

custodial estate to keep women closer to their home. This is one of the issues raised during this debate. It will help them to maintain links with their children and families and also support them to get the skills they need to find employment on release. We are increasing capacity at prisons close to conurbations, including giving priority to Welsh women at Eastwood Park. We are also improving access to interventions and resettlement opportunities across the entire estate, supported by the fact that all women's prisons will become resettlement prisons.

I was asked questions about Askham Grange and East Sutton Park. I cannot discuss the Government's intention to close these open prisons as this is the subject of ongoing litigation, as the noble Baroness, Lady Gale, may know. However, we are reconfiguring the estate to allow women to be held closer to home, for the very reasons that have been identified by a number of noble Lords. In addition, an officials' sub-group under the social justice Cabinet committee has been set up to examine the relationship between women's offending behaviour and debt and finance issues. The support of the SJCC for this work is a good example of the progress we are making. We will continue to work with other government departments to make it easier in the future for women to move away from crime.

I think that the noble Baroness, Lady Royall, asked me about ensuring that community services will be maintained following the transforming rehabilitation plan. As well as the Section 10 requirement, we are continuing to fund women's community services in 2014-15 and taking appropriate steps. There is not a gap between those existing services and whatever will be provided by the new providers. As the noble Baroness will understand, this is a complex matter, and I will write to her in a little more detail about how we are going to ensure this continuity. I wholly understand her concern about it.

I conclude by saying that the anxiety to avoid sending women to prison is one that is of course shared by the Government and all noble Lords, as is the desire to explore alternative options. We believe that the initiatives we are taking with transforming rehabilitation represent a real opportunity to improve this. As I said, those who are serving a sentence of less than 12 months will, for the first time, be able to get help. I think that noble Lords will be peculiarly aware of the danger that when women, and of course men, leave prison they are lost. They do not know what the next step is and are particularly vulnerable to reoffending and coming back to prison. We believe that this will be significantly addressed by our changes. We are concerned that the strategic objectives on female offenders will be addressed. The report by the noble Baroness, Lady Corston, has remained extremely valuable. Almost all her recommendations have in fact been implemented; I think it was something like 40 out of 43 of them, so it remains an extremely valuable source. I repeat my gratitude to all noble Lords for their participation in this important debate.

**Hostages:** Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva, Terry Smith, Hyrone Hart, Glen Cameron, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Romero Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

### Lights Out: Young Offenders Will be Sent to Bed Early

*Oliver Wright, Independent*

For David Cameron and his cabinet colleagues who grew up with the rigours of a boarding school education it was a normal fact of daily life. Dormitory "lights out" meant exactly that – and woe betide anyone who infringed the rules. Now, in a clear case of "what worked for us might work for you", ministers are planning to extend the discipline of fixed bed times to teenage criminals in young offender institutions. From August, governors have been told that they must strictly enforce a 10.30pm cell lights-out policy and remove privileges from anyone breaking the new rules. After that time televisions – or reading under the covers – will be strictly banned and staff will be expected to carry out patrols to make sure the new edict is enforced. At the same time – perhaps to make them more ready for bed – the Government plans to more than double the number of hours of education and training that the 827 under-18s currently in custody receive each week. At the moment, teenagers in custody receive an average of just two hours of education a day – but this will rise to four under the new plans.

Justice Secretary Chris Grayling, who didn't himself attend boarding school, said the move was less about punishment and more about discipline. "The public expects that serious offenders face prison," he said. But it is also crucial that young people, most of whom have had chaotic and troubled lives, finally get the discipline so badly needed to help turn their lives around. In some prisons young people are allowed to go to bed when they please. I don't think that is right. Stopping this inconsistency and introducing a strict lights-out policy is all part of our approach to addressing youth offending. Those who fail to comply will face tough sanctions."

But the shadow Justice Secretary Sadiq Khan described the move as a "gimmick". "Routine is crucial for those with chaotic lives, but to think that turning the lights off at the same time in every youth prison is all that's needed to turn them all into law-abiding citizens is a joke," he said. "This looks like a gimmick to cover the cracks caused by Grayling's cuts."

Juliet Lyon, director of the Prison Reform Trust, said they felt the move was entirely inappropriate. "A new lights-out policy will only exacerbate the problem of overuse of physical restraint in the youth secure estate, which indicates a lack of trained, experienced staff with enough time to supervise and support the challenging children and young people in their charge," she said. As most parents of teenagers know, common-sense discussion, constructive activity, setting reasonable boundaries and encouraging personal responsibility all work better than new hard-and-fast rules backed by petty restrictions and harsh punishments."

### Adjournment – Director of Public Prosecutions v D.Radziwilowicz and Adam Wanas

The chronology of events was as follows: 1. First appearance on public order charges, case adjourned 1 week for prosecution to obtain papers/review the case. 2. 1 week later, not guilty pleas entered. Court invited by the defence to proceed immediately to trial. Prosecution (a) did not have papers, (b) represented in court by an advocate who did not have rights of audience to conduct trial. Prosecution objections dismissed by the District Judge and no evidence offered.

Held: Failure to adjourn, even in the light of the proper wish to dispose of trial proceedings in no more than 2 hearings was unreasonable, not least due to the fact that the prosecution, through Ino-fault on its own, was not represented by an advocate with power to conduct the proceedings.

### Progress Made Since Death of Zahid Mubarek - No Room for Complacency

There has been positive change in prisons since the racist murder of Zahid Mubarek in 2000, said Nick Hardwick, Chief Inspector of Prisons. However, he added that there was a danger that, with the passage of time, the drive that led to those changes has been weakened or forgotten. Today he published the report of a review of the implementation of the Zahid Mubarek Inquiry recommendations.

The racist murder of Zahid Mubarek by Robert Stewart in HMYOI Feltham took place in March 2000. Shortly after the attack, police discovered that Stewart had strong racist views and learned that he had had a violent past while previously in custody and that his mental health had been questioned. As much of this was known by some prison officers at Feltham, there were questions to be asked about how Robert Stewart and Zahid Mubarek had been placed in the same cell and whether what was known about Robert Stewart had been circulated to all who needed to know, including responsible managers.

For four years after his murder, successive Home and Justice Secretaries refused the call by Zahid Mubarek's family and others for an Inquiry into his murder on the grounds that Prison Service internal inquiries had been sufficient to identify weaknesses in the system. Eventually the House of Lords ruled that the UK was required to conduct a Public Inquiry in order to comply with its obligations under the European Convention on Human Rights. The subsequent Inquiry by Mr Justice Keith, published in 2006, found over 186 failings across the prison system, and made 88 recommendations. In particular it identified some key stages when "had appropriate action been taken, the tragedy which befell Zahid could have been prevented".

Ministers and the National Offender Management Service (NOMS) have since stated that almost all the recommendations have been accepted and most fully implemented. The Zahid Mubarek Trust was established by members of Zahid's family who were determined to ensure that positive words about change and implementation were translated into action. Concerned that implementation of the recommendations was no longer a priority, the Zahid Mubarek Trust encouraged HM Inspectorate of Prisons to use inspection evidence to assess what progress had been made and sustained. This short report does not attempt to assess how far each of the individual Inquiry recommendations has been implemented. Too much has changed with regard to the prison population itself, procedures and policies to make that a meaningful exercise. Instead, the report looks at the broad themes the inquiry addressed and examines what evidence there was of positive change. Inspectors were pleased to find that new systems and processes have been put in place and electronic case records have made sharing and using information easier.

