

## **Questions for Clinks network**

The Commission on Justice in Wales (the Commission) has been established to review the operation of the justice system in Wales and set a long term vision for its future, with a view to amongst other matters promote better outcomes in terms of access to justice, reducing crime and promoting rehabilitation.

You do not need to answer all the questions underneath. It would be helpful if answers includes examples of experiences of the criminal justice system in Wales.

1. What in your view are the key elements of an effective justice system for women?

We believe that the criminal justice system should look at the individual in light of their person circumstances in making any decisions. Whilst we appreciate that with targets around speeding up the courts process reduces time waiting around for an answer we also feels this puts undue pressure on those writing pre-sentence reports to come up with speedy recommendations which do not allow them to do this.

This is disproportionately an issue in relation to women where recognition of the multiple and complex factors associated with their offence is often missed. In particular women in the criminal justice system frequently have faced a traumatic background which is either directly related to their offence or a factor in why they offended.

We would also welcome consideration of any dependents and their specific needs in deciding on the most appropriate sentence and would recommend an impact assessment on the family to weigh up the benefits of alternative approaches that could be undertaken. There are significant studies, including COPE that highlights the impact on parental imprisonment on the mental health and future prospects of children of prisoners. Women are both disproportionately likely to be the primary care giver and are more likely to be given a short sentence for non-violent offences.

We would therefore ask for fair and appropriate sentencing with custody only used as the last resort.

2. Could a distinctive system for women's justice be developed in Wales and, if so, what would it look like?

We believe that Wales has the chance to review and design a cohesive criminal justice system for women that takes into account the above.

We believe any model should take into account the models of best practice that are already evident and draw learning from Corston and other research and reports about what works. In particular, the Womens Pathfinder has a good reputation and outcomes and should form an integral part of process as well as looking at models around problem solving courts, women's centres and custodial activity promoting and retaining positive ties that impact on likely recidivism i.e. Visiting Mum.

We would like to see a system that recognises the role of women as the primary carer and that seeks to minimise use of custody where alternative options could be used. This could include:

- Out of court disposals for minor offences
- Use of more targeted community sentences with RARs designed specifically to address criminogenic needs particularly instead of a short sentence for non-violent crimes
- Suspended sentences where it can be shown that imprisonment would greatly impact on the mental wellbeing of dependents
- Enhanced support that recognises that women are often held miles away from their families and that this places undue strains on family members to maintain contact i.e. extended visits where families are a long distance away, Visiting Mum allowing children/mum's to maintain contact when there is no one able to bring the child to visit
- Where there is no alternative to custody, greater access to family-orientated provision, e.g., more capacity and a wider age range in Mother and Baby Units, extended visits and Family Days.
- Specific TTG support for identified cohorts who may have additional/differing needs, e.g, older women, care leavers.

More emphasis needs to be given to appropriate community sentencing, to make this a more effective route for sentencers. For example, Unpaid Work placements should recognise the vulnerabilities of many of the women and ensure they are supported to undertake the Requirement. They should also provide an opportunity for women to gain skills relevant to their personal goals, rather than being an add-on to male-orientated services.

Better use could be made of Home Detention Curfew, taking into account familial circumstances, e.g., ensuring domestic abuse risks have been appropriately assessed and addressed. Caring responsibilities (children, parents, significant others) should also be considered, as these might impact on ability to meet Requirements.

3. Considering the Corston report in 2007 <http://criminaljusticealliance.org/wp-content/uploads/2017/07/Corston-report-2007.pdf> how would you improve the way women are treated in the criminal justice system. Is there anything in particular you would prioritise in Wales?

Services for women in the criminal justice system are often tagged on to male orientated services and therefore their specific needs are often overlooked or programmes designed for men adapted without the necessary targeting to meet the specific needs of women.

Services which are particularly important based on our experience can be grouped under:

- Support around the individuals well being and ability to manage previous traumatic experience for example domestic abuse assessment and support and counselling at the more complex end and programmes around self efficacy and self worth at the lower end of the scale i.e. Pact has developed a programme (Building Stronger Relationships) which has been co-designed with women at Downview and Send.
  - Given many women in the criminal justice system are mothers we would also recommend assistance with their role as a mother including parenting interventions. We would also recommend support to maintain contact with their child/ren both through programmes such as Visiting Mum where contact is not possible without outside help as well as support such as Kinship Care services where the relationship with the family member caring for their child is supported and help is in place to support the family as well as mother in prison. A key aspect therefore being, where appropriate, to protect the relationship to improve recidivism and reduce onwards trauma to the child.
  - A joined up approach to services so that women at risk of/involved in offending behaviour are able to access the right support in the community rather than needing to go to prison to receive this. In particular looking at their mental health/substance misuse needs in the community. In relation to the above, issues around family and family support recognition that whilst it is laudable that Families First has children with a parent in prison as a priority for support but that it does this in isolation from family providers working in custody.
  - Advocacy support for women in court, enabling them to give voice to their circumstances, including concerns regarding the impact on dependent children, accommodation and employment, enabling the sentence to take these into account.
4. As you know, there are no prison facilities for women in Wales. Some of the evidence we have received suggests that there should be. What are your views on this?

