



## **Prison Reform Trust submission to the Scottish Prison Service consultation on Women in Custody**

The Prison Reform Trust is an independent UK charity working to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform.

The Prison Reform Trust's main objectives are:

- reducing unnecessary imprisonment and promoting community solutions to crime
- improving treatment and conditions for prisoners and their families

We welcome the opportunity to respond to the Scottish Prison Service consultation on women in custody. Proposals to replace Cornton Vale with a smaller specialist prison and regional units for women offenders are welcome as part of what must be a much wider solution to reducing women's offending and prison numbers.

The Prison Reform Trust has a long standing interest in reducing women's imprisonment and the development of effective alternatives to custody. Amid concern about the rapid increase in the number of women prisoners in 2000 we published the groundbreaking report *Justice for Women: The Need for Reform*, a report on the findings and recommendations of the independent Committee on Women's Imprisonment, chaired by Professor Dorothy Wedderburn, subsequent reports included [\*Lacking Conviction: The Rise of the Women's Remand Population\*](#) and [\*Troubled Inside: Responding to the Mental Health Needs of Women in Prison\*](#), as well as our recent contribution to the formulation of the [\*Bangkok Rules for the Treatment of Women Prisoners\*](#), now ratified by the United Nations.

The Prison Reform Trust contributed to [\*Baroness Corston's seminal review of women with particular vulnerabilities in the criminal justice system\*](#) through Juliet Lyon, our director's, membership of the review group and Dr Kimmett Edgar, our head of research's, commissioned work on remand and bail. We established and provided the secretariat for the

independent Women's Justice Taskforce, publishing its report in 2011, [Reforming Women's Justice](#).

The Prison Reform Trust has been awarded a three year grant by the Pilgrim Trust to support [our UK-wide strategy](#) to reduce the number of women in prison. This new programme will draw on the success of our work to reduce child imprisonment. 'Out of Trouble' has made a significant contribution to a 40 per cent reduction in child custody.

Since 2000 a Fawcett Society committee of inquiry into women in the justice system; three HM Prisons Inspectorate thematic reviews; a Cabinet Office report; and a report by the Social Exclusion Unit have added to the significant body of research evidence. All of these reports, together with the Wedderburn and Corston reviews concluded unequivocally that the imprisonment of women could, and should, be reduced.

There is a substantial body of support for reform amongst civic society organisations and the public. The National Council of Women recently passed a unanimous resolution calling on the Government to introduce a rigorous strategy to reform women's justice, prioritising community solutions. In December 2011 the Soroptimist International UK Programme Action Committee took the decision to lobby to reduce women's imprisonment. The WI leads a well established campaign to ensure that people with mental health problems and learning disabilities in the criminal justice system are diverted into appropriate treatment. A recent ICM poll across Britain showed that 80% of the 1,000 people surveyed strongly agreed that local women's centres where women address the root causes of their crime and do compulsory work in the community to payback should be available.

### **Building a national prison**

#### **Views on the SPS's proposal for delivering as quickly as possible the Women's Commission's recommendation for a national prison using HMP Edinburgh and HMP Inverclyde?**

We welcome the introduction of sensible interim measures to deliver as quickly as possible the recommendations of the Women's Commission and meet the needs of the existing female prison population. Most women in prison serve short custodial sentences and will not benefit from the proposed longer term changes which, as the consultation document highlights, are not expected to be in place until 2018 at the earliest. We welcome the

acknowledgement by the SPS that it is not acceptable to maintain a regime that centres on HMP Corton Vale in its current form for this length of time.

One positive aspect of the proposals will be that more women will be able to be held closer to home and their local communities. Being held far away from home can make maintaining family ties more difficult and costly, despite the evidence that maintaining family contact can have a positive impact on reducing re-offending. The Social Exclusion Unit found that only half of the women who had lived, or were in contact with, their children prior to imprisonment had received a visit since going to prison.<sup>1</sup> Research also indicates that the odds of reoffending are 39% higher for prisoners who had not received visits whilst in prison compared to those who had.<sup>2</sup>

However, we share concerns raised by Women in Prison that women should never be forced or expected to share mixed facilities with male prisoners. The Inspector of Prisons in Northern Ireland has highlighted the impact of sharing mixed facilities on the safety and security of women at HMP Hydebank Wood.<sup>3</sup> Some women, including juveniles, reported verbal and sexual abuse by male prisoners as a result of having to share facilities with men including healthcare, visiting and transport to and from courts. It should be recognised that the majority of women in prison have complex and multiple needs and many have been victims of serious crime, often perpetrated by men, such as domestic violence or sexual abuse. The UN's Bangkok Rules for the Treatment of Women Prisoners underline the importance of addressing the distinctive needs of women prisoners and the gender-specific services to which they are entitled.<sup>4</sup>