However, concerns remain: - the implementation of new processes has been inconsistent; - risk assessment processes that might identify a prisoner who posed a risk to others are too often delayed or poorly completed - information-sharing is still a considerable weakness across the prison estate; - too many prisoners still share cells designed for one, regardless of sentence status (ie remanded with convicted prisoners); - prisoners from black and minority ethnic groups consistently report a worse experience than white prisoners.

As this report was being completed, the government announced an independent inquiry into the death of young adults in custody. The results of the inquiry will influence a review of the young adult estate which provides an opportunity to consider again the unresolved issue posed in the Keith report: "The Prison Service should review whether the advantages of holding young offenders on the same wing as adult offenders outweigh the disadvantages and whether the practice should be extended to other prisons."

Government are committed to making sure that all offenders are given the support they need to turn their lives around. That commitment is central to our transforming rehabilitation reforms. We also recognise the need to address women's specific needs where these differ, as they often will, from those of men.

Noble Lords will recall that the Government published their strategic objectives for female offenders in March last year. These are aimed at reducing the number of women in custody—which is desirable for all the reasons that have been given throughout this debate—by making sure that women receive the support that they need in custody and in the community to address the factors associated with their offending. Those are fine words, but what do they mean in practice?

First, our transforming rehabilitation reforms mean that those serving sentences of less than 12 months will, for the very first time, be subject to statutory supervision, including a licence period in the community aimed at supporting successful community reintegration and rehabilitation. As was rightly pointed out, proportionally more women than men are serving short sentences, so they, in particular, will be beneficiaries of this element of the reform.

The companies bidding for contracts under our transforming rehabilitation reforms must demonstrate in their bids an effective approach to the identification and recognition of women's needs to make sure that those needs are properly addressed. To assist, we have made available guidance which identifies the key gender-specific factors associated with women's offending and provides signposting to specialist services. The contracts will also require providers, where practicable, to give women the option of being interviewed in a women-only environment, having a female supervisor and not being the only woman in an otherwise all-male group on, for example, unpaid work, subject to any requirements.

Lord, Lord Woolf, quite rightly drew attention to Section 10 of the Rehabilitation of Offenders Act. I join him in paying tribute to the Prison Reform Trust in this context. Section 10 relates to female offenders and was widely supported across the House. It came into force on 1 June and the new requirement specifically to address the concerns of female offenders will apply both to contracts with CRCs—community rehabilitation companies—and services provided by the new National Probation Service. Lady Hodgson of Abinger raised the suggestion of a women's commissioner, and the noble Lord, Lord Ramsbotham, suggested someone with overall control of women's prisons, an official or even a Minister. All those points have been made eloquently before. The Government do not think for the moment that that is appropriate. It would be a significant cost at this time. However, I hope and believe that the provision of Section 10 will be something of a catalyst—as the noble and learned Lord, Lord Woolf, said. Together with the other initiatives, it should help to address the many issues that have been identified in this debate.

We are working towards ensuring sentencers have robust community options at their disposal. Under the guidance of the Advisory Board on Female Offenders, we are working with Greater Manchester to develop a pathfinder that will look at how we can provide robust and effective sentencing options in the community for female offenders that may divert women from custodial sentences, where appropriate. We are also working with the Department of Health, the Home Office and NHS England to develop a model for youth and adult liaison and diversion services at police custody and courts. That service will assess and refer individuals with a range of vulnerabilities, including mental health problems and substance misuse. Those with mental health problems represent a considerable proportion of women who are or might be sent to prison. The Department of Health has committed £25 million this year to test a liaison and diversion model in 10 different areas in England.

For women who are given custodial sentences, we are making changes to the women's

where women need to go to prison but we must ensure that these environments support and promote an easier transition back into society. Many programmes up and down the country have been mentioned this afternoon. I cite the excellent example of the social enterprise in Eastwood Park prison, where the women make quality and beautifully presented soap. I am proud to be associated with that programme. The women gain skills, dignity and confidence. They leave prison with a little more money in those first days of freedom when they are most vulnerable.

As noble Lords said, good practice should be common practice. Reducing offending is a vital goal but so, too, is preventing women from falling into the criminal justice system in the first place. As the Prison Reform Trust said, most solutions to women's offending lie outside the prison walls. This is where women's centres play such a crucial role. They provide support and care for those who have suffered domestic abuse or have mental health problems. Appallingly, this is likely to be the majority of the female prison population. More than half of the women currently in prison have reported suffering from domestic abuse, and women in custody are five times more likely to have a mental health problem than women in the general population.

The centres also offer educational and skills support to the 40% of women offenders who left school before they were 16 and the 10% who left before they were 13 years old. When 58% of the women identified unemployment and lack of skills as contributing to their offending, it is crucial that these resources are available to women across the country. What safeguards are the Government putting in place to ensure that the new providers will continue to fund these vital centres? I hope that this afternoon the Government will demonstrate that they really are taking seriously a reduction in the number of women being given custodial sentences. The women, their children and our society deserve no less. This afternoon, we have heard many fine examples of where the Government and we as a society, and our communities, can do better. We must do better for the benefit of these women and society.

*Minister of State, Ministry of Justice (Lord Faulks) (Con):* Your Lordships have long had an interest in the plight of female offenders. I am sure that noble Lords will not misunderstand me if I say that a number of them who have participated in this debate are very much recidivists in addressing the issues that we must confront. Noble Lords will, of course, know that the decision to send someone to prison is a matter for the independent judiciary. Courts take into account all the circumstances of the offence and the offender in determining this, including whether the offender is a primary carer, as will often be the case. Courts must consider custody only where they are satisfied that the offence is so serious that neither a fine alone, nor a community order, can be justified—the so-called custody threshold.

I should declare an interest as having sat as a recorder for some 10 years until relatively recently. I can tell the Committee how slow someone in my position is to send a woman to prison, for all the reasons that have been so ably outlined in this debate. In fact, I can hardly think of an occasion when I had cause to do so.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 introduced a new provision which means that people should be released on bail if it is unlikely that they will receive a custodial sentence on conviction. That provision should go some way to dealing with the point made by a number of noble Lords about women who are remanded and then ultimately not sent to prison when their case comes up for sentence.

As was acknowledged by a number of noble Lords, custody must be available where appropriate, but only when the thresholds are passed. I should be absolutely clear that the

Nick Hardwick said: "There was a real danger that the Keith Inquiry into Zahid Mubarek's murder had become filed under 'completed business'. This report shows that there is no room for such complacency and we hope this review will provide those responsible for the current inquiry with a clear and helpful reminder of why the lessons from the Keith Inquiry are still relevant today and why work is still urgently required to ensure those lessons continue to be understood, accepted and acted on."

Chief Executive of the Zahid Mubarek Trust, Imtiaz Amin, said: "This report provides an insight which belies the perception of progress described by NOMS over the years. It is deeply worrying that where the implementation has succeeded in satisfying tick boxes, the authorities have failed to achieve the long term impact to address the areas of concern described by the Zahid Mubarek Inquiry. We hope this report provides the catalyst for further action given that current figures for violence and deaths in UK prisons remain alarmingly high and as ever, disgraceful."