Our preference would be for smaller 'community' prisons operating in a larger number of locations enabling women to be housed much nearer to their family. However we recognise the financial implications of this are likely to make this prohibitive.

As outlined above a more cost effective strategy would be to ensure the join up of public sector funds to provide an integrated support package:

- Investment from Families First (1% of spend) into prison based family infrastructure on a Local Authority level would be low but would reap high returns in terms of family reintegration, recidivism and stability. This would ensure the capacity was available to support family relationships whatever local authority area they were going back to including liaison with social services and other bodies to minimise the harm whilst in prison and maximise the join up to community based support on return from prison.
- TTG mentoring to ensure those leaving prison without family support or in need of additional support are offered a mentor to support them during the initial period of their release to engage/re-engage with community services.
- Investment through Probation, health, Families First and other public sector bodies through direct commissioning of women's centres to support release. Development of 'one stop shop' through drop ins/staff secondments in addition to direct commissioning. This would also provide services for women through community orders etc as above and provide a focus for liaison for women leaving custody.
- Short term accommodation units for those with NFA or requiring ongoing intensive support.

This, coupled with the changes in sentencing patterns would enable a more cost effective solution as it would enable support to be put in place up stream to support those at risk of offending, divert individuals from entering into the criminal justice system, reduce the numbers going into prison and providing a more appropriate level of support for those who are imprisoned whilst also reducing the impact on dependents.

5. How effectively do you think that the voluntary/third sector works in delivering services to women in Wales who offend? How could these arrangements be improved?

Third sector organisations have a significant role to play to enhance statutory services both through grant funding and commissioning.

Our experience generally has been that there are a wide variety of organisations providing a support which varies in consistency and quality. Therefore activity which supports a greater join up of services alongside promoting good quality delivery is welcomed.

Within prisons our experience has generally been that of collaboration with our teams well embedded within the prison infrastructure and that generally this is well facilitated. As above capacity is often the biggest constraint in providing the support that is necessary due to the release areas covered however as outlined above there are some ways by which this could be resolved that would improve the outcomes not only for women but for their dependents and the wider community if some upfront investment was made.

After initial challenges as everyone found their feet Resettlement and TTG services are joining up. Whilst TR has been widely criticised; where there has been the inclusion of voluntary sector organisations within the supply chain this has been positively received and with good outcomes – we feel this has generally been the case in Wales.

Through the Gate services, particularly mentoring provides a good way of joining up activity in prison with community services offering a cost effective way of delivering services. This is a role that sits best in the voluntary sector taking into account both the reliance on volunteers but also the independence this offers from the ‘enforcement’ activity from Probation and also from the statutory sector enabling teams to act as advocates for those they are supporting.

Good market stewardship is essential. Contracts that are appropriate to the size and complexity of services are critical to enable small, specialist providers to deliver services. Whilst quality of delivery is an imperative, any performance-related penalties imposed should also be proportionate.

6. How do you think co-operation between government, local government and third sector could be improved to provide a more seamless delivery and better outcomes for women?

As outlined above there is a lack of join up between different services. What is needed is a clear strategic direction with cross-cutting priorities across government departments, local authorities and third sector organisations with funding then being mapped to achieving this.

An example of this is that Families First has children with parent in prison as a priority. However due to the commissioning process being totally devolved to Local Authorities this means that commissioning has generally been integrated with generic services rather than relating back to the prison itself and the relationship between the child and their whole family including those in prison.

As identified above for strategic priorities like this where it is likely there is going to need to be investment locally and nationally, given women from Wales are mainly in Eastwood Park with some in Styal, then alternative commissioning arrangements should be looked at to support achievement of the priorities rather than prevent it.

We also believe that PCCs have a stronger role to play in terms of supporting join up between services; identifying the gaps between commissioned services for women and providing strategic direction and resources to meet these needs.

7. What would you change in how the courts, police, prisons and probation work in Wales to enhance the positive impact of the work of the charities Clinks represents?

Our priority would be better join-up, particularly on women's issues enabling a more seamless transition with information for families at each stage in the process.

As outlined above an understanding of the personal circumstances faced by individuals and a family impact assessments need to form a central part of how women are supported within the criminal justice system.

This would enable the development of a system which looks at the root cause of issues and the likely downstream impact on the individual and likely intergenerational offending/increased risk of poor outcomes due to decisions made. Whilst not advocating for women to have a different deal to men specifically; we are advocating that they are treated fairly given the high level of women imprisoned for non-violent crimes on short sentences and their disproportionate role as primary carers.

We would therefore recommend that there is a mandatory 2 week window to enable this information to be collected as part of the pre-sentence report to inform sentencing practice.

Within our caseload at Eastwood Park over 90% have been affected by domestic violence. When looking at what action to take police, courts, probation and prisons need to understand where offences may have been undertaken due to coercion and where women may need to be treated as victims rather than perpetrators.

