

*Women offenders are a minority group within the criminal justice system, accounting for 15% of the current probation caseload and 5% of the prison population. We recognise...that women offenders differ significantly from their male counterparts and that they often exhibit more complex needs.*

Transforming Rehabilitation, Ministry of Justice, May 2013<sup>1</sup>

*For the last two years, the female prison population has been consistently under 4,000 for the first time in a decade. I want to see still fewer women in custody, especially those who are primary carers of young children.*

Caroline Dinenage MP, Parliamentary-Under Secretary of State for Women, Equalities and Family Justice<sup>2</sup>

*Scotland already has the second highest female prison population in Northern Europe, doubling between 2002 and 2012. This is completely unacceptable and does not fit with my vision of how a modern and progressive society should deal with female offenders.*

Michael Matheson MSP, Scottish Justice Secretary<sup>3</sup>

*The number of women offenders is comparatively small but the impact is not and it is obvious that within the criminal justice system we cannot simply replicate what we provide for men and hope it will work for women.*

David Ford MLA, Northern Ireland Minister of Justice<sup>4</sup>

*The greater energy with which the Government has begun to address the issue of women offenders needs to be...continued...this applies to matters such as reliable funding of women's centres, the effectiveness of rehabilitation provision for women by Community Rehabilitation Companies, and the potential of smaller custodial units. We want to see more effective provision for women offenders, making it possible for there to be a substantial fall in the women's prison population in the coming months and years.*

House of Commons Justice Committee, 2015<sup>5</sup>

## **A concerted effort is needed to reform the criminal justice system's response to women, and achieve a further reduction in women's imprisonment in the UK**

Most of the solutions to women's offending lie outside prison walls in treatment for addictions and mental health problems, protection from domestic violence and coercive relationships, secure housing, debt management, education, skills development and employment.

Community sentences enable women to take control of their lives, care for their children and address the causes of their offending.

- The women's prison population in England and Wales more than doubled between 1995 and 2010, from 1,979 to 4,267. More recently the numbers have declined by 10% – from 4,279 women in April 2012 to 3,841 in April 2015. Across the UK, more than 13,500 women are imprisoned each year.<sup>6</sup>

- A series of inquiries and reports in recent decades,<sup>7</sup> most notably the 2000 report of the Prison Reform Trust's Committee on Women's Imprisonment (the Wedderburn Report), the 2007 Review of Women with Particular Vulnerabilities in the Criminal Justice System (the Corston Report), the 2011 report of the Women's Justice Taskforce (Reforming Women's Justice), and the Scottish Government's Commission on Women's Offenders in 2012, have all concluded that prison is rarely a necessary, appropriate or proportionate response to women who get caught up in the criminal justice system. The Justice Select Committee inquiry into women offenders concluded that "prison is an expensive and ineffective way of dealing with many women offenders who do not pose a significant risk of harm to public safety" and called for "a significant increase in residential alternatives to custody as well as the maintenance of the network of women's centres" seen as "more effective, and cheaper...than short custodial sentences".<sup>8</sup>
- Because women are such a small minority of those in the criminal justice system, and of the prison population, they are easily overlooked in criminal justice policy, planning, and services.
- The principle of equal treatment does not mean that everyone should be treated the same. Where the underlying circumstances of women and men are different, different approaches may be needed to achieve equitable outcomes. This is a basic tenet of equality law. The provisions of the Equality Act 2010 reflect this and allow for women-only or women-specific services. The Public Sector Equality Duty requires public services, including those delivered by the private and voluntary sector, to assess and meet the different needs of women and men.<sup>9</sup> The Justice Committee concluded that "the duty does not appear to have had the desired impact" on the provision of gender specific services, or on broader policy initiatives.<sup>10</sup>
- The UK is signed up to the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) which require that the distinctive needs of women be recognised. The Rules stress the importance of providing physical and psychological safety for women, and mandate the provision of diversionary measures and sentencing alternatives "taking account of the history of victimisation of many women offenders and their caretaking responsibilities".<sup>11</sup>
- In its Concluding Observations on the Seventh Periodic Report of the United Kingdom of Great Britain and Northern Ireland, the UN Committee on the Elimination of Discrimination against Women (CEDAW) urged the UK Government to "vigorously pursue efforts to implement the recommendations of the Corston Report including those contained in the report of the House of Commons Justice Committee published on 15 July 2013 and continue to develop alternative sentencing and custodial strategies, including community interventions and services for women convicted of minor offences."<sup>12</sup> Following her country mission to the UK, which included visits to women's prisons, the UN Special Rapporteur on violence against women raised concerns over the disproportionate number of black and minority ethnic (BME) women in prison, the