### **Neglect Contributed To Death of a US Citizen In Immigration Detention**

The jury at the inquest into the death of 35 year old Brian Dalrymple concluded that his death was as a result of natural causes contributed by neglect. They detailed a catalogue of errors in his care and stated that the medical record keeping at Harmondsworth Immigration Detention centre was 'shambolic' Brian suffered from schizophrenia and had dangerously high blood pressure and was on medication for both. He arrived in the UK on 14 June 2011 as a tourist but was refused leave to enter because his behaviour was 'odd'. UK Border Agency staff detained him in Harmondsworth Immigration Removal Centre (IRC) pending removal back to UK but he claimed asylum. A Chief Immigration Officer who gave evidence to the inquest said that he had only ever seen Americans do that when they were mentally ill.

Despite showing obvious signs of mental distress, and despite the fact that a Chief Immigration Officer attempted to flag up his concerns in relation for a need for a psychiatric assessment, no such assessment was ever carried out. Even when Brian refused the hyper-tensive medication which he desperately required, and his behaviour deteriorated and he was placed in segregation, still no assessment took place during his 6 weeks of detention. Three and a half days before his death, Brian was transferred from Harmondsworth IRC to Colnbrook IRC which is run by Serco. His medical records did not follow him to this detention centre. Although an appointment was made for him to see a psychiatrist, Brian died on 31 July 2011, before this appointment took place. His blood pressure had caused an aortic rupture.

This is the second critical inquest verdict into the death of an immigration detainee at Colnbrook IRC. The jury at the inquest into the death of Muhammad Shukat who died there on 2 July 2011, 28 days before Brian, also concluded that neglect contributed to his death.

Lorraine Dalrymple, Brian's mother said: "In June of 2011 this man, my son Brian Dalrymple, would head off for a two week vacation in England. This decision would lead to a chain of events that would ultimately lead to Brian's death. Because of Brian's lack of necessary luggage and "uncooperative behaviour" he would be detained by the UK Immigration Services and placed in a detention centre. The UK Border Agency took away my son's freedom that day and by placing him in a detention centre thereby accepting responsibility for his care. It would be a care so fragmented and disorganized that his mental condition would deteriorate to the point of him losing his dignity (behaving oddly, urinating in his cell, profanity, and paranoia) and finally due to lack of appropriate health care ultimately lead to his death. On July 31, 2011 a family would mourn the loss of their son.

I have accepted my accountability regarding my son's death. I ignored my mother's intuition and listened to others regarding England not being a third world country and Brian being safe. I was told there were systems in place and that if anything was wrong the American Embassy would contact me and that I should allow Brian time to see England and Europe... that Brian would be home soon. This was a mistake I will have to live with for the rest of my life because the "systems" were broken; the American Embassy was never notified of his detention and no one in medical thought to call for his medical history. If I had known what I know now of what was happening, I'd have contacted everyone possible, done everything possible to help my son. My son did come home, but in a box."

Deborah Coles from INQUEST said: "This is a shocking death of a mentally and physically ill man who died in his cell as a result of corporate neglect and indifference. The catalogue of failings are not unique to this case but expose the plight of those held in immigration detention and the systemic neglect of detainees mental and physical ill health as evidenced by the high numbers of deaths, suicide attempts and self harm"

### **Jury Find a Number of Failings In Drug-Related Death at HMP Brixton**

A 52-year-old man who was found dead in his cell in 2010 had been prescribed detoxification regime without being assessed by a doctor - Following a 3-week Inquest at Southwark Coroner's Court, a jury has concluded that the death of a 52-year-old Scottish man at HMP Brixton in July 2010 was caused by the simultaneous use of methadone and diazepam. Mr John Hay was remanded into custody at HMP Brixton on 10 July 2010. Prior to that, he had been homeless and had a complex history of substance misuse problems for both alcohol and drugs. Upon his imprisonment, Mr Hay was prescribed a treatment plan of methadone for his opioid addiction and diazepam for his benzodiazepine addiction. However, seven days after his imprisonment, he was found dead in his cell by prison officers on 17 July 2010.

The Jury heard evidence from Dr Marcus Bicknell, a substance misuse expert appointed by the Coroner, who stated that the simultaneous use of methadone and diazepam "quadrupled" the risk to a patient, and was of particular risk to those patients who were older, such as Mr Hay. Accordingly, a cautious approach should be adopted when prescribing the drugs and reviewing their effects. In concluding that Mr Hay's death was caused by the simultaneous use of methadone and diazepam, the Jury found that "there were a number of failings during his time in custody". These findings included the failure of a doctor to see and assess Mr Hay before prescribing the methadone and diazepam regimes and the failure to have a comprehensive system for observing and monitoring Mr Hay for signs of oversedation. The Jury concluded that, without these failings, Mr Hay's treatment plan may have been adjusted to meet his personal medical needs.

The Jury, who heard evidence from over 30 witnesses, heard evidence that the practice of patients being prescribed drug and alcohol detoxification regimes without being seen or assessed by a doctor was "common and not unusual" at HMP Brixton at the time. The Coroner, as part of her duty to take action to prevent future deaths, is shortly to hear submissions from the interested persons to the Inquest on whether or not the circumstances of Mr Hay's death give rise to a risk of future deaths.

There were seven interested persons to the Inquest in addition to the Family, who are represented by solicitors Leigh Day and supported by the charity INQUEST. In commenting on the Jury's conclusions, Benjamin Burrows, a solicitor in the prison law team at Leigh Day, stated: "The Family are relieved that the Inquest process is finally over. It has taken almost four

Government will respond positively to any of its recommendations and give it their backing.

Those who have ever had anything to do with prisons know that there are particular problems both because of the needs of women prisoners and because the female prison population is small, relative to the male one. The very small number of women who should be in custody need to have sentences which allow them to maintain connections with their children and the locality to which they will return after they complete their sentence.

Somehow we must recognise that fulfilling the requirement of Section 10 means that the sort of centres that have been talked about today are the obvious option. Where we must imprison women, we should do so in small centres in the locality so that they can maintain, as far as possible, the links with their family. I very much hope that when we come back to this subject—as we will, almost certainly—we will find we are progressing along that path.

Baroness Royall of Blaisdon (Lab): My Lords, I wholeheartedly agree with what the noble and learned Lord, Lord Woolf, just said about the need for small prisons and prisons near to women's homes. That is very important. This has been an excellent debate. I, too, am grateful to my noble friend Lady Healy. Like others, I pay tribute to my noble friend Lady Corston—who is unfortunately unable to be here this afternoon although she very much wanted to be. Her invaluable report in 2007 focused on, "the need for a distinct, radically different, visibly-led, strategic, proportionate, holistic, woman-centred, integrated approach".

Seven years on, there is still much more to be done to prevent the lives of women and their families being torn apart by the lack of action to address issues connected with women's offending before imprisonment becomes a serious option. The decline in the number of women prisoners is welcome but there are still far too many women in prison. Why are so many women prisoners on remand? As my noble friend said, much more needs to be done with the magistrates and judiciary.

As a result of the Corston report, much was done with the support of the last Labour Government. There was funding to start building a network of women's centres, mandatory strip-searching in prisons was ended and governance structures, including a cross-departmental women's team, were established. I recognise what was said by the noble Lord, Lord Ramsbotham. When women first enter a prison, they are now treated with dignity and are able to make contact with their children to ensure they are being properly cared for.

