



Her Majesty's Inspectorate of Prisons consultation on *Expectations for Women*

Submitted October 2019

About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system (CJS) in England and Wales. 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 in the CJS. We do this by providing specialist information and support, with a particular focus on smaller voluntary sector organisations, to inform them about changes in policy and commissioning, to help them build effective partnerships and provide innovative services that respond directly to the needs of their users. We are a membership organisation with over 500 members, working in prisons and community settings, including the voluntary sector's largest providers as well as its smallest.

Clinks supports and represents organisations that work with women in contact with the CJS, including a network of women's centres and specialist women's services. 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 CJS. Clinks sits on the Ministry of Justice's Advisory Board for Female Offenders (ABFO), which provides oversight of the delivery of the government's Female Offender Strategy¹ and recently sat on the expert group for Lord Farmer's review into the importance of relationships to women in prison.²

About this response

Her Majesty's Inspectorate of Prisons (HMIP) have asked stakeholders for their views on whether the criteria used for assessing the treatment of and conditions for women in prison, *Expectations for Women*³ (last updated in 2014) can be improved. Clinks welcomes this chance to identify opportunities to strengthen *Expectations for Women* and also to ensure a revised criteria reflects the changes that have occurred in government policy over the last five years.

In order to ensure the active involvement of voluntary organisations in this process, Clinks held two consultation events in August 2019 with voluntary sector workers who had experience of working with women in prison. We also facilitated HMIP to consult directly with specialist women's organisations at our women's networking forum in June 2019. Our response is based on the feedback we heard from these three events. Clinks also supported the inspectorate to promote the details about the consultation to the voluntary sector and encouraged their input.

The remainder of our response summarises the key issues raised by participants at our consultation events. Please note that in referring to HMIP's inspection framework as a whole, we use '*Expectations for Women*'; in referring to an individual expectation within the report, we use 'expectation'; and in referring to a more specific indicator listed under each expectation, we use 'indicator'.

We structured these consultation sessions under three themes, which also forms the structure of this response:

- Theme 1: The shape of *Expectations for Women* – the four tests and their content
- Theme 2: How HMIP expects prisons to work in partnership with the voluntary sector
- Theme 3: Equality, diversity and faith.

We have identified a key priority under each theme, which we urge HMIP to consider when revising *Expectations for Women*. Recommendations on more specific issues are highlighted throughout the response.

Priority 1

Expectations for Women should enable HMIP to:

- Take a more holistic approach in how it assesses how well the complex needs of women are being met across the four healthy prison tests
- Be more proactive in setting a positive vision for prisons, and encouraging innovation, rather than just setting minimum requirements
- Assess whether prisons have embedded a trauma-informed approach across their establishments.

Priority 2

There should be a clearer focus on how prisons work in partnership with voluntary sector service providers, particularly gender-specific services, to meet the needs of women in prison and through the resettlement process.

Priority 3

A prison's awareness of the distinct needs of women with additional protected characteristics and their commitment to tackling disparity of outcome and unfair treatment should be embedded throughout.

Theme 1

The shape of *Expectations for Women* – the four tests and their content

Priority 1

Expectations for Women should enable HMIP to:

- Take a more holistic approach in how it assesses how well the complex needs of women are being met across the four healthy prison tests
- Be more proactive in setting a positive vision for prisons, and encouraging innovation, rather than just setting minimum requirements
- Assess whether prisons have embedded a trauma-informed approach across their establishments.

Overall approach

A more holistic approach

Participants raised concerns that inspectors are unable to holistically assess how well a prison meets the complex needs of women under the existing structure of *Expectations for Women*. Conducting inspections under the existing four separate healthy prison tests does not reflect the real experiences of women in prison, as important issues cut across different tests. While some links between sections are made in *Expectations for Women*, these must be stronger.

Issues that cut across the four healthy prison tests should be set out at the beginning of the document, and signposted throughout.

A more ambitious approach

The existing indicators were seen by participants as being reactive to the challenging prison environment, and too focussed on minimum requirements. Individual expectations should be more ambitious, to help support aspirational inspectors to seek higher standards from prison staff and prison leaders.

***Expectations for Women* should proactively set a positive vision of how prisons should be run, with indicators that encourage and reward innovation, and provide more specific examples of good practice.**

A trauma-informed approach

Most women in prison have experienced high levels of trauma in their lives and many have themselves been victims. It is therefore essential that services for women are shaped by an understanding of trauma. Participants said that there was a lack of awareness amongst prison staff and senior management as to what 'trauma-informed' means, and how an understanding of trauma is reflected in practice.

There are limited references to trauma in the existing *Expectations for Women*, and no specific expectation on the issue. There should be a much stronger emphasis on the extent to which prisons have embedded a trauma-informed approach in their work, across all four healthy prison tests.

There should be a specific expectation on trauma which should include indicators addressing the following:

- Whether prison staff are trained in trauma-informed approaches, and how well trauma is embedded into the prisons' policies and staff practice
- Whether there is a good understanding amongst staff of the impact of staff behaviour on women who have experienced trauma, including how women are communicated with
- Whether staff are able to respond appropriately to women who choose to disclose sensitive information in a way that is not re-traumatising or dismissive
- Whether there is a trauma-informed approach to resettlement planning, by taking into account histories of abuse and trauma, and engaging with (and making referrals to) specialist services that are trauma-informed and can support women who have been victims of abuse and trauma.

