issue is where do you put a women's prison in Wales as the number of people you really need to imprison will always be relatively low. It would be better to ensure the prisons close to the border can accommodate those that must be imprisoned. There are issues around where we send

women because of the numbers involved.

- JE: Wales may have a case for building approved premises. There can be delay in release because not having one removes the stepping stone to resettlement.

Question area: Women's centres in Wales

- AF: I represent women's centres across England and Wales as they are all in my membership. Within Clinks we also manage the model arising from our merger with the former charity "women's breakout". Women's centres are not alternatives to prison. What we understand as a women's centre is a particular model about holistic services generally run in and by the community that women attend by their own volition, although there can be an element of mandating. Essentially they offer very flexible approaches. North Wales is a good example. There are also networks of services including those delivered by "Safer Wales" and an organisation called "Include" (formerly Gibran) which runs services in South Wales. Effective funding and referral models, such as a hub and spoke models linking advice services and outreach activity, are needed. There is a good evaluation of the "Women's Turn Around Project" which the North Wales women's centre ran in 2010. Women's centres in England did have a positive evaluation in the justice data labs in the MoJ and the nature of what they can do is understood in effecting reductions in reoffending rates. The centres tell us it's about building relationships with the woman as they often have a lack of trust in others and find it hard to maintain healthy relationships. Centres have person centred approaches. There's good learning from maternity services with continuity of care and holistic wrap around support. A good model for women who are victims of domestic abuse. This approach was chipped away by the "Transforming Rehabilitation" reforms. Centres say doors are always open to women. Sometimes, they end up running services.
- JE: I want to refer to a series of focus groups we did in Wales that tap into women's own experience. I'll leave it with you and will send electronically too.
- KR: I suggest you look at "Tomorrows Women Wirral". It offers a range of services, including the only female medical walk in centre in the Wirral. They say 90% of women who use the centre do not reoffend.
- AF: Another good example is the Nelson Trust with two centres in Gloucester and Swindon. The Gloucester centre has a kitchen and access to white goods so women of no fixed abode and sex workers can access services and use the goods. They can access advice services and it's about having welcome open ended services to help people when they want that help. Staff there are trained in trauma. Rural areas will always be an issue, but there is a complete paucity in the west. Pembrokeshire has lost services.
- KR: South West and Mid Wales are areas where there are insufficient services.
- AF: But even the North Wales centre struggles year-on-year for sustainable funding. There is an issue with a lack of money and the change in government funding from grant to contract has added pressure as they may only cover say 70% of costs leaving the centre to try and raise money from elsewhere. Chronic underfunding and we find the Third Sector suffers.
- JE: Early intervention and diversion will only work if agencies are confident those services are there. There is an unmet need for core costs for women's centres to be covered. We will send you information on this.
- AF: We will send you our annual "state of the sector" analysis about the funding of services. It's the same problem in the advice sector generally. No one wants to pay something that is there. If everyone does that who pays the running costs for the organisation? And the sector works with people who are seen by others as being undesirable recipients for public funding. Individuals don't tend to give this sector money.
- KR: The requests that we often get is for basic goods – wash bags, for example. These are people who often have nothing. This is unacceptable.

Question area: Effectiveness of the third sector in delivering services to women offenders in Wales

- AF: Vulnerability of the third sector doesn't mean it is weak or ineffective. We have evidence that

the third sector is good at meeting people's needs. There are approximately 33,000 voluntary sector organisations across Wales. Of these, 1% are founded to support people in the criminal justice system. The issue for us is around investment. We ask "whose centres are these?" They should be community run and led and responsive. But someone must make sure they don't close. The Welsh probation service has understood the damaging effect of the CRC model on the Welsh voluntary sector. It's important that there is going to be a model that is a bit more reflective of what's needed in Wales. Grants instead of contracts would be an improvement as would not concentrating on volume. There's not a neat trajectory between needs and risk of harm to the public.

Question area: International examples of best practice

- AF: Go to Scotland. Early signs are very positive. In New York State the problem solving approach is very good from court and beyond.
- JE: The New York State model is a bit like the Family Drug and Alcohol Court. That is a very developed problem solving court. But it's only available to people in family court and care proceedings. You don't need to look overseas, but look at the good practice here, like in Manchester. Pilots are endlessly funded but the money runs out and the project ends, even if the evaluation is entirely positive.