Sadly, this Government have not maintained the momentum. As the noble Baroness, Lady Hodgson, said, where is the sustained government leadership on this issue? As the Justice Select Committee report on the Corston agenda said: "In the first two years of the Coalition Government there was a hiatus in efforts to make headway". The reforms put in place were, it said, clearly designed with men in mind. As my noble friend Lady Armstrong said, too often prisons treat women as if they were men. Instead of a proper women's strategy, we have a government agenda which the committee judged to have been, "produced in haste with insufficient thought", and that fails to make progress or commit to improve the rehabilitative services and outcomes for women offenders.

Why have the Government proposed the closure of the open prisons in Askham Grange and East Sutton Park despite both having a proven track record of encouraging rehabilitation and enabling mums to remain with their children? The Government appear to have abandoned the women at risk agenda. Not enough is being done in relation to evidence-based rehabilitation and prevention, without which women suffer. The decline in the number of women given custodial sentences is not sustainable.

As has been said, prisons are rarely necessary, appropriate or a proportionate response to women who get caught up in the criminal justice system. Of course, there will be cases

safety ... we recommend a gradual reconfiguration of the female custodial estate, coupled with a significant increase in the use of residential alternatives to custody as well as the maintenance of the network of women's centres, as these are likely to be more effective, and cheaper in the long-run, than short custodial sentences".

The Government's response said they would set out a new approach to managing female offenders, including setting up an open unit at Styal to accommodate 25 women, and providing support work outside the prison. The aim is to make each custodial establishment in the women's prison estate a resettlement prison, and to support women through the gate on release. This will be driven by the Advisory Board on Female Offenders.

In its most recent report in March, the Ministry of Justice gave an update on the Government's delivery of strategic objectives for female offenders. It sets out its objectives for the year ahead, with the idea of supporting women in maintaining links with their children and family; helping women to find suitable housing on release; ensuring that women's prisons have the strongest possible focus on employment; using the Advisory Board on Female Offenders; and, this year, starting with a particular focus on Wales. We do not have women's prisons in Wales, and we certainly do not want any, but we would welcome the community approach that we have in Cardiff. What does the focus on Wales mean?

What is happening with Askham Grange in Yorkshire and East Sutton Park in Kent, due to be closed? They are regarded as having successful records in encouraging rehabilitation and enabling mothers to remain with their children. Because of protests, the closures have been halted for some time. Although the closure of prisons is to be welcome, we should not be closing women's prisons before all the alternatives are set out, otherwise we will have overcrowding. Can the Minister also say how the ambitious aims of the MoJ in its year-ahead objectives will be achieved?

*Lord Woolf (CB):* Most of the ground has already been covered in the preceding speeches. I do not resent this in any way; they were ably saying what I would have tried to do on the subject. I declare my interest as chairman of the Prison Reform Trust, a post I am extremely proud to hold. One of the recent achievements of the trust was contributing to the campaign to get general recognition in legislation that women prisoners are different and need special consideration. I am very glad to say that, as a result, and with the Government's acceptance, Section 10 of the Offender Rehabilitation Act now makes that clear. I will use my limited time to say why that could now be the catalyst which is needed for what should have been achieved so long ago, in consequence of the excellent reports there have been. I am sure there is truth in what the noble Lord, Lord Ramsbotham, said about the lack of an individual to drive a programme of reform. However, I am happy that Section 10 gives hope to those who want a special programme for women offenders.

Things are already happening which could be significant for the future. First, there is the Prison Reform Trust's three-year programme involving a number of those operating in this field, particularly the Pilgrim Trust, with the sole aim of reducing the imprisonment of women. It focuses on the particular difficulties that women in prison undoubtedly have, and I am sure that it will lead to beneficial results. I also refer to another, more recently initiated, programme which is spearheaded by the Mayor of London, the Prison Reform Trust and others. This focuses on finding out what really works, over time, for women prisoners in London. There is potential funding for this programme from lottery sources. If these funds could be made available, this could transform the situation. If the lottery makes this one of its primary targets—as I hope it will—it would be just the sort of initiative which is needed. I am sure the

years for the Family to find out the cause of John's death and for them to obtain some form of closure. However, the Family were shocked by some of the evidence they heard relating to the circumstances of John's death at HMP Brixton in July 2010.

It must be recognised that prisoners with complex histories of substance misuse, such as John, are at particular risk when they come into prison. Therefore, particular caution should be taken when deciding how to treat them. However, the picture that was painted of HMP Brixton at that time was one of chaos, with a lack of clinics for doctors to see and assess prisoners before prescribing treatment plans. Therefore, the Family welcomes the Jury's findings and hope that the circumstances of John's death will help to highlight the risks associated with treating prisoners with substance misuse problems and ultimately prevent any such future deaths." Mr Hay was represented at the Inquest by Maria Roche of Doughty Street Chambers, a recognised expert in inquests, healthcare and human rights law.

#### **G4S Guilty Again of 'Sub Optimal Care' as another Prisoner Dies**

Late in October 2012, Edward Ham, or Steve as he was known to his friends and family, went to healthcare at HMP Birmingham with High Blood pressure. Two days later his blood pressure was still high and he was referred to a prison Doctor. That Doctor, without any diagnostic tests, not even a blood test, put Steve on medication. A few months later Steve found himself transferred to HMP Oakwood. Upon arrival he was asked screening questions about his health. In an inquest into Steve's death, Ian Brownhill asked the nurse why the cardiac questions on the screening test had not been answered. The nurse couldn't say. Brownhill went on to ask, why no referral was made for tests for Mr Ham. Again, the nurse couldn't say.

The day before he died, Steve saw a GP in the prison. He saw him and was told he was fit to go to the gym. Further tests were ordered about his high blood pressure. In the early hours of the morning of 6 February 2013, Steve rang his cell bell and complained of chest pain. No ambulance was called. No doctor was called. In the inquest, the coroner accepted after Brownhill's questioning of the officers that there was uncertainty about what was said with regard to a doctor being called. Later that morning, Steve was found unresponsive in his cell. The two private prison officers didn't have more than two years experience between them. Chaos followed, both officers accepted that they panicked. One officer couldn't even enter Steve's cell through fear.

When the Manager arrived on scene, he could not stay long as he had to run about the prison reorganising the few members of staff they had. In cross examination, he accepted that Steve's health was not put before the security of the prison. Eventually CPR started, but there was no access to a defibrillator the Court heard, not even an aspirin. Ian Brownhill a Barrister from No5 Chambers, cross examined the staff in the control room. There should have been two staff there, there was only one. There was complete confusion about who was to call an ambulance. From the moment that Steve was found unresponsive, it took an hour to call an ambulance.

In Court, Dr Armitage, a Doctor instructed by the Prison and Probation Ombudsman, accepted Brownhill's suggestion that Steve had received healthcare below the standard he would have received in the community. And, he agreed that the chances of survival are much greater for persons when an ambulance attends promptly. The Coroner concluded that Steve died of natural causes and received sub optimal health care.

Charlotte Measures, from Anthony Collins solicitors who instructed Brownhill, said: "Prisoners are entitled to exactly the same standard of healthcare as is available in the community but there were serious failings in this case."