number of women who have been subjected to violence prior to their imprisonment, and the number of young women who are incarcerated, and called for the development of “gender-specific sentencing alternatives” and recognition of “women’s histories of victimisation when making decisions about incarceration”.<sup>13</sup>

## **There are opportunities now to influence and accelerate the reform agenda**

- In May 2015 Caroline Dinenage MP was appointed Parliamentary Under-Secretary of State for Women, Equalities and Family Justice with responsibility for female offenders. She has reinstated and reinvigorated the Advisory Board on Female Offenders which she is now chairing, and which provides the mechanism for a cross-government strategy to reduce women’s imprisonment [in England and Wales].
- The March 2015 Budget outlined plans to “[design] a more integrated, multi-agency approach to divert female offenders convicted of petty, non-violent offences from custody where appropriate” as part of broader work “exploring the cost-effectiveness of integrated spending around some of the most vulnerable groups of people”.<sup>14</sup>
- The Conservative election manifesto included a commitment to improve the treatment of women offenders, exploring how new technology may enable more women with young children to serve their sentence in the community.<sup>15</sup> Work to take this commitment forward has already begun.
- The extension of 12 months statutory supervision in the community to offenders serving sentences of less than 12 months disproportionately affects women as they are more likely to be imprisoned for short periods.<sup>16</sup> However, for the first time, women’s services have a statutory foothold as Section 10 of the Offender Rehabilitation Act 2014 places a duty on the Secretary of State for Justice to ensure that arrangements for the supervision or rehabilitation of offenders identify any specific provision for women. This is an important safeguard for women’s services.
- Five years after the publication of the Corston Report, which made a series of recommendations to drive improvement in the criminal justice system’s response to women, the Justice Select Committee in the House of Commons held an inquiry to review progress and examine current strategy and practice with respect to women offenders and those at risk of offending.<sup>17</sup> Initially reporting in July 2013 (with the government response published in October 2013), the follow up report published in March 2015 concluded that “we want to see more effective provision for women offenders, making it possible for there to be a substantial fall in the women’s prison population in the coming months and years”.<sup>18</sup>
- On 26th January 2015, the Scottish Justice Secretary Michael Matheson MSP announced that plans for a new women’s prison at Inverclyde would not go ahead, instructing officials to “undertake a period of extensive engagement with key partners, with a view to investing in smaller regional and community-based custodial facilities

across the country.”<sup>19</sup> Since then, the Justice Secretary has announced additional investment of £639,500 in women’s community services, arguing “Scotland already has the second highest female prison population in Northern Europe, doubling between 2002 and 2012. This is completely unacceptable and does not fit with my vision of how a modern and progressive society should deal with female offenders.”<sup>20</sup>

## **If there are more men than women in prison, shouldn’t we start by tackling problems in the male population?**

- Many of the issues covered here also affect men in prison to a greater or lesser extent, and most of the Prison Reform Trust’s work is in relation to the majority male prison population. History shows that unless there is a specific focus on women they will continue to be disadvantaged as a minority within a male-oriented prison system. As well as the different factors involved in women’s offending there are problems with the way the custodial estate is organised for women. For example, security classification is designed for men and only two women’s prisons - both of which have been earmarked for closure<sup>21</sup> - are open, restricting opportunities for women to progress and spend time on release on temporary licence. The specific issues involved, and the tendency to marginalise women’s needs, means it makes sense to have a particular focus on women’s imprisonment.