There also needs to be a greater understanding of the impact on children not only due to imprisonment but how statutory agencies act throughout the process. Children are often treated as incidental; not taken into account at arrest so children are often in the house when mum/dad/siblings are arrested with no family support offered. As previously outlined court policies on swift sentencing preclude pre-sentence reports being able to provide an accurate assessment of individual circumstances meaning that women are not having their voices heard and decisions are being made without full access to the facts. This is an unintended but crucial consequence of policy work being undertaken in isolation.

At court there are still no automatic mandatory checks on dependents so some children are left not having had the chance to say goodbye to their mum if mum was not expecting to or did not want to believe that a prison sentence was likely to occur. Given less than 10% of children stay in the family home when their mum goes to prison this is indicative of the failure of the system to think about and cater for the needs of children.



8. What preventative work could be done with women in Wales who are at risk of entering the justice system? Can you cite any examples?

As outlined above we believe that there needs to be a wholesale review of how women are supported prior to and once within the criminal justice system. The starting point needs to be that the personal circumstances and domestic situation need to be understood and how the offence relates to this.

Any action needs to be proportionate to the nature of the offence and any coercive influences and look towards the impact on family members not only in the immediacy of the incident but their long term life chances. Therefore we would recommend that greater use is made of cautions/conditional cautions, out of court disposals, alternatives to custody/community sentences so that custody is used only as a last resort and not as a means for someone to get treatment as it is not available in the community.

We believe that preventative work is vital to this; the work of Families First and women's centres in supporting families on the cusp of offending behaviour is vital. Investment in hostels, domestic violence support, mental health and substance misuse is all vital in preventing and reducing the reasons why many offences happen.

We also believe that once in the criminal justice system there is still a role for preventative work to ensure that the circumstances that led to any offending behaviour are not repeated.

Women's centres offer a great opportunity in the community to be able to provide this support as preventative activity and after care. We also support the work that the Women's Pathway has undertaken and the successes it has had in developing this work.

In addition we also believe that preventative work needs to include the whole family so that the mistakes of mum are not repeated by their children. Services such as Visiting Mum enable children who would otherwise not see their mother at all during their sentence to maintain that contact, be supported in dealing with the impact of their mother's imprisonment and be able to talk this through and gain support from their mother both in terms of imprisonment but also during crucial life decisions such as GCSEs.

9. What rehabilitative work could be done with women in Wales to prevent their re-entering the justice system? Can you cite any examples?

As noted above we believe investment in support in prison to support relationships with children and families is vital to support rehabilitation and give women the support networks and reasons not to reoffend. Involving families in restorative work builds and strengthens the long term ties that will help provide both the reasons to change behaviour and the support networks to make this happen.

We also believe that support needs to be targeted on the reasons why women are offending in particular looking at patterns of abuse and addiction and providing the support to enable them to address this.

This needs to be linked to support around self-efficacy and self-worth to help women to respect themselves and understand what a positive relationship is and to move away from relationships that are harmful. This needs to be allied with domestic violence support for those who need specialist more intensive support.

Through this we also need to help women move on from cycles of poor relationship choices. This will also help in not perpetuating previous cycles where child after child is removed and the women are not given the chance to prepare to be an effective parent due to children being on the child protection register due to home life/offending behaviour.

An example of this is Visiting Mum where mothers were supported to build/rebuild their relationships not only with their children who they had not seen since they were imprisoned but also the primary carer. Through this we were able to mediate and broker relationships between mother and carer and work to rebuild trust and a willingness to listen to the wishes of the child(ren) to have a positive relationship with their mother. This meant that mothers and children were able to be there for each other, build and deepen the bond between them and be able to plan for future decisions. Relationships with carers were improved as well as impacting on the decision making within social services as mothers could prove their intent and commitment to parenting their child.

We also recognise that many women do not necessarily have the positive relationships from family or have dependents. For those our experience has been that having a mentor or support pre/post release through TTG mentoring has been extremely positive in setting post-release. This enables someone to advocate for them and be on their side outside of, but linked to, the statutory services available to them.

#### 10. What support would you like to see outside of the justice system for vulnerable women in Wales?

As noted above the key support needs we would like to see are:

- Domestic abuse – support for women suffering domestic abuse both as preventative services but also as follow up where domestic abuse is apparent in their relationship. This should cover not only training and 1to1 support but hostels/safe houses to enable mothers and children to escape from the situation. This needs to be integrated into the criminal justice system so that support is provided in a timely manner in the format and at the stage where individuals need it.
- Mental health – earlier access to mental health support for women in the community pre and post release.



- Children and family – join up between Families First support within the community with prison work and as outlined above a more consistent and strategic approach to commissioning for the strategic priority around support for children of prisoners.

Could you please respond by April 1<sup>st</sup> 2019. If you have any questions please contact [JusticeCommission@gov.wales](mailto:JusticeCommission@gov.wales)