### Report on an Unannounced Inspection of HMP Gartree

HMP Gartree holds men convicted of serious offences who are serving long sentences. Its task is to help the men it holds to make progress in the long process of reducing their risks before eventual release. At its last inspection in 2010, inspectors found it was steadily improving. This more recent inspection found that improvement was continuing. The prison was mostly a safe and decent place and the work to reduce the risk that men would reoffend was good. The exception was in the amount of work, training and education the prison was providing, which was much too low for a training prison and threatened to undermine progress in other areas.

Inspectors were concerned to find that: - there were insufficient activity places for the population and the prison did not make the best use of the places it had; - some of the contract workshops did not have sufficient work to keep prisoners fully occupied; - the range of education on offer was too narrow, though managers had recognised that they needed to improve this and plans were in place; - the new incentives and earned privileges scheme (IEP) had been introduced and prisoners complained, with justification, that they had lost their 'enhanced' status because there were not enough formal opportunities available in which they were now required to demonstrate their positive behaviour; - there were many accounts from prisoners about the availability of drugs and 'hooch' (illicitly brewed alcohol). - the ingenuity some showed in brewing hooch could have been put to better use. In any case, bored, resentful prisoners and a plentiful supply of hooch was not a good mix. - although there had been two self-inflicted deaths since the last inspection there was a relatively low number of self-harm incidents - the new facilities list meant that they were allowed to have pencil sharpeners in their possession – but not pencils. - Inspectors made 61 recommendations

### Lack of Wheelchair facilities in Open Prisons - Unlawful Leighday Solicitors, 30/06/2014

A former prisoner has successfully settled a claim against the Ministry of Justice about the lack of wheelchair facilities for elderly and disabled prisoners within the women's open prison estate. The former prisoner, known as Mrs C, is 70 years-old, and has a range of medical conditions and disabilities, which require her to use a wheelchair. Upon her imprisonment in November 2010, Mrs C was assessed as suitable for closed prison conditions and was imprisoned at HMP Bronzefield, a closed prison in Middlesex.

Closed prison conditions are those conditions suitable for prisoners who are not trusted to not attempt to escape from prison. Therefore, unlike open prison conditions, when they leave prison they have to be escorted and when they are in prison they have to follow a strict prison regime. After a years' imprisonment, Mrs C was assessed as suitable for open prison conditions. However, despite this, neither of the two open women's prisons in England and Wales, HMP East Sutton Park, in Kent, nor HMP Askham Grange, in Yorkshire, would accept her. She was told that this was because neither of those prisons could accept prisoners in wheelchairs. As a result, Mrs C remained imprisoned at HMP Bronzefield until the end of her sentence in May 2013, and, therefore, was unfairly denied the greater freedoms and benefits offered by open prison conditions for a year-and-a half.

Unfortunately, Mrs C's experience is not an isolated example. Repeated inspection reports by the Chief Inspectorate of Prisons have identified a lack of wheelchair facilities for elderly and disabled prisoners within the women's open prison estate. The most recent of the inspection reports for HMP East Sutton Park, published in November 2011, found that: "The lack of facilities for wheelchair users together with a similar issue at HMP

points. I will share one other of which I have some experience, the Anawim Project in Balsall Heath in Birmingham, a city where I lived and worked for 18 years. It is a project supported and sponsored by two Roman Catholic charities and with a project leader from an Anglican mission society; therefore, apart from anything else, there is a bit of ecumenical working, which is no bad thing. One of their interventions, the specified activity requirement, has produced a reoffending rate of 1% in those who go through that programme—that is, one in 100 reoffend. That has to be the right way to go forward. In other community-based initiatives, reoffending rates are in the 3% to 6% range. Surely that has to be the right way. It makes sense financially as well as making sense for the well-being of individual women, their families and the wider society.

We have heard concerns expressed as to how the working out of the transforming rehabilitation programme will affect some of this, particularly the community rehabilitation companies. I join others in urging the Minister and the Government to make sure that this issue does not get compounded rather than cured by the way in which the new programme works its way out.

Reference has been made to sentencing guidelines. Clearly, it is important that the judiciary and the magistracy are aware of the alternative responses and of their undoubted efficacy in addressing some of these issues. They should also be aware of the wider effects, particularly on children, when they decide to sentence a mother to a custodial sentence. Could we cut that figure of 3,899 by 50%, as one contributor has suggested we might be able to do? I do not see why we could not, with the kind of attention that different contributors to our debate have suggested. It should result in a gain for all parties: for the women; for their families, especially their children; for the wider well-being of society; and for the public purse. It is one of those things that should just make sense and I trust that, as a result of this debate, we may see some progress in ways that really make sense.

*Baroness Gale (Lab):* Many noble Lords have said that giving custodial sentences to women who commit petty crimes does not work. As the noble Lord, Lord Ramsbotham, said, the numerous reports and inquiries on this topic all recommend alternatives, such as those suggested in the excellent report of my noble friend Lady Corston. Women in prison have special needs which include childcare responsibilities, often poor physical and mental health, self-harm and domestic abuse. One in three has experienced sexual abuse, and about 25% were in care during their childhood. A number will have attempted suicide.

These are inadequate women, made even more so as a result of being in prison. We know that the majority of women in jail have committed not serious but petty crimes. Do these offences really require a prison sentence? There are other ways, mentioned by other noble Lords, which would be of greater benefit to the women and their families. There is a good economic case for looking at alternatives to prison.

The average annual cost of a prison place in England and Wales for the financial year in 2012-13 was just over £36,000—although I have seen other estimates that suggest that the average cost of keeping a women in prison is more than £56,000, compared to the cost of a community order of £2,800 per year and an average £1,300 for stand-alone community-based services. I should have thought that the Government would be very interested in that as it makes good economic sense to look at alternatives, especially given all the budget cuts.

What are the alternatives? The House of Commons Justice Committee report, *Women Offenders: After the Corston Report*, states: "Prison is an expensive and ineffective way of dealing with many women offenders who do not pose a significant risk of harm to public

for that prison, which I supervised by annual inspections, to see how it was being maintained. That was fine while the action plan lasted but, after it had finished, there was nothing. So Holloway has zigzagged up and down, as have all other women's prisons ever since.

Why have the Prison Service and the Ministry of Justice consistently refused to put people in charge of different types of prisoners and be responsible and accountable to Ministers for what happens? That is what happens in schools, in hospitals and in businesses, but it does not happen in the Prison Service and it is why nothing has happened. We do not need any more reports or lists of good practice. They are there in spades and have been coming out for years. What we need is action to put it together.

I include the women who are out of custody in all this because I am worried about the future under the new system of community rehabilitation companies. The previous Government's proposal for custody plus failed because, among other things, people were concerned that magistrates and others would take advantage of the system and award short custody because supervision would follow. I know that this is a worry about men but to me it is much more of a worry about women because of the number of short-sentenced women.

I say that because I am concerned about the content of the community service that is then required and what is actually done for the supervision. Many of these women come from a dysfunctional background and have pretty chaotic lives. What therefore ought to be done during the community sentence is management to enable them to live their lives better, to look after their children better and to prepare better food. Masses of things could practically be done in a proper community service that was aimed at preparing the women to live more useful and law-abiding lives in future.