## **Isn’t public opinion opposed to reforming the way the criminal justice system responds to women?**

- There is a substantial body of public support for many of the alternative approaches mentioned here. For example, an ICM poll showed that 80% of 1,000 adults surveyed strongly agreed that local women’s centres, where women address the root causes of their crime and do compulsory work in the community should be available.<sup>22</sup> Some of these centres can demonstrate very low reoffending rates compared to short prison sentences.<sup>23</sup> In another ICM poll, 73% did not think mothers, particularly those of young children, who commit non-violent crime, should be locked up.<sup>24</sup> The Prison Reform Trust commissioned a YouGov poll in November 2012 that revealed strong backing for public health measures including treatment for drug addiction, help to stop alcohol misuse, and mental health care.

## **What are the significant differences between women and men in prison?**

- **Women entering prison are more likely to have been imprisoned for non-violent offences.** In the last quarter of 2014, eight in ten (81%) women entering prison under an immediate custodial sentence had committed non-violent offences, compared to seven in ten men (71%).<sup>25</sup> For those entering on remand in 2014, 75% of women and 66% of men were charged with, or convicted of, non-violent offences.<sup>26</sup>

- **Women are also more likely to be in prison for non-violent offences.** At 31<sup>st</sup> March 2015, 64% of women in prison on remand, and 59% of those under sentence, were there for non-violent crimes. For men in prison, the proportions were 55% and 45% respectively.<sup>27</sup> [See page 8 for a discussion of the difference between statistics showing the number of people entering prison and the number of people in prison].
- **Theft and handling offences are the biggest single driver to custody for women.** Between October-December 2014, for example, more women entered prison under sentence for this offence than for any other.<sup>28</sup>
- **Women in prison are highly likely to be victims as well as offenders.** More than half (53%) report having experienced emotional, physical or sexual abuse as a child, compared to 27% of men.<sup>29</sup> A similar proportion report having been victims of domestic violence. Both figures are likely to be an under-estimate. Women can become trapped in a vicious cycle of victimisation and criminal activity. Their situation can be worsened by poverty, substance dependency or poor mental health.<sup>30</sup> Leaving the relationship doesn't guarantee that domestic violence will stop. The period when a woman is planning or making her exit is often the most dangerous time for her and her children.<sup>31</sup>
- **31% of women prisoners spent time in care as children, compared with 24% of men.**<sup>32</sup>
- **Women's offending is more likely to be prompted by their relationships or by financial concerns.** Nearly half of women prisoners (48%) questioned for the Surveying Prisoner Crime Reduction (SPCR) longitudinal survey reported having committed offences to support someone else's drug use, compared to 22% of male prisoners.<sup>33</sup> A Cabinet Office study found that 28% of women offenders' crimes were financially motivated, compared to 20% of men's.<sup>34</sup> Earlier research on mothers in custody found that 38% attributed their offending to 'a need to support their children', single mothers being more likely to cite a lack of money as the cause of their offending than those who were married.<sup>35</sup>
- **Women prisoners are far more likely to be primary carers of children.** The SPCR survey found that six in ten women in prison had (on average two) dependent children.<sup>36</sup> One fifth are lone parents before imprisonment. In 2010, more than 17,000 children were separated from their mothers by imprisonment.<sup>37</sup> For eight out of ten children, it's the first time they have been separated from their mums for more than a day or so.<sup>38</sup> Fewer than one in ten children whose mother is in prison are cared for by their father in her absence.<sup>39</sup> Approximately 40% are cared for by grandparents or other family members, and only 5% remain in their own home.<sup>40</sup> A 2011 report highlighted that up to 6,000 children a year are "being forgotten by the state when their mother is sent to prison."<sup>41</sup> An earlier study found that 42 women held in HMP Holloway had no idea who was looking after their children, and that 19 children under the age of 16 were looking after themselves.<sup>42</sup>

