



Clinks response to Her Majesty's Inspectorate of Prisons consultation on the second version of Expectations for women in prison

About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system. Our aim is to ensure the sector and those with whom it works are informed and engaged in order to transform the lives of people and their communities. We are a membership organisation with over 500 members, including the voluntary sector's largest providers as well as its smallest charities. Our wider national network reaches 4,000 voluntary sector contacts.

We also support a network of women's centres and specialist women's services working in the criminal justice system. We employ a Women's Network Co-ordinator and convene the women's networking forum in partnership with Agenda. Clinks also works extensively with government to ensure that the voluntary sector's role, knowledge and expertise is reflected in policy decisions effecting women in the criminal justice system. Clinks sits on the Ministry of Justice's (MoJ) Advisory Board for Female Offenders (ABFO), which provides oversight of the delivery of the government's Female Offender Strategy, and we sat on the expert group for Lord Farmer's review into the importance of relationships to women in prison.

About this response

We responded to the first consultation on the Expectations for Women in October 2019¹. This submission was based on two consultation events in August 2019 with voluntary sector workers with experience of working with women in prison. We also facilitated Her Majesty's Inspectorate of Prisons (HMIP) to consult directly with specialist women's organisations at our women's networking forum in June 2019. Clinks also supported the inspectorate to promote the details of the consultation to the voluntary sector and encouraged their input.

We are grateful for this additional opportunity to feedback on the latest draft of the Expectations, and for HMIP's continued engagement with stakeholders to ensure these Expectations are right. This short response welcomes some significant changes since the last draft, and highlights a few areas where we think they can be further strengthened, based on the insights we gathered through our initial response and further discussion with specialist women's organisations on this latest draft.

Response to the revised Expectations

In their current form, we consider the Expectations to be strong. Important revisions have been made that will further strengthen the ability of HMIP to scrutinise each women's prison and ensure safety and fairness.

We particularly welcome changes to strengthen the scrutiny placed on the leadership of each prison to fully engage with specialist women's services in prison and in the community. Clinks recommended in our initial response for the inclusion of two key indicators around voluntary sector

engagement which are included in the Expectations for adult male prisons¹, and we are delighted to see these included in the latest draft, as well as additional references to women's centres.

One further area which would benefit from specific attention in the Expectations is the engagement of providers through the resettlement process. We recommended in our previous response that there needs to be scrutiny on how resettlement planning is coordinated with relevant voluntary organisations in the community. Providers of community-based support to women need referrals to be made as far in advance of release as possible, but many report receiving referrals days before a woman's release or even after the release, significantly impacting the level of support women can receive during one of the most difficult periods in their journey.

We therefore reiterate our previous recommendation that the extent to which resettlement planning is coordinated with relevant voluntary organisations in the community should be assessed as part of a prison's resettlement work, to ensure that timely referrals are made. This will be particularly important as the reformed model of probation is implemented and embedded from June 2021, which will see greater coordination and integration between prisons and key workers under the Offender Management in Custody model, but must also ensure coordination with the voluntary sector.

We also recommended in our previous response that there needs to be much greater scrutiny on how prisons are ensuring they understand the presence of trauma in many women's lives, and are equipping their staff to work with women in a trauma-informed way. It is heartening to see that trauma is referenced throughout the document, and given particular focus and emphasis in the introduction. This is a significant and meaningful shift.

We welcome the improved focus on the specific needs of pregnant women and mothers including those who are separated from their children. We encourage HMIP to carefully consider the response of Birth Companions to this consultation however, which points to further instances in the draft where this can be strengthened even further. **We also reiterate our previous recommendation that the Expectations include a specific reference to the Birth Companions' Birth Charter, which can support inspectors to scrutinise the care and treatment of pregnant women and new mothers in prisonⁱⁱ.**

Since the Expectations were last updated in 2014, there have been significant changes in policy. This has been true with regards to family ties, following the two reviews conducted by Lord Farmer on behalf of MoJ. In our previous response we highlighted to need for HMIP to look beyond family ties as simply aiding resettlement and instead reflect the Farmer review by embedding the importance of family ties throughout the document. We are pleased this has been achieved.