There is therefore an opportunity but, again, I see it all going on as a sort of discussion point rather than an action point unless somebody is made responsible for ensuring that it happens and for driving it through. That somebody is not a Minister. I have lost count of the number of Ministers for Children and Ministers for Women whom I have met and who have all come and gone. They have produced a strategy and disappeared and nothing has happened. What you need is an official who is accountable to Ministers for making it happen. They should be held to account and, until that happens, I am afraid that I can see this debate being repeated over and over again.

The Lord Bishop of Rochester: My Lords, I, too, am grateful to the noble Baroness, Lady Healy, for initiating this debate. Your Lordships will be pleased to know that a number of the points that I was going to make have already been made, so I will resist the temptation to make them all over again. Indeed, many of your Lordships will have had the briefings from various organisations that give the statistics, and so forth.

It is undoubtedly the case that the female prison population disproportionately includes those who face huge challenges in their lives. It is also clear that prison is not the best place to address many of the issues that these people face. I speak as one who is married to a person who used to be the head of healthcare in a prison in a female estate and saw it at first hand. That was a few years ago and, sadly, the problems are clearly still there.

We have heard reference also to the effect on the children and wider families of women in custody. The cost is immense. We have heard about the financial cost of the custody element. The cost of the care of those children, many of whom have to go into care, is also huge. Therefore, there has to be an answer that will be good not only for social well-being, for the children and for the women themselves, but also for the public purse.

We have heard reference to one community-based initiative that addresses these

Askham Grange meant that the Prison Service was unable to provide a place for open conditions for women with severe mobility difficulties who would otherwise meet the criteria". Mrs C's claim was brought under the Equality Act 2010, and argued that she had been unlawfully discriminated against both of the grounds of her age and her disabilities. Her claim was one of the first claims to be brought under the new age discrimination provisions under the Equality Act 2010, which only came into force in October 2012.

Happily, following the commencement of Mrs C's claim, the Ministry of Justice agreed to pay her substantial compensation in respect of the unlawful discrimination she had suffered, as well as her reasonable legal costs. Benjamin Burrows, a solicitor in the prison law team at Leigh Day and who was instructed to act on Mrs C's behalf, stated that: "Disabled and elderly women prisoners are routinely given a raw deal when it comes to them being able participate in and progress through the prison system. An obvious example of this is the lack of facilities for wheelchair-using prisoners in the women's open prison estate. The Chief Inspectorate of Prisons has repeatedly raised this problem, yet the Prison Service has so far refused to act. We hope that Mrs C's claim will act a catalyst in the Prison Service finally living up to its obligations, and in ensuring an equal service for all prisoners." Mrs C's claim was funded by the Equality and Human Rights Commission, and she was represented by Jude Bunting of Doughty Street

#### **World Freedom - 8th Year of Decline in Political Rights/Civil Liberties**

The state of freedom declined for the eighth consecutive year in 2013, according to Freedom in the World 2014, Freedom House's annual country-by-country report on global political rights and civil liberties. Particularly notable were developments in Egypt, which endured across-the-board reversals in its democratic institutions following a military coup. There were also serious setbacks to democratic rights in other large, politically influential countries, including Russia, Ukraine, Azerbaijan, Turkey, Venezuela, and Indonesia. Fifty-four countries showed overall declines in political rights and civil liberties, compared with 40 that showed gains.

Some leaders effectively relied on "modern authoritarianism," crippling their political opposition without annihilating it, and flouting the rule of law while maintaining a veneer of order, legitimacy, and prosperity. Central to modern authoritarians is the capture of institutions that undergird political pluralism. They seek to dominate not only the executive and legislative branches, but also the media, judiciary, civil society, economy, and security forces. A total of 48 countries were deemed Not Free, representing 25 percent of the world's polities. The number of people living under Not Free conditions stood at 35 percent of the global population, though China accounts for more than half of this figure.

#### **Cherry Groce Inquest: Officer Takes Full Blame for Shot That led to Brixton Riots**

A police marksman who shot a mother in a raid that sparked the 1985 Brixton riots said that he took full responsibility for the shooting. Dorothy Groce, known as Cherry, was shot in the shoulder and left paralysed during a dawn raid by police searching for one of her sons. Former inspector Douglas Lovelock told how police smashed down the flat's front door and he was the first armed officer to enter a bedroom where Groce was. Lovelock was giving evidence on Tuesday at Southwark coroner's court, during an inquest into Groce's death in 2011, aged 63. Standing only feet from her family, he said: "It was my fault that Mrs Groce got injured. And I take full blame for that." Lovelock said he had been "extremely nervous" on the day of the raid and in hindsight wished it had not taken place.

### Miscarriages of Justice [Government written Ministerial Statement]

When I made my statement to the House on 6 March 2014, announcing the findings of the Stephen Lawrence Independent Review by Mark Ellison QC, I said that: “In identifying the possibility that Special Demonstrations Squad (SDS) secrecy may have caused miscarriages of justice, Mark Ellison recommends a further review to identify the specific cases affected. I have accepted that recommendation and Mark Ellison will lead the work, working with the CPS and reporting to the Attorney-General. That will mean that proper consideration can be given to those cases and to any implications that may arise. In doing that work, Mark Ellison and the CPS will be provided with whatever access they judge necessary to relevant documentary evidence.”

Mr. Ellison, the Attorney General and I have now agreed his terms of reference. Mr. Ellison will continue to be supported by Alison Morgan, who was Mr. Ellison’s junior counsel during the Stephen Lawrence Independent Review. The Terms of Reference are: “Mark Ellison QC will co-ordinate a multi-agency Review, reporting to the Attorney General, to assess the possible impact upon the safety of convictions in England and Wales where relevant undercover police activity was not properly revealed to the prosecutor and considered at the time of trial. Nothing in these terms of reference affects the statutory responsibilities of the various agencies and office-holders working with the Review. The Review will initially focus on the undercover police activity of the MPS’s Special Demonstration Squad and the National Public Order Intelligence Unit (NPOIU) which, whilst not an MPS resource, worked to similar objectives. The Review will then assess whether its scope may need to be broadened to cover other undercover police activity. The Review will seek to ensure, by working co-operatively with the Home Office, Operation Herne (on behalf of the Metropolitan Police Service (MPS)), other police forces, CPS, Criminal Cases Review Commission (CCRC) and any other relevant agencies, that the following tasks are carried out:

1. Establish the relevant document retention and destruction policies adopted within the relevant organisations;
2. Identify the extent of surviving police, prosecution and court case files;
3. Establish the nature of undercover policing undertaken and the potential for undercover police activity to have been relevant to a prosecution but unrevealed to the appropriate authority;
4. Identify, using both available records and other reasonable means, any convictions where it appears there was relevant undisclosed and unrevealed undercover police activity capable of impacting adversely on the safety of the conviction;
5. Ensure that any cases falling in 4 above, where it appears the safety of a conviction may have been adversely affected, are referred to the appropriate authority for evaluation and appropriate action;
6. Ensure that any cases falling in 4 above are reviewed to establish the rationale for non revelation and to establish the extent to which the MPS and the Home Office were aware and identify the action taken as a result; and
7. Agree a protocol with the MPS (and all other police forces subsequently identified), the CPS, the CCRC and any other relevant agencies regarding the tasks that each will undertake; the availability and handling of material; and other issues as necessary.