- **Women are imprisoned further from home and receive fewer visits.** This adversely affects their capacity to maintain relationships and family contact. Whilst women are held on average 60 miles from their home or court committal address (compared to 50 miles for men),<sup>43</sup> the distances are much greater for many women, adding to the complexity and expense of travelling for prison visits. In 2009, 753 women were held over 100 miles away.<sup>44</sup> In Send women's prison the average is 76 miles, Askham Grange the average distance from home is 78 miles, for Drake Hall it is 83 miles, East Sutton Park 91 miles. In Eastwood Park prison, where many of the women sent to prison by courts in Wales go, 20% of women are over 150 miles from home.<sup>45</sup>
- **Research suggests half of all women on remand receive no visits, compared to a quarter of men.**<sup>46</sup> Prisoners who receive no visits are significantly more likely to reoffend than others.<sup>47</sup>
- **Women are more likely than men to report needing help with a drug problem on entry to prison (49% v 29%).**<sup>48</sup> Women prisoners are also more likely than men to associate drug use with their offending. Around 70% of women coming into custody require clinical detoxification compared with 50% of men.<sup>49</sup>
- **Alcohol is a significant driver to women's offending.** 42% of women prisoners drank alcohol in excess of government guidelines prior to imprisonment, compared to 22% of the adult female population.<sup>50</sup>
- **Mental health problems are more prevalent among women in prison.** They are nearly twice as likely as men in prison to be identified as suffering from depression (65% versus 37%), and more than three times as likely as women in the general population (19%).<sup>51</sup> Almost a third (30%) of women in custody had a psychiatric admission prior to entering prison.<sup>52</sup>
- **Women are disproportionately likely to harm themselves whilst in prison.** In 2014, women accounted for 26% of all self-harm incidents in prison in England and Wales despite representing only 5% of the prison population.<sup>53</sup> The reasons for this include women's histories of sexual abuse, their distress at separation from their children and mental illness.<sup>54</sup>
- **The effects on women's lives continue to be felt after their release.** Over 30% of women lose their accommodation, and often their possessions, while in prison.<sup>55</sup> Women prisoners are much less likely than men to have positive employment outcomes on release (8% v 27%).<sup>56</sup> As women in prison are twice as likely as men to be serving short sentences,<sup>57</sup> imprisonment has a disproportionate impact on their employment chances.
- **Many foreign national women in prison have been trafficked or coerced into offending.** 13% of women in prison are foreign nationals, compared to 11% of men.<sup>58</sup> A significant proportion of foreign national women in prison are known to have been coerced or trafficked into offending.<sup>59</sup>



- **Women entering prison are disproportionately likely to be serving short sentences.** In 2014, more than 4,000 women entered prison to serve sentences of 6 months or less. Those entering prison to serve sentences of less than 12 months accounted for 71% of all women entering prison under an immediate custodial sentence in 2014. For males the proportion was 55%.<sup>60</sup>
- **Women are more likely than men to be in prison under sentence for a first offence.** At 30th June 2013, sentenced women were twice as likely as men (21% v 10%) to have no previous convictions or cautions.<sup>61</sup>
- **Short sentences have the worst reoffending outcomes.** More than half (51%) of all women leaving prison are reconvicted within 12 months – for those serving sentences of less than 12 months, the reconviction rate rises to 62%.<sup>62</sup> The extent to which community sentences outperform short spells in prison with respect to reoffending is greater for women than for men (9.7% v 7%).<sup>63</sup> Women released from custody are also more likely to reoffend, and reoffend quicker than those serving community sentences.<sup>64</sup>

## **What options do courts have when the same women appear before them repeatedly?**

The number of ‘prolific’ women offenders is small. Home Office research found that a quarter of male offenders and 8% of female offenders had four or more convictions - these prolific offenders account for the majority of all recorded crime.<sup>65</sup> Instead of pushing women through a revolving door of prison and reoffending, community sentences offer a practical approach to tackling the root causes of their criminal behaviour. Evaluations of women’s community services have shown that they can provide effective programmes for women offenders and women who are at risk of offending,<sup>66</sup> and have been proven to reduce reoffending.<sup>67</sup> It is important that these services be more widely available so that these options are always available to the courts.

