

Cyflwynwyd yr ymateb i ymgynghoriad y [Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol](#) ar [Profiadau menywod yn y system cyfiawnder troseddol](#)

This response was submitted to the [Equality and Social Justice Committee](#) consultation on [Women's experiences in the criminal justice system](#)

WECJS 01

Ymateb gan: Cymorth i Ferched Cymru | Response from: Welsh Women's Aid

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**Cymorth i Ferched Cymru**  
**Welsh Women's Aid**  
Rhoi Merched a Phlant yn Gyntaf  
Putting Women & Children First

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<b>These are the views of:</b>	<i>Welsh Women's Aid (Third Sector) - the national charity in Wales working to end domestic abuse and all forms of violence against women.</i>

## About Welsh Women's Aid

Welsh Women's Aid (WWA) is the umbrella organisation in Wales that supports and provides national representation for independent third sector violence against women, domestic abuse, and sexual violence (VAWDASV) specialist services in Wales (comprising our membership of specialist services and members of the regional VAWDASV Specialist Services Providers Forums). These services deliver lifesaving, and life-changing support and preventative work in response to violence against women, including domestic abuse and sexual violence, as part of a network of UK provision.

As an umbrella organisation, our primary purpose is to prevent domestic abuse, sexual violence, and all forms of violence against women, and to ensure high-quality services for survivors that are needs-led, gender-responsive and holistic. We collaborate nationally to integrate and improve community responses and practice in Wales; we provide advice, consultancy, support, and training to deliver policy and service improvements across government, public, private, and third sector services and in communities, for the benefit of survivors.

We also deliver the Wales National Quality Service Standards (NQSS), a national accreditation framework for domestic abuse specialist services in Wales, supported by the Welsh Government, as part of a UK suite of integrated accreditation systems and frameworks. More information on the NQSS can be found here: <http://www.welshwomensaid.org.uk/what-we-do/our-members/standards/>

### 1. Background

Concerns that the criminal justice system is not suited to the needs of women are longstanding. While women make up over 51% of the population of England and Wales, the most recent data from the Ministry of Justice estimate that women make up less than 5% of the prison population<sup>1</sup> and that this figure has not changed much over the last 5 years<sup>2</sup>. Not only do women make up a small amount of the prison population, but they also comprise only 15% of arrests, are more likely to be first-time offenders, and are more likely to receive short custodial sentences for non-violent, lower-level crimes. In 2019, the average custodial sentence length for male offenders was 19.7 months and for female offenders, this was 11.3 months.

<sup>1</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/938360/statistics-on-women-and-the-criminal-justice-system-2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938360/statistics-on-women-and-the-criminal-justice-system-2019.pdf)

<sup>2</sup> <https://publications.parliament.uk/pa/cm5803/cmselect/cmjust/265/report.html>

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Women in the prison population, and those in contact with the police and other related services, are more likely than men to have intersecting additional support needs such as mental health diagnoses, a history of drug and alcohol use, homelessness, or experience of violence against women, domestic abuse, and sexual violence (VAWDASV).

Notably, there are no women's prisons in Wales. Welsh women are sent most often to HMP Eastwood Park in Gloucestershire, which is tens if not hundreds of miles away from their support networks, and accessing it, particularly by public transport, is extremely difficult. Given that roughly 50% of women prisoners are also mothers, the effects of such distance on the mental health of women and their children must not be underestimated.

## 2. Policy landscape

Much has been promised to improve the conditions for women in the criminal justice system. The Corston Report<sup>3</sup>, published in 2007, was commissioned by the Home Office and provided a seminal report into the measures that could be taken to avoid women who have certain vulnerabilities [sic] being involved in offending behaviour and, as a result, being sent to prison. The report recommended the more consistent use of community sentences and the reservation of custodial sentences for the most extreme and violent offenders only. Consequently, the UK Government published the Female Offenders Strategy in 2018, which aimed to reduce women's contact with the criminal justice system and to reduce the number of women subject to short-term prison and the later 2020 Smarter Sentencing White Paper which encouraged the use of community rather than short-term prison sentences.

Similarly, in Wales, women were included as a priority group in the Wales Reducing Re-offending Strategy 2014-16, and they continue to be a priority for HMPPS in Wales and in the Welsh Government's current 'Framework to support positive change for those at risk of offending in Wales 2018-23'. The Female Offending Blueprint for Wales also aims to support women with community-based solutions and support women in custody back into the community.