Mark Ellison QC will aim to report the Review’s findings in writing on the above to the Attorney-General by 31/03/15.” The Review has already begun its preliminary work. Where the Review identifies a potential miscarriage of justice, the case will be referred to the Criminal Cases Review Commission for its consideration of whether the case should be referred to the appellate courts. At the conclusion of the process, the Review will produce a report to the Attorney General, which he will publish. That report will not include the details of the individuals whose cases have been examined, as to do so could prejudice any subsequent appeal proceedings or retrials. House of Lords: 26 Jun 2014: Column WS136

ways. They are different. Their childhood will have been different to many of the men, leading to particular issues and challenges. By continuing to send women to prison, we are compounding the problems that women and their families have and, indeed, that society has. We also know that it is the most expensive option by a long way. It is expensive financially but it is also hugely expensive socially, emotionally and in terms of the health of communities in this country.

Changing Lives supports women across England and Wales but our specialist knowledge of engaging female offenders originated in the north-east. We were one of the first organisations to receive Ministry of Justice funding following the Corston report. Our interventions demonstrated a 44% reduction in frequency of offending, and after two years at least 20% had stopped their offending and had stopped their addiction, and so on. The figures are very significant but also offer hope. In other words there are alternatives, which work. The Ministry of Justice continued to fund that and saw it as one of the most successful programmes.

We have a model which we are now rolling out in other women’s centres—but I have to tell the Minister, it is exceptionally challenging. I do not get this briefing from my charity because it never wants to be controversial—but it is challenging. The funding comes on an annual basis. The new funders do not look at historic experience and knowledge of what works, and therefore we have to find additional funding. The reality is that there are models that work. I hope that the Government will have another look at getting more stability in funding—one year is simply nonsense —and that they will also work with the judiciary and the magistracy, so that they understand that there are alternatives that will work better and be more effective financially and socially in our local communities.

*Lord Ramsbotham (CB)*: I welcome this debate, not least because it maintains the momentum on an issue that has been raised countless times on the Floor of the House but always seems to be marked by a lack of progress. I was interested that the noble Baroness, Lady Armstrong, mentioned the difference with men, because one thing that I shall never forget is finding on my initial inspection of Holloway that women’s injuries were recorded on a diagram of a man’s body, as there were no diagrams of female bodies available in the Prison Service.

I am afraid that I am going to sound a hobby-horse that I have been sounding ever since 1995 when I walked out of Holloway because I had found, among other things, that women were in chains while they were in labour. I found that there was absolutely nobody in charge of women’s prisons. I went to the director-general, whom I had never met, and said, “Please may I meet the director of women?”, and he said, “There isn’t one”. So I said, “Well, who is responsible for what happens in prisons in the selection and training of staff, and the organising of programmes and of making good practice somewhere into common practice everywhere?”, so as to make certain that what happens in Durham is the same as what happens down in Gloucestershire. He said, “There is a civil servant in the policy department”, but I said, “That’s no good. Who is responsible for overseeing that it actually happens?”. There was no one and there still is no one today.

In the two reports that I wrote on women in prison in 1997 and 2001, I recommended that there should be someone. The Prison Reform Trust recommended in 1999, as the noble Baroness, Lady Hodgson, has just repeated, that there should be a women’s justice board like the Youth Justice Board. The three reports of the Fawcett Society all recommended that there should be a women’s justice board or somebody in charge. All that was before the Corston report. Nothing has happened. After I had walked out of Holloway, the Government produced an action plan



Women are often primary carers for disabled or elderly relatives and, as we heard, an estimated 18,000 children per year are affected by their mothers being sent to prison. Only 5% of those children remain in their own home. While many are cared for by friends and relatives, some are taken into care. Taking a child into care all too often condemns them to a life of underachievement. Research suggests that children with an imprisoned parent are three times more likely to have mental health problems or to engage in anti-social behaviour. How can you learn in school when you are frightened and confused about what is happening at home? Nearly two-thirds of boys who have a parent in prison will go on to commit some kind of crime themselves.

The consequences for the woman herself are devastating. There is a very high incidence of self-harm in prison. Visiting Holloway, we met the “listeners”—those prisoners there for others to talk to—and got some understanding of all this. Imagine, as a mother, what it is like to be in prison and hear that your small child is unhappy and missing you or, even worse, that they will be removed from the family and never see you again. It was felt that, for both social and economic reasons, alternatives to prison should be sought at every opportunity. Economically, robust community orders for low-level offences make more sense, costing between £10,000 and £15,000 per annum as opposed to more than £50,000 for a prison place, not to mention the unquantifiable ongoing social costs of, for example, children in care, creating future offenders, mental healthcare, et cetera.

The positive work of the voluntarily run women’s centres was highlighted to us. One of the most important recommendations made by the task force report is the need for sustained government leadership and oversight of women’s justice. The ministerial Advisory Board on Female Offenders is a step in the right direction but dedicated government infrastructure such as a women’s justice commission would probably enable us to halve women’s prison numbers, thus enabling some closures of prisons and the reduction of reoffending. This model has already proved transformative with youth justice. This subject is not new. The 2007 review by the noble Baroness, Lady Corston, recommended reducing the women’s prison population. I hope that some progress can truly be made. I look forward to hearing my noble friend the Minister’s response.

*Baroness Armstrong of Hill Top (Lab):* It is an unusual day today, or it seems so to me at least. We have at least two debates in Grand Committee dealing with this sort of issue and there is a debate in the Chamber. It is a bit difficult to decide where you should be at any particular time, but life was ever thus. I declare my interest. I chair an organisation called Changing Lives, which is based in the north-east but now has responsibility for women’s centres around the country and in Wales. I will mainly say what I have learnt from them in the north-east. I am not going to repeat the staggering statistics. I am sure the Minister has them in his briefing too. The reality is that too often the criminal justice system treats women as if they are men. I remember, as a Member of Parliament, going into Durham prison. It was a fairly grim, Victorian, old place, and in those days they had the women in the middle of the prison. They had some very serious offenders who had to be in prison. But it was a terrifying experience for me to go in because the men would watch what was going on and shout. The food came from there, and the women knew that various other things were in it apart from what was supposed to be.

I have seen some of the worst of what goes on, but I have also seen some of the very good work that can go on. The litany of statistics should be telling the Minister that there is something wrong. We have not got it right. The reality is that women need to be looked at in particular

### **Women: Custodial Sentences**

*Baroness Healy* To ask Her Majesty’s Government what measures are being taken to reduce the number of women given custodial sentences. My Lords, I have asked for this debate because we have one of the highest rates of women’s imprisonment in western Europe. The human, social and financial costs are considerable. Women in prison are 10 times more likely than men to harm themselves, most women are in prison for short periods and they have very high reconviction rates, which demonstrate that for many women prison is neither rehabilitative nor a deterrent.

There is a growing consensus that 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 services enable women to take control of their lives, care for their children and address the causes of their offending. I am quoting the Prison Reform Trust, for whose briefing I am most grateful.

The statistics are worth highlighting. On 20 June this year, there were 3,899 women in prison, accounting for 5% of the total prison population. Last year, 7,008 women were sentenced to custody in England and Wales. The number of women remanded to custody is disproportionately high, with 60% of women received into custody each year being on remand. There were 715 in March this year. Yet 70% of these women do not go on to be convicted or to receive a custodial sentence.