Therefore, we seek assurances that the use of split sites as an interim arrangement will not mean women are forced to share facilities with men and that, as stipulated by the Bangkok Rules, separate provision for gender-specific services will be provided. In addition, staff should be given appropriate training to ensure they are able to recognise and meet the needs of vulnerable women. The sites will need to be sufficiently well resourced to ensure that women are given the necessary specialist support that they require. The impact of

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<sup>1</sup> Social Exclusion Unit (2002) Reducing re-offending by ex-prisoners, London: Social Exclusion Unit

<sup>2</sup> May, C. et al. (2008) Factors linked to reoffending: a one-year follow-up of prisoners who took part in the resettlement surveys 2001, 2003 and 2004, London: Ministry of Justice

<sup>3</sup> Chief inspector of Northern Ireland, Her Majesty's Chief Inspector of Prisons and the Regulation and Quality Improvement Authority (2011) *Report on an unannounced short follow-up inspection of Hydebank Wood Women's Prison 21-25 March 2011*, p.11

<sup>4</sup> United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). Available at <http://www.ihra.net/files/2010/11/04/english.pdf>

interim measures should be carefully evaluated and immediate steps taken to address any problems that arise.

**What capacity should the proposed units at HMP Edinburgh and HMP Inverclyde have?**

We note the recommendation of Baroness Corston that “Those women for whom prison is necessary would clearly benefit from being in smaller units closer to home or more easily accessible for visitors, such as in city centres.”<sup>5</sup>

**Should the national prison be ultimately located at a single site and if so where should that ideally be – eg HMP Glasgow, a prison on the site of HMP Corton Vale? What capacity should the “one site” national prison have?**

It would be a wasted opportunity simply to replace Corton Vale with another one size national women’s prison without also implementing the sentencing reforms and effective community measures for women recommended by the Commission. These should dramatically reduce the need for custody places. We estimate that women’s prison numbers in Scotland could be halved by coordinated work on drug and alcohol treatment, criminal justice social work, mental health, social care and family support; in tandem with the introduction of proportionality in sentencing, mitigation for those with primary care responsibilities or people who have been trafficked or coerced into offending, and a reduction in the use of remand and breach proceedings.

For the small minority of women from whom the public requires protection, we share the view of Baroness Corston and others that they are best held in small regional secure units spread around the country rather than one national prison. This would enable women to be held closer to home and their local communities, maintain contact with friends and families, assist effective resettlement and reduce their risk of reoffending. In establishing any new facilities, ease of access, public transport links, scope for engagement with health, social care, employment, housing and family support services, as well as the prospect of engaging local voluntary groups, should all be taken into account. We note that Women in Prison are in the process of undertaking research on the implementation of small custodial units as suggested by Baroness Corston and would encourage the SPS to carefully consider their findings and recommendations.

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<sup>5</sup> Corston, J. (2007) The Corston Report, London: Home Office

In formulating its interim and long-term plans for women in custody, we would urge the SPS to pay close attention to the stipulations of the [UN Bangkok Rules for the Treatment of Women Prisoners](#) and the findings and recommendations of [Baroness Corston's report on women with particular vulnerabilities in the criminal justice system](#).

**What services and interventions should be provided for women in the national prison (wherever it is located?)**

The Bangkok Rules underline the importance of addressing the distinctive needs of women prisoners and the gender-specific services to which they are entitled. For example, safety has particular meaning for women offenders, in part because they are more likely than male prisoners to harm themselves repeatedly. The Bangkok Rules acknowledge: "that violence against women has specific implications for women's contact with the criminal justice system, as well as their right to be free of victimization while imprisoned. Physical and psychological safety is critical to ensuring human rights and improving outcomes for women offenders." We recognise the inherent challenges in keeping women prisoners safe from both victimisation by others and self-harm and urge the SPS to develop gender-specific strategies for maintaining the safety of women in custody.

In addition we note the following recommendations by the Scottish Commission on Women Offenders<sup>6</sup> regarding the facilities that a new smaller specialist prison for women should provide:

Cornton Vale is replaced with a smaller specialist prison for those women offenders serving a statutory defined long-term sentence and those who present a significant risk to the public.

The new national prison for women offenders should include:

- Meaningful and consistent work with sufficient premises to allow that work to take place and enable all women prisoners to build skills for release and improve self-esteem and mental health.
- A medical centre with adequate space for group work and individual appointments to address physical and mental health problems.
- A separate unit for young women.
- A purpose built mother and baby unit.

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<sup>6</sup> Commission on Women Offenders Final Report April 2012. Available at <http://www.scotland.gov.uk/About/Review/commissiononwomenoffenders/finalreport-2012>

- A family-friendly visitor centre with an outside play area for children.

Most women prisoners on remand or serving short-term sentences are held in local prisons to improve liaison with local communities and reintegration once their sentence is complete.

Video conferencing facilities are widely used to help manage the logistical demands made on Cornton Vale, reduce travel and improve communication between women and their families, and social workers, and make significant cost savings.

We recommend that an independent non-executive member of the Scottish Prison Service Board is appointed with a specific remit for women offenders, championing and driving through change.

Gender specific training is provided to all professionals working with women prisoners.

