

Submission to the Justice Committee Inquiry into Women Offenders By HM Inspectorate of Prisons

September 2012

Summary

- This submission is based on HM Inspectorate of Prisons' experience of inspecting prisons holding women.
- Our submission focuses on alternatives to custody, the treatment of and conditions for women in custody, and the need for improved governance and leadership in the management of women offenders.
- The level of need in women's prisons is visibly greater than in the male estate. Despite improvement, the women's prison estate is still not configured to best manage the women it holds.

1. Her Majesty's Inspectorate of Prisons (HMI Prisons) is an independent inspectorate whose duties are primarily set out in section 5A of the Prison Act 1952. HMI Prisons has a statutory duty to report on conditions for and treatment of those in prisons, young offender institutions and immigration detention facilities. HMI Prisons also inspects police custody jointly with HM Inspectorate of Constabulary (HMIC) and will in 2012 take on responsibility for inspecting court custody, customs custody facilities (jointly with HMIC) and secure training centres (with Ofsted).

2. HMI Prisons inspects women's prisons on a five-year cycle. Each cycle includes a full inspection as well as a follow-up inspection, the timing and extent of which is proportionate to risk. All our inspections are carried out against published criteria known as 'Expectations'. Women's prisons are inspected against a generic set of Expectations for all adult prisons, albeit that there are additional expectations specific to women's establishments. Expectations are based on and referenced against international human rights standards including the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). All inspections are carried out by a team specialising in the inspection of women's prisons.

3. Inspection findings are brigaded under the four tests of a healthy prison which are:

- Safety – prisoners, particularly the most vulnerable, are held safely;
- Respect – prisoners are treated with respect for their human dignity;
- Purposeful activity – prisoners are able, and expected, to engage in activity that is likely to benefit them; and
- Resettlement – prisoners are prepared for their release into the community and helped to reduce the likelihood of reoffending.

4. Under each test, we make an assessment of outcomes for prisoners and therefore of the establishment's overall performance against this test. Assessments are on a four-point scale: good, reasonably good, not sufficiently good and poor. In short follow-up inspections, we assess progress in implementing the recommendations we made at our last inspection, concluding that sufficient, or insufficient, progress is being made against each healthy prison test.

5. Our assessments are based on a range of sources of evidence including:

- surveys of a representative sample of prisoners at each establishment;
- discussions with prisoners in groups and individually;
- discussions with staff, managers, visitors and service providers;
- records, policies and data; and

- observation.

6. In 2011-12, we inspected seven women's prisons. Three of these were announced full inspections while four were unannounced follow-up inspections.¹ In 2013-14, we will move to an almost entirely unannounced inspection programme.

7. HMI Prisons also carries out thematic inspections on cross-cutting issues. Several of these thematic inspections have concerned women in prison.

Overview

8. We welcome the opportunity to submit information to the Justice Committee in the context of its inquiry into women offenders. In our inspections of women's prisons, we have found evidence that the Corston report has resulted in an improvement in the experience of women in prison. Despite this improvement however, the governance and leadership problems to which the Corston report referred remain almost untouched. Without addressing these problems and fully appreciating the different needs and circumstances of women in prison, further improvements will be difficult, if not impossible, to achieve.

Alternatives to custody

9. The Corston report concluded that more was needed by way of alternative sanctions and disposals for women offenders. In October 2011, we published a joint thematic report, with HM Inspectorate of Probation and HM Crown Prosecution Service Inspectorate, looking at the extent to which non-custodial options were being taken up for women offenders.² This inspection recognised that to achieve equitable outcomes for male and female offenders, different approaches need to be taken.

10. We found that a lead given by the Ministry of Justice and National Offender Management Service had been successful in promoting considerable activity at a regional and local level in relation to women offenders. While Probation Trusts and others had responded to this, they did not have the systems in place to effectively measure what impact they had. We were concerned that some probation staff lacked the skills and knowledge to work with women offenders effectively and were disappointed by the lack of empathy some staff showed towards women. We were also concerned that the financial climate threatened the sustainability of some of the work that had been undertaken. Our report concluded that despite the efforts made, the size of the female prison population was still a matter of concern. Too many women were still serving short prison sentences, often for breach of community orders imposed for offences which would not normally of themselves have attracted a custodial sentence.

Treatment and conditions for women in custody

11. It is well known that the needs of women in custody are different to those of men. The extent of need is greater and vulnerabilities are more widespread. In our most recent inspection report of New Hall, we noted that the prison's own needs analysis identified that:

- 38% of women had experienced emotional abuse;
- 46% of women had experienced physical abuse;
- 38% of women had experienced sexual abuse or rape; and
- 21% of women said they had worked in the sex trade.

12. Mental health problems are more prevalent among women in prison than men. While there was a large reduction in self-harm incidents among women between 2010-11 and 2011-12,

¹ The prisons inspected in 2011-12 were Low Newton, Morton Hall, Peterborough, Send, Styal, Askham Grange and Downview. The reports of these inspections are available on our website at <http://www.justice.gov.uk/publications/inspectorate-reports/hmi-prisons/prison-and-yoi>

² HMI Probation, HMCPSI and HMI Prisons, *Equal but different? An inspection of the use of alternatives to custody for women offenders* (October 2011).

women still accounted for one-third of all self-harm incidents in prisons in 2011-12 despite making up just 5% of the prison population.