They and their families will have suffered serious disruption by being put on remand for an average of four to six weeks. The type of crime committed by women is mostly non-violent. In the last quarter of 2013, eight in 10 women entering prison under an immediate custodial sentence had committed non-violent crimes. Theft from a shop is the primary driver of women’s imprisonment, accounting for 35% of all custodial sentences. In 2013, the average sentence for this offence was less than two months. In 2013, more females were received into prison under an immediate custodial sentence for theft and handling than for the offences of violence against the person, robbery, sexual offences, burglary, fraud and forgery, drug offences and motoring offences combined. More than three-quarters of sentenced females received into prison for theft and handling offences in 2013 were serving sentences of six months or less.

It is now accepted that short sentences have the worst reoffending outcomes. More than half of all women leaving prison are reconvicted within 12 months. Of those serving sentences of less than 12 months, the reconviction rate rises to 62%. The extent to which community sentences outperform short spells in prison with respect to reoffending is greater for women than for men. The Government, in recognising the high rate of reoffending following short sentences, are attempting to address this by offering mentoring and through-the-gate supervision on release through their Rehabilitation of Offenders Act.

but there remain concerns, as stated by the Prison Reform Trust, that proposals to extend the statutory monitoring and supervision to offenders serving sentences of less than 12 months will disproportionately affect women as the nature of their offending means that they are more likely to be imprisoned for the shortest periods. Unless there is specific provision for women, there is a significant risk that the changes will have an adverse impact on the majority of women who commit minor offences. Section 2 of the Act introduces a 12-month statutory supervision period on release for all those sentenced to custody for however brief a period,

so sentencers may view short spells in custody as a gateway to accessing the support and supervision services women need in the community. There is a risk that more women will end up in custody for breach—that is, for failing to comply with the terms of the supervision period. When will Section 2 commence? Will the Minister undertake to monitor the impact on the number of women who are sentenced to custody or imprisoned for breach? If the Sentencing Council, which is consulting on a new theft offences guideline, could discourage reliance on custodial sentences for shoplifting and other theft, it could dramatically reduce the number of women in custody.

When we look at the lives of those women who commit crimes, it becomes clear that many are victims as well as offenders. More than half report having experienced emotional, physical or sexual abuse as a child, while a similar proportion have been victims of domestic violence. When in prison, women account for 25% of all incidences of self-harm, and the number of such incidences is even higher among those on remand. Nearly half of women in prison report having committed offences to support someone else's drug use—women's crimes are more likely to be financially motivated than men's. Most worryingly for the greater good of society and future generations, women prisoners are more likely than men to be primary carers of children. The survey found that six in 10 women in prison have dependent children.

The recent report from Barnardo's, *On the Outside: Identifying and Supporting Children with a Parent in Prison*, estimates that 200,000 children are affected by the imprisonment of a parent, with an increased likelihood of facing family breakdown, poverty and isolation. Barnardo's points out that there is currently no requirement for courts, local services or government to ask questions about these children, who therefore do not receive appropriate support. It calls on the Government to appoint a lead Minister to have responsibility for children of prisoners, and I ask the Minister to respond to that.

Around 18,000 children are separated from mothers who have been imprisoned, 34% of whom are lone parents. It has been estimated that imprisoning mothers for non-violent offences costs the state more than £17 million over a 10-year period as a result of the increased likelihood of their children becoming NEETs—not in education, employment or training—and therefore having poorer long-term prospects. Non-custodial sentences would lead to additional savings to the state. The British Association for Counselling and Psychotherapy points out that, of those almost 18,000 children, only 9% are put in the care of their fathers, leading to most being placed in care. Children of prisoners are three times more likely to be at risk of developing mental health problems and/or conduct disorders, while 72% of children in care have behavioural and emotional problems.

The economic arguments are compelling. The average annual cost of a woman's prison place is £56,415, compared with a community order, costing £2,800 per year, and an average of £1,300 for stand-alone community-based services. The New Economics Foundation found that if alternatives to prison reduced reoffending by just 6%, the necessary expenditure would be recouped in a year.

We need to act urgently to reduce the number of women in custody. I of course welcome this Government's published strategic objectives for female offenders: "Ensuring the provision of credible, robust sentencing options in the community that will enable female offenders to be punished and rehabilitated in the community where appropriate", but I ask the Minister how much in government resources is going into reconfiguring the women's custodial estate, compared with providing community alternatives to custody. Now is the time to implement the

2007 report of my noble friend Lady Corston on women with particular vulnerabilities in the criminal justice system. As the Justice Select Committee said in 2013: "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" It called for, "a significant increase in ... residential alternatives to custody as well as the maintenance of the network of women's centres", as proposed by my noble friend Lady Corston.

Women's services that have been funded by their local probation trust will continue to receive funding from community rehabilitation companies until March 2015. However, after that date, funding will depend on the commissioning decisions taken in each contract package area for offender services. Considering the proven success of these centres in cutting reoffending, helping women to rebuild their lives after prison and offering support to women at risk of offending, what assurances can the Minister give that these women's centres will receive adequate funding to ensure their continuation post-March 2015? I draw the Minister's attention to the excellent report by the Prison Reform Trust, *Brighter Futures*, which recommends: "Central government should fund a national network of women's centres, projects and services as these are critical to improved outcomes for women in contact with the criminal justice system". There is still much to do and I hope that the Government's Advisory Board on Female Offenders and the transforming rehabilitation programme will now focus on cutting the number of women in custody in this country, because the numbers are unacceptable and unnecessary.

*Baroness Hodgson of Abinger (Con)*: I declare an interest: I am a member of the Women's Justice Taskforce, established by the Prison Reform Trust in 2010 to consider the needs of women in the criminal justice system and to further look at how women's justice might be reformed, both in terms of economic benefit and helping to reform lives. We published a report, *Reforming Women's Justice*, in 2011. Although, as the noble Baroness said, women form a very small part of the total prison population, over the past 20 years the numbers have doubled to 3,899 women in prison on 20 June last week. It is said that going to prison often ruins people's lives. Nowhere is that more true than for women—and not only for the women themselves. They are often linchpins of families so it can also ruin children's lives. For women on the breadline, even a short spell in prison can mean losing everything they have.

The task force believes that those who commit crimes should be punished. Clearly, some women's offending is so serious that there is no other option but prison. However, punishment should be appropriate, proportionate and support rehabilitation. As the noble Baroness pointed out, most of the women held in prison are serving short sentences or are on remand for non-violent crimes—usually petty crime such as theft or handling stolen goods, often to feed their children or their drug habit.

In 2009, two-thirds of all women sentenced to custody were serving sentences of six months or less. More than half of women entering prison do so on remand. They spend an average six weeks in prison and 60% of them do not then go on to receive a custodial sentence. Worryingly, one-third of women prisoners lose their home and often all their possessions, which makes it difficult for them to restart their lives when released. Some 41% of women leaving prison did not have accommodation arranged. They come out with almost nothing and have nowhere to go. We heard at Holloway that some women would return voluntarily to prison and beg to come back, or reoffend the same day to ensure a return to custody.

Why make women a special case? First, as we heard, a high percentage of women prisoners have been victims of violent crime themselves—domestic or child sexual abuse.