Whilst we welcome these promises, we are concerned that little progress has been made to fulfil them to date. Ten years on from the publication of the Corston Report, Women In Prison<sup>4</sup> found that little progress had been made to replace women's prisons with suitable, geographically dispersed, multi-functional custodial centres, more supported accommodation had not been established to allow women to break the cycle of repeat offending and, importantly, custodial sentences were still largely being used for women who had committed minor, non-violent offences and do not pose a risk to the public. Further, the 2020 Smarter Sentencing White Paper and the more recent Police, Crime, Sentencing and Courts Bill contain no commitment to address the use of short-term sentences for non-serious offending. The Bill also contains significant issues

<sup>3</sup> <https://www.womenscentrecornwall.org.uk/information-support/women-in-the-criminal-justice-system-/the-corston-report---a-review-/#:~:text=What%20is%20the%20Corston%20Report,result%20being%20sentenced%20to%20prison.>

<sup>4</sup> <https://womeninprison.org.uk/media/downloads/corston-report-10-years-on.pdf>

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when it comes to women in the criminal justice system, such as the increased use of electronic monitoring, lengthier curfew, and the suggestion that sentencers were applying less than the minimum sentence too frequently and will therefore be required to pass at least the minimum sentence unless there are exceptional circumstances. As such, there are direct contradictions in current policy, and there needs to be clear commitment to reforming the sentencing criteria for women.

### 3. Availability of support

Specialist support services that are member organisations of Welsh Women's Aid told us they very rarely get referrals from prison or probation services, and when they do get referrals from other sources where women have experience of the criminal justice system, they are often unable to support such women due to safety concerns for other service users, or because they do not have sufficient levels of trained staff to do so. Specialist services also told us that survivors' needs are not considered holistically by prison and probation services, who often work independently of other support services. Our members feel as though women are less able to access support due to the stigma associated with contact with the criminal justice system, especially with less access to legal aid, and that much of the focus is placed on alcohol and substance use, particularly in men. Little emphasis is given to how additional support needs such as this intersect with mental health and experience of VAWDASV and consequently, women's experiences are not considered in a needs-led, trauma-informed manner and the support provided is often siloed.

Access to suitable support is also more difficult for particular groups of women. Research shows that for women who want to leave prostitution, having a criminal conviction was a significant barrier to exiting sexual exploitation, thus pushing women to re-offend due to circumstance. Further, the Corston report stated that housing is "probably [their] most significant resettlement need" and a 2016 report from the Prison Reform Trust<sup>5</sup> found that many women lose their homes while in custody, and as many as six out of a ten women do not have homes to go to on release from prison. This is even more apparent for Black, Asian, and Minoritised Ethnic women and women with additional support needs such as substance use, mental health, or experience of domestic abuse who face additional barriers when accessing housing. Without suitable housing, it is harder for women to access support services, engage in employment, re-establish contact with children and families, and integrate successfully into the community.

We also wish to highlight the need to focus on early intervention and prevention to stop women entering the criminal justice system in the first place. A significant number of women who offend do so through coercion or need, and these women are overwhelmingly survivors of VAWDASV. Therefore, clear strategies need to be in place which not only address criminal behaviour and provide support for women in contact with the criminal justice system, but also to identify and support those who are exploited by criminal gangs or forced into criminal behaviour by perpetrators of all forms of VAWG.

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<sup>5</sup> <https://prisonreformtrust.org.uk/no-home-no-chance-a-lack-of-housing-is-stopping-women-from-turning-their-lives-around-on-release/>





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To conclude, we believe that the availability of support for women who have experience of the criminal justice system, particularly those who face additional barriers, is extremely limited, in part due to prison and probation services working independently of other support mechanisms. We urge the UK and Welsh Governments to engage with specialist support services to ensure cohesive support for all women.