## **What about those who pose a danger to the public?**

For a small minority of women who offend, custody will be the only option. Small custodial units, designed specifically for women and located in the communities from which they come (to enable them to maintain relationships with children and family members and to support active resettlement), and delivering rehabilitation and education programmes tailored to their specific needs, would be more effective. Such units do not currently exist. Meanwhile, fostering the development of women’s centres and services will enable more women to be managed constructively in the community.

## How much would a different approach cost the taxpayer?

There are compelling economic reasons to foster alternative approaches:

- The average annual cost of a women's prison place is £56,415<sup>68</sup> compared to a Community Order cost of £2,800 per year, and an average of £1,300 for standalone community-based services.<sup>69</sup>
- Research by the independent thinktank the new economics foundation (nef) found that if alternatives to prison reduce reoffending by just 6%, the necessary expenditure would be recouped in a year.<sup>70</sup> The benefits are worth more than £100 million over a ten-year period.<sup>71</sup> The nef found that money invested in support-focused alternatives to prison generates significant benefits for women and their children, victims and society over ten years.<sup>72</sup>
- Imprisoning mothers for non-violent offences costs the state more than £17 million over a ten-year period as a result of the increased likelihood of their children becoming NEET (not in education, employment or training), and therefore have poorer long-term prospects. Non-custodial sentences therefore lead to additional savings to the state.<sup>73</sup>



## Note on the numbers

Prison statistics can be confusing. There is a difference between a ‘snapshot’ of the prison population, usually recorded mid-year, and the total intake of prisoners over the course of an entire year. In England and Wales, for example, there are approximately 3,900 women in prison at any one time,<sup>74</sup> yet around 9,000 women are received into prison for the first time over the course of a year, either on remand or under sentence.<sup>75</sup> The ‘snapshot’ figure will have a higher proportion of those on longer sentences, while the total annual intake will include all those who have been sent to prison even for very short periods. Also, sometimes information is given for prison numbers in England and Wales, and sometimes for the whole of the UK, including Scotland and Northern Ireland.

## Feedback and acknowledgements

We welcome queries and comments on the information provided here, and plan to update and supplement the information as needed. Please contact [womensprogramme@prisonreformtrust.org.uk](mailto:womensprogramme@prisonreformtrust.org.uk)

The Prison Reform Trust publishes updated facts on the prison population twice a year, including facts about women. To find the latest version visit [www.prisonreformtrust.org.uk/Publications/Factfile](http://www.prisonreformtrust.org.uk/Publications/Factfile)

The Prison Reform Trust is grateful to the Pilgrim Trust for supporting our programme to reduce women’s imprisonment and looks forward to working with the Big Lottery Fund, which is supporting our new UK-wide drive with partner charities to accelerate progress towards this objective.

*[Download Brighter Futures - working together to reduce women’s offending](#)*  
*[Download Transforming Lives – reducing women’s imprisonment](#)*

To stay in touch with the progress of our work to reduce the unnecessary imprisonment of women sign up for our newsletter and see [www.prisonreformtrust.org.uk/women](http://www.prisonreformtrust.org.uk/women)

## Endnotes

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- <sup>15</sup> <https://s3-eu-west-1.amazonaws.com/manifesto2015/ConservativeManifesto2015.pdf>
- <sup>16</sup> Section 2, Offender Rehabilitation Act 2014
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