### **What should be factored into the proposed model for estimating the number of women likely to be accommodated in a national prison?**

While the rate of women's offending has remained largely the same over the past decade, there has been a significant increase in the number of women in prison as a result of harsher sentencing and a widening of the criminal justice net. Therefore, estimating the number of women likely to be accommodated in a new national prison is dependent on the outcome of government policy and court proceedings. As we outline above, we estimate that women's prison numbers in Scotland could be halved by coordinated work on drug and alcohol treatment, criminal justice social work, mental health, social care and family support; in tandem with the introduction of proportionality in sentencing, mitigation for those with primary care responsibilities or people who have been trafficked or coerced into offending, and a reduction in the use of remand and breach proceedings.

### **How to ensure that women get access to the "specialist" facilities they may require at the most appropriate point in their sentence?**

More effective personal officer schemes would assist in identifying the specific needs and vulnerabilities of individual women and ensure that they receive help and support at the most appropriate point in their sentence. The principle of 'dynamic security' is that information is collected by officers who know the prisoners they are caring for and are aware of their associations, needs and behaviour patterns.

One simple way of ensuring that women get the help they need is to ask them what support they require. This can begin on induction and facilitated on an ongoing basis through the operation of an effective personal officer scheme.

The importance of user advocacy in the criminal justice system for developing effective services has been highlighted by organisations such as User Voice. A recent report by the Prison Reform Trust, [Out for Good](#), found that enabling prisoners to take responsibility for their own resettlement is crucial to helping them address the challenges they will face on release and reduce their risk of reoffending. Its findings are relevant to identifying and enabling women to engage positively with the services and support they may require during the course of their sentence.

Key to effective resettlement is a commitment by prison staff to work closely with the prisoner not just to do things to, or for them. Alongside controlling risk and managing cases, prison staff and support services needed to share responsibility with the person preparing for his or her resettlement. Prison staff should enable offenders to make choices about the practical challenges they will face on release, and support those choices with appropriate help and advice.

The prisoners interviewed as part of the study advocated a new set of priorities for resettlement work while in prison. These include:

- An individual approach to each prisoner
- Provision of information prisoners need to make reasoned decisions
- Enhanced communication with the outside
- Extended use of Release on Temporary Licence
- Training focused on employable skills
- Improved contact with family and involvement of families in preparation for release

### **Improving existing facilities for women**

#### **Do these proposals address the Women's Commission's recommendations to locate certain women offenders locally?**

The opening of HMP Grampian should assist with locating women from the north east of Scotland closer to home and their local communities. Once it is in operation a thorough evaluation of the establishment and its outcomes for women should be conducted before it is used as a template for future community facing developments.

While it is important that women are located as close to home as possible, it should be noted that this is not the only factor that needs to be taken into consideration when designing and locating women's prisons. The Bangkok Rules also underline the importance of providing gender-specific services for women and taking into account the availability of appropriate programmes and support. Rule 4 states that "Women prisoners shall be allocated, to the extent possible, to prisons close to their home or place of social rehabilitation, taking account of their caretaking responsibilities, as well as the individual woman's preference and the availability of appropriate programmes and services."

**If so, what size should the units be?**

As previously noted, Women in Prison are in the process of undertaking research on the implementation of small custodial units as recommended by Baroness Corston. We would encourage the SPS to carefully consider their findings and recommendations.

**If not, what additional or different arrangements could be put in place?**

As we outline above, in designing and locating the new units a balance will need to be struck between ensuring women can be located as close to home as possible and the availability of gender-specific services and providing appropriate programmes and support.

**The role of community interests**

**How can the SPS work with community partners to deliver to best outcomes for women offenders?**

Community based, voluntary sector run, women's centres, such as the 218 centre in Glasgow, provide a unique environment to allow women to get the support they need and tackle the issues contributing to their offending. The women only centres provide a vast range of different services and interventions to work with vulnerable women. Their contribution to enabling women to turn their lives around, take responsibility, and desist from offending has been widely recognised. The SPS should ensure that community based services for women are integrated within mainstream commissioning arrangements for resettlement services in prison and the community.



The release of women from custody and the availability of resettlement services should be coordinated so that women can gain access to support immediately on the day of their release. Prisons should establish links with local employers to provide volunteering and work opportunities in the community for women.

As stipulated in the Bangkok Rules:

**Rule 45**

Prison authorities shall utilize options such as home leave, open prisons, halfway houses and community-based programmes and services to the maximum possible extent for women prisoners, to ease their transition from prison to liberty, to reduce stigma and to re-establish their contact with their families at the earliest possible stage.

**Rule 46**

Prison authorities, in cooperation with probation and/or social welfare services, local community groups and non-governmental organizations, shall design and implement comprehensive pre- and post-release reintegration programmes which take into account the gender-specific needs of women.

**Rule 47**

Additional support following release shall be provided to released women prisoners who need psychological, medical, legal and practical help to ensure their successful social reintegration, in cooperation with services in the community.

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