#### 4. Women's Rehabilitation Centres

Welsh Women's Aid strongly advocate for the move towards women's rehabilitation centres. We believe that the provision of support in the community is beneficial for all and leads to better long-term outcomes for women, particularly those who have experienced VAWDASV. Women's rehabilitation centres allow support for such women to be more community-focused, geographically diverse, and accessible. Importantly, it would also allow women to remain connected to their support networks and children to visit their mothers, which would have long term benefits for both women and their children. They also offer a more holistic support package, allowing space for community provision aimed to reduce offending and reoffending. An example of this is the Women's Pathfinder programme. This programme includes a whole system approach which aims to encourage women into community support services from the earliest possible stage and provide specialist support from third-sector, women-centred, domestic abuse service providers. We welcome the progress made by the programme to date, which includes the diversion of over 1,400 women away from the CJS since its inception, a 26% reduction in re-offending rates, and accommodation for women leaving prison<sup>6</sup>.

However, this must happen alongside the support of specialist services. Such services provide the best wraparound care for women, and prison and probation services must work with services to provide support in a joined-up manner. Welsh Women's Aid member organisations feel strongly that support provided by specialist services is beneficial for survivors of VAWDASV because they work independently of the criminal justice system and this autonomy helps staff gain trust and provide impartial support. These centres must also provide tailored support for women with appropriate risk mitigation to prevent re-traumatisation in survivors of VAWDASV.

It must also be noted that whilst we acknowledge the many benefits of accessing support locally, in some cases this is not the best option. Some women, particularly survivors of VAWDASV, may need distance when accessing support to avoid the stigma associated with accessing support with local links, particularly in more rural parts of Wales, and the safety risks associated with potential location by the perpetrator. Women must be given a choice of where and how to access support, and appropriate risk assessment strategies must be put in place, similar to those carried out by refuge providers, looking at the tailored support required on a case-by-case basis.

Ultimately, Welsh Women's Aid strongly supports the Prison Reform Trust's view that prison should be a last resort. The law requires that prison should only be imposed when a lesser sanction cannot be justified, and we believe that the establishment of community programs, via women's rehabilitation centres run alongside

<sup>6</sup> <https://www.iomcymru.org.uk/Women%E2%80%99s-Pathfinder/>

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specialist support services, is the most appropriate way to support survivors of VAWDASV who have experience of the criminal justice system in a trauma-informed manner.

## 5. Reducing custodial sentences for women in Wales

Most custodial sentences for women in England and Wales are for less than 12 months for low-level, non-violent crimes. The efficacy of short prison sentences has long been questioned. Whilst some argue that abolition of such prison sentences would result in those with criminal offences being free to commit further crimes, much research suggests such sentences are ineffective when it comes to deterring criminality. Research<sup>7,8</sup> shows that custodial sentences of less than 12 months, without supervision on release, are associated with higher levels of reoffending than sentences served in the community via court orders. Women also have worse outcomes than men because of custodial sentences, including higher risk of harm in prison<sup>1</sup> and higher reoffending rates.

The use of restorative rather than punitive justice helps women remain connected to their local communities and makes accessing employment, housing, financial support and remaining connected to their children much easier. All of these are vital to women retaining their independence and preventing the cycle of re-offending and are much more accessible for women who have not been handed custodial sentences. We believe that short prison sentences do little to address the root causes of criminality, do not provide sufficient space for rehabilitative work, and in many cases compound and exacerbate the significant trauma experienced by women in the criminal justice system. As such, Welsh Women's Aid strongly endorse the reduction of custodial sentences for women with low-level, non-violent offences, and advocate replacing these with trauma-informed community support provisions which must be accessible at the point of need and securely funded.

## 6. Conclusion

It is widely agreed upon that specialist services are best equipped to provide support for women with a range of experiences, including experience of VAWDASV and the criminal justice system. However, we are concerned that prison and probation services work largely independently of these services, and that services are increasingly struggling to provide this support due to financial constraints created by insecure funding and exacerbated by the ongoing fallout from the COVID-19 pandemic and the Cost-of-Living crisis. Consequently, we once again call on the Welsh Government to work with specialist services to provide holistic, wraparound support for women and to clearly commit to long-term, truly sustainable funding for specialist services, to ensure they can provide support to women, regardless of their circumstances, directly at the point of need.

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<sup>7</sup> Mews, A., Hillier, J., McHugh, M., Coxon, C. & Warner, B. (2015). The impact of short custodial sentences, community orders and suspended sentence orders on re-offending. London: Ministry of Justice

<sup>8</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/814177/impact-short-custodial-sentences.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814177/impact-short-custodial-sentences.pdf)

