

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 05

Ymateb gan: Chwarae Teg | Response from: Chwarae Teg



Chwarae Teg submission to the Equality and Social Justice Committee

Experiences of the criminal justice system: women's experience in the criminal justice system

September 2022

Introduction

Chwarae Teg is Wales' leading gender equality charity. We work to secure a fairer Wales where all women achieve and prosper, ensuring that women enjoy economic equality, are fairly represented in all walks of life and are no longer at risk of poverty, violence and exclusion.

As has been well documented by many organisations and the Ministry of Justice itself, the criminal justice system does not meet the needs of women.

As Chwarae Teg does not work directly with women who have experienced the criminal justice system, we have chosen to highlight some of the ways that the criminal justice system fails to respond to the needs of women and to centre gender as part of its planning and decisions making processes. We have also noted ways in which the criminal justice system could be reformed in order to better meet the needs of women.

It is important to note that it is currently difficult to get a fully rounded picture of women from Wales' experiences of the criminal justice system. This is partly due to the lack of clearly disaggregated data in respect of women who are normally domiciled in Wales. Current data releases from the Ministry of Justice concern both Wales and England making it challenging to get an accurate picture of women's experiences in Wales.

Key messages

1. The criminal justice system does not currently serve the needs of women. Conviction rates for domestic abuse and rape remain stubbornly low and have not increased substantially for a considerable period of time. Women within the criminal justice system are also more likely than men to be in prison for non-violent crimes and serving shorter custodial sentences. It is widely accepted that short sentences are not beneficial and increase the likelihood of reoffending.
2. Getting an accurate picture of women from Wales' experiences of the criminal justice system is challenging due to the lack of readily available disaggregated data. Data from the Ministry of Justice and Crown Prosecution Service is not readily disaggregated by gender and region making it very difficult to ascertain the position of women from Wales in the wider England and Wales criminal justice system. Establishing capacity and a process for collating this data must be prioritised.
3. Reporting on the implementation and successes of the Female Offending Blueprint for Wales needs to be more regular and more detailed. This reporting should form the basis of regular and comprehensive evaluation of how well the ambitions of the Blueprint are being met. Currently it is hard to ascertain as an organisation outside of the

administration of justice whether the ambitions of the Blueprint are being met and what specific interventions are needed to reform justice in Wales for women.

4. Many women are too readily sent to prison when that may not be the best option for them. This is especially the case for women in Wales since custodial sentences remove them from their support networks and local communities. Women are more likely than men to be serving shorter sentences, be in prison for non-violent offences and more likely to reoffend. These trends highlight the need to adopt new approaches for women in the criminal justice system. This should include the implementation of women's rehabilitation centres and the use of restorative justice, where appropriate.

Detailed Response

1. Women and the criminal justice system

- 1.1. The criminal justice system currently does not deliver for women nor are the needs of women adequately considered in the design and administration of justice.
 - 1.1.1. Conviction rates for domestic abuse and rape remain stubbornly low¹ and we know that many instances of these crimes go unreported in part because of women's lack of faith in the criminal justice system.
 - 1.1.2. Women within in the criminal justice system are often victims of crime with a concerning number of women prisoners in England and Wales being survivors of violence against women, domestic abuse and sexual violence (VAWDASV).
 - 1.1.3. Additionally, women in prison are serving shorter sentences than men. 77% of sentences for women in 2017 were for 12 month or less compared to 63% of men². Reoffending rates are also higher for women with 71% offending after these short sentences compared to 63% of men³.
- 1.2. Despite multiple commitments to reform the criminal justice system from both UK and Welsh governments, these reforms are not happening quickly enough.
- 1.3. We are clear that the criminal justice system needs comprehensive and systemic reform in order to deliver for women. It is vital that these reforms centre gender and the needs of women in them.
 - 1.3.1. In *Deeds not Words*⁴, we have provided a framework and tools for how equality and gender can be central to policy and decision making. Centring gender in

¹ CPS (2022) *CPS data summary Quarter 4 2021-2022* Available from: <https://www.cps.gov.uk/publication/cps-data-summary-quarter-4-2021-2022>

² NAO (2022) *Improving outcomes for women in the criminal justice system: summary* Available from: <https://www.nao.org.uk/reports/improving-outcomes-for-women-in-the-criminal-justice-system/>

³ *ibid*

⁴ Chwarae Teg (2019) *Deeds not Words: Review of Gender Equality in Wales (Phase Two)* Available from: <https://chwaraeteg.com/wp-content/uploads/2019/09/Deeds-Not-Word-full-report.pdf>

reforms of the criminal justice system will support work to make the criminal justice system deliver for women.