13. It must be acknowledged that there have been improvements in the treatment of and conditions for women in custody since the publication of the Corston report. The women's prisons we now inspect are safer and more respectful places than before with a better focus on promoting purposeful activity and resettlement. Improvements include:

- the routine strip searching of women has ended as recommended in the Corston report;
- reception and first night arrangements have generally improved;
- physical health care has generally improved (although with some exceptions); and
- improvements in the treatment and management of women with substance use problems – a significant proportion of those entering prisons – has undoubtedly contributed to the drop in self-inflicted deaths.

14. In addition, a set of gender specific standards for women's prisons (PSO 4800) was introduced in April 2008 in an attempt to meet the needs of women in prison.

15. Nonetheless, efforts to maintain or to further improvements for women in custody are hampered by several factors and there is simply a limit to what women's prisons, as currently managed, can achieve. They are too big, too far away from women's homes and cannot provide the levels of care that many women in prison require.

16. Following recent inspections, HMI Prisons has raised concerns about:

- the need for better care planning for pregnant women and support for mothers separated from their babies;
- the new escort contract which allows women and men to be transported in the same vehicle even though women have told us they feel threatened and intimidated on shared journeys;
- despite making up a disproportionate 20% of the women's population, services for foreign national women are being cut back;
- disproportionate security measures which resulted in one woman at Send attending an external hospital appointment and remaining handcuffed to an officer while undergoing an intimate examination;
- in surveys of women in prisons inspected in 2011-12, 52% of women felt that they had emotional wellbeing or mental health issues, compared with an average of 29% across male prisons;
- while the number of self-harm incidents in women's prisons has fallen, levels of self-harm remain high. In our most recent inspection of Peterborough, an average of 225 incidents of self-harm were reported each month involving 33 women; and
- recent inspections found that 40% of women arriving at Send, Styal and Peterborough, and over 50% at Low Newton, were dependent on drugs and/or alcohol.

17. These are just a sample of the issues that have caused concern for our inspectors. Further information about recent inspection findings in women's prisons can be found in HMI Prisons' Annual Report 2011-12, to be published in October 2012.

Strategic governance and leadership

18. A number of specialist women's prisons have been lost because they have been re-roled to provide for the expanding male population. Evidence gathered by HMI Prisons suggests that women do best in smaller open or semi-open establishments. Sadly, the only two semi-open prisons no longer operate (the remaining two open resettlement prisons – East Sutton Park and Askham Grange – are both very good). At East Sutton Park, for example, HMI Prisons was impressed by the extent to which women provided positive support to each other both informally and as peer supporters in a well organised and effective induction and resettlement service.

19. Women are increasingly being held in multi-functional establishments and further away from home. This is despite the fact that PSO 4800 says that women should be held as close to home as possible. There are no women's prisons in Wales or in large parts of England. A prison's catchment area is now so large as to make visiting difficult for families and to pose challenges when trying to make links with community resettlement services.

20. Previously, young adult women lived in separate units from older women. Now, in almost all women's prisons, they have been absorbed into the general population despite the fact that the emotional, education and activity needs of a 19-year-old will usually be very different from the majority of the female prison population (half of whom are over 30 according to our surveys). In contrast, young adult men are seen as a distinct group with distinct needs. Young adult women are almost invisible and do not receive the same focus as their male counterparts.

21. There are some women whose level of need is so extreme (for example, those in the Keller Unit at Styal) that prison is simply the wrong environment in which to hold them. This is despite the best efforts of dedicated staff within prisons. That staff are supportive of women is borne out by our surveys. Most women have told us that they have a member of staff they can turn to for help. Nonetheless, there is a limit to what staff can achieve without sufficient resources and guidance. Men who are as repeatedly violent to others in prison as some women are to themselves are treated as a national responsibility and managed with resources and attention from the centre. Women, on the other hand, are left to local prisons to manage as best they can.

22. The management of prisons, and individual prisoners, can often be dominated by men. The ratio of male to female staff is too high in some prisons. Recent inspections of Peterborough and Send found a ratio of 63:37 and 42:58 respectively. At Peterborough, only about 40% of officers had undertaken training on working with women prisoners. More generally, a decision making hierarchy in respect of women in prison can contain only men – from a male wing officer through management structures all the way up to a male chief executive of NOMS and a male Secretary of State (and inspected by a male Chief Inspector). This chain of men may not be the best structure to respond to the needs of very troubled women.

23. The prison population is 95% male and the management of prisons is overwhelmingly geared towards the management of that male population. This is despite the differences in need between men and women in prison. Simply treating women the same as men will not create the equality that criminal justice agencies now have a statutory duty to promote. To reduce the women's population and to maintain and further develop improvements for women in prison, visible leadership and a distinct structure are required. There are various models which can be looked to for inspiration such as the Youth Justice Board or the Ministerial Board on Deaths in Custody which has been a successful model for focusing attention on a particular issue.

24. All our reports, including inspection and thematic reports, can be found on our website at <http://www.justice.gov.uk/publications/inspectorate-reports/hmi-prisons>.

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