We also recommended that there should be a much wider consideration of the use and value of release on temporary license (ROTL), to take into account the policy direction of the then new ROTL policy framework. Again, we are satisfied this has been achieved, with much greater emphasis on the use of ROTL to promote family ties, personal development, accessing community services, and as a rehabilitative tool. Through the consultations conducted to inform our previous response, we heard that ROTL can be damaging to women's mental health and the sense of procedural justice when delivered poorly, for example when planned releases are cancelled at short notice and the reasons why are not well communicated. **We therefore reiterate our previous recommendation that *the way in which ROTL is delivered* should also be considered under the Respect standard.**

¹ The two indicators are: (1) relevant voluntary and community sector organisations are supported to work with prisoners; and (2) a named manager is responsible for coordinating the work of voluntary and community sector organisations.

In our previous response we recommended that HMIP should strengthen aspects of its indicators focussed on accommodation on release. We are pleased to see these indicators are more detailed and include specific indicators to assess what longer-term action is being taken to secure accommodation on release. **We reiterate our previous recommendation however that specific indicators should be added under accommodation including:**

- **How the prison is meeting the accommodation needs of women with dependent children**
- **Whether a distinct approach is being taken to ensure accommodation is secured for women serving short sentences**
- **How the prison is responding to its duties under the Homelessness Reduction Act (2017).**

Taking into account the impact of Covid-19

HMIP will be well aware of the extraordinary challenges facing women in prison during Covid-19, and the many challenges faced by prison management and prison staff in delivering a regime that is safe and decent. It has been essential that HMIP have continued to shine a light on conditions in prison despite the challenges faced by inspectorates, and findings from the short scrutiny visits conducted across the male and female estate have been invaluable.

We understand these Expectations will be used long after the pandemic has ended, though it is highly likely that Covid-19 will continue to directly impact regimes in prisons for many months, and potentially have longer term impacts on many women in prison even after 'normal' regimes resume. **We would therefore recommend that the Expectations explicitly recognise challenges or changes to policy that have emerged during Covid-19.**

Under Covid-19 lockdown, we know that many women have been in their cells for 23 hours a day, with limited time outside, no access to purposeful activity and no access to in-person visits from family and friends. Vital voluntary services haven't been able to reach women, and many needs have remained unmet. **We recommend the inclusion of indicators that consider how the prison is responding to the potential long-term impacts of restricted regimes on women's mental health and wellbeing.**

Many women have been unable to continue existing ROTL arrangements during periods of lockdown and many women who were expecting to leave prison on ROTL or move to open conditions as part of their sentence progression have not been able to. It would be useful to explore the knock-on effect of this on women in terms of preparation for release and how prisons are managing these risks. **We recommend the inclusion of indicators that seek to understand the impact of Covid-19 on ROTL provision and sentence progression.**

Video calling facilities have been rolled out across most of the women's prison estate because of in-person visits being suspended due to Covid-19. Video calls offer a lifeline to some people to maintain contact with loved ones, but they should never be considered as an adequate replacement of face to face visits and the inspectorate should be alive to this. **We recommend the inclusion of indicators to reflect the introduction of this new technology to establish whether women in prison have sufficient access to video calling technologies where in-person visits are not possible.**

Conclusion

As we have set out above, we are pleased that HMIP have followed good practice in engaging with stakeholders in a positive way. We believe that as a result, HMIP have strengthened the Expectations, and we hope our additional suggestions and recommendations can help strengthen

these even further. If there is any part of our submission you wish to discuss, or for more information about engaging with the voluntary sector, please contact will.downs@clinks.org.

ⁱ Clinks (2019). *HM Inspectorate of Prisons consultation on Expectations for Women*. Available at: <https://www.clinks.org/sites/default/files/2020-01/HMIP%20consultation%20on%20Expectations%20for%20Women.pdf>

ⁱⁱ Birth Companions (2016). *Birth Charter for women in prisons in England and Wales*. Available at: www.birthcompanions.org.uk/resources/5-birth-charterfor-women-in-prison-in-england-and-wales