- 1.4. As previously noted, a number of women prisoners are survivors of VAWDASV. This highlights the need for properly funded and accessible support for survivors of VAWDASV to prevent them from entering the criminal justice system in the first place.
 - 1.4.1. These women are often driven to offending through coercion and not being able to access the support services they need at the right time.
 - 1.4.2. Where appropriate, restorative justice could better serve the needs of survivors of VAWDASV who have gone on to commit crimes themselves.
- 1.5. We do not advocate for the creation of a women's prison in Wales, but the lack of facilities in Wales presents specific challenges which government must focus on tackling.
 - 1.5.1. Women from Wales are completely removed from their local community and personal support networks when serving custodial sessions. This inevitably makes it more difficult for their support network to meet them while serving and can make reintegrating with their community and home life following their sentence harder.
 - 1.5.2. Additionally, leaving Wales to serve custodial sentences means that women are not always connected to many of the services and interventions available to them to support their transition back into their communities when released from prison. Although this issue is a key focus of the Female Offending Blueprint for Wales, it is not clear how well this challenge is being addressed.
- 1.6. Prison and probation services also often work independently of specialist support services in England and Wales. Further work needs to be undertaken to ensure that services work together to support women.

2. Female Offending Blueprint for Wales

- 2.1. We agree with the aspirations of the Blueprint and the need for interventions to ensure that the criminal justice system works for women in Wales.
- 2.2. Evaluating the implementation and successes of the Blueprint is challenging since there appears to be no regular reporting mechanism on the actions listed within the Blueprint. As Chwarae Teg does not work directly with women offenders, this makes evaluating the Blueprint very challenging.
 - 2.2.1. The apparent most recent update on how the implementation of the Blueprint is progressing consists of a table on the Welsh Government's website from May 2022⁵.
 - 2.2.2. Although this update notes that multiple strands of work are complete or are in process, there is a general lack of detail on the streams of work being undertaken.

⁵ Welsh Government (2022) *Supporting female offenders* Available here: <https://gov.wales/supporting-female-offenders>

- 2.2.3. Additionally, the update notes that an independent evaluation of the Women's Pathfinder Whole System Approach was due in March 2022, however this report does not appear to be publicly available.
- 2.3. The Blueprint and update states plans to establish a core data set to better understand female custodial sentencing in Wales. It is stated that this is to be developed from spring 2022.
- 2.4. Collation of this data should be prioritised since it is a vital tool in assessing the current position of women from Wales in the criminal justice system. The true picture of women from Wales' position in the criminal justice system is often hard to ascertain due to the system being organised and run on an England and Wales basis.
- 2.5. Overall, there could and should be clearer reporting and evaluation of how the Blueprint is being implemented and whether it is succeeding in achieving its goals.

3. Women's Rehabilitation Centres

- 3.1. We support the creation of women's rehabilitation centres.
- 3.2. Women's rehabilitation centres present an opportunity to manage women's experiences of the criminal justice system differently. Therefore it is vital that they are utilised to their full potential to achieve this goal.
- 3.3. Women affected by the criminal justice system often have a range of multiple complex gendered needs that require a different response.⁶ Women's Centres are specialist community support services that are demonstrably the most effective support to women.⁷ Evidence suggests that women facing multiple disadvantages needs services informed by a set of principles that underpin women's centres⁸:
 - Values drive, gender and trauma informed
 - Relationship based
 - Women only
 - Holistic, tailored and multi-agency
 - Empowerment, strengths based and co-produced
- 3.4. We welcome commitments from the UK Government to ensure that these rehabilitation centres mark a completely different way of supporting women in the criminal justice system. However, guaranteeing that the centres will deliver this new way of working will require some culture change and constant review.
- 3.5. Only through constant review of the implementation of the centres can we make sure that these new centres do not become treated as a prison or merely a different form of incarceration.

⁶ UK Women's Budget Group (2020) *The Case for Sustainable Funding for Women's Centres* <https://wbg.org.uk/wp-content/uploads/2020/10/WBG-15-Womens-Centres-Report-v4.pdf>

⁷ Ibid.

⁸ Tavin Institute (2019) *Why Women's Centres Work: An Evidence Briefing* <https://www.tavinstitute.org/wp-content/uploads/2019/05/Women-and-Girls-Briefing-Report-Final- web.pdf>

3.6. Rehabilitation centres should be implemented in a way which enables local specialist services to play a key role in women’s time at a rehabilitation centre.

4. Availability of appropriate custodial provision for different groups of women

- 4.1. Across England and Wales, it is clear that current custodial provision does not meet the needs of many women.
- 4.2. There is a tendency to incarcerate women for non-violent offences for sentences lasting 12 months or less. The problems with these types of sentences are well documented and they do not serve the needs of women offenders and cause them to be completely remove from their support networks and local communities.
- 4.3. Fewer women should be sent to prison and there should be more of a focus on preventative measures with women who are more likely to offend. Additionally, restorative justice should be explored further and utilised more in respect of women offenders.
- 4.4. We hope that women’s rehabilitation centres will be utilised to their full potential to better support women offenders.
- 4.5. As has been highlighted previously, the lack of representative data covering women usually domiciled in Wales presents a clear challenge in ascertaining an accurate picture of women’s experiences of the criminal justice system. This is acutely the case when trying to evaluate how well custodial provision works for different groups of women.
- 4.6. Centring the needs of different groups of women in the policy and decision making process will support moves to ensure that custodial provision meets the needs of all women. We have set out a number of approaches and tools in *Deeds not Words*⁹ to embed equality and gender in policy and decision making processes.

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⁹ Chwarae Teg (2019) *Deeds not Words: Review of Gender Equality in Wales (Phase Two)* Available from: <https://chwaraeteg.com/wp-content/uploads/2019/09/Deeds-Not-Word-full-report.pdf>