Safety

Early days in custody

Participants identified the period when a woman first enters prison as posing a significant risk to her safety and wellbeing, with increased likelihood of emotional distress, self-harm and suicide. This includes women who are transferred between prisons.

Risk of self-harm and suicide should be better reflected in the early days in custody section of *Expectations for Women*, so that prisons are held to a higher standard on how they minimise risks to ensure women's safety on entry to prison.

Additional indicators should also be added, including:

- The provision of 'first night centres'
- Prison engagement with the voluntary sector to improve the support and advice for those entering prison
- The offer of 'refresher inductions' in the days following entry into prison, recognising that people are under enormous stress and are not always able to understand the information the first time round.

Participants said the Basic Custody Screening Tool 1 is often carried out in a very short amount of time. Women are asked very personal information and don't have a lot of time to disclose complex and sensitive issues. The way it is conducted is not respectful or safe. Participants also recommended that women should be able to request a female member of staff to conduct the screening as they may be more likely to disclose important factors such as experiences of abuse.

Continuity of care

Women's medical care is often disrupted when entering prison and transferring between prisons. Examples were given of how upon entering prison, women do not have immediate access to the medication they relied on in the community, and it was common for women to

still not have their medication at the point of the Basic Custody Screening Tool 2, sometimes a week after entering prison. This presents serious risks to people's safety if medical needs are not properly followed through, and it can lead to relapses for those with problematic substance misuse. Poor communication between local GPs and prisons was identified as an issue delaying access to medical records. There should be a focus in early days in custody on the extent to which prisons ensure that a woman's medication and relevant medical support follows them, so they have immediate access to what they need on entry to prison. HMIP should work in partnership with the Care Quality Commission (CQC) to devise appropriate expectations.

Women in prison are often in transition – when entering prison, transferring between prisons and being released into the community – and it is therefore essential that there is continuity of care and meaningful join-up between the prison and health and care services in the community. Women who have been in specialist units – mental health units, substance misuse units and mother and baby units (MBUs) – face particular challenges upon their transition back to the wider estate, from a vulnerability, safeguarding and safety management perspective. A participant raised a concern about the continuity of care for women serving indeterminate sentences, as they often passed through different prisons throughout their sentence. Participants proposed that prison and probation inspectorates should conduct joint work regarding the continuity of care and aftercare in the community.

Purposeful activity

Women need purposeful activity that supports their wellbeing, and is not solely focussed on employment, including arts and activities. Women are sometimes given dull, basic and repetitive tasks that are logged as purposeful activity, but do not help prepare women for release. Women cannot always access the accredited programmes they need, and are sometimes moved between prisons even further away from their home, in order to complete programmes set out in their sentence plan. Participants suggested inspectors should give greater attention to how prisons are ensuring work and purposeful activity is rehabilitative.

Expectations for Women should examine the extent to which each prison offers appropriate programmes to meet the needs of all women in their care, to prevent unnecessary transfers between prisons.

Employment support

Women face a limited number of options for employment training, and what is available is often highly gendered (such as hair and beauty). Participants suggested there should be a better range of opportunities for women that could include training in skills such as coding, painting and decorating, and self-employment, to help women into a wider range of employment opportunities when they leave prison. Some women on longer sentences are given roles in the prison (such as peer support and representation) that are integral to the structure and regime of the prison, rather than being given roles that can support their own professional development in readiness for release.

Participants said that prisons should ensure that whatever skills or learning takes place in the prison is followed up in the community, as was often achieved under the Offenders' Learning and Skills Service (OLASS) 2. An example was given of a project in HMP Drake Hall, where women who engage successfully in a work placement scheme at Halfords are able to access employment on release in a local Halfords shop if there is a vacancy, without the need for interview. They also said people on release on temporary license (ROTL) needed support to help them prepare for the workplace but such support was often not in place.

Respect

Relationship between staff and women in prison

Prisons should be aiming to ensure women have consistent contact with an individual member of staff, to reduce the number of staff that women have to engage with, and to prevent them from continually re-telling their stories (which can be re-traumatising). Existing key worker and personal officer schemes can help women build more positive, trusting relationships with known staff, but such schemes are let down by poor communication, with some women in prison not knowing who their key worker is, or what additional support they can expect from these officers. It was recommended that there should be a clear agreement in place at the beginning of a key worker relationship, setting out expectations on the support they can offer and frequency of contact.

Healthcare

Participants felt prisons can sometimes respond to women displaying poor mental health through behavioural processes, leading women to be subjected to punishment through segregation and incentives and earned privileges policy, instead of having their underlying mental health needs met.

HMIP should develop expectations that look at the number of mental health interventions available and the number of support staff that have been specifically trained to respond appropriately to people with poor mental health.

Participants also said appointments with healthcare professionals are difficult to get and subject to long waiting times. Resource issues means that staff in prisons are constantly stretched to breaking point and women often therefore rely on the goodwill of individual prison staff and voluntary sector workers to work additional hours.

HMIP should work in partnership with CQC to examine the extent to which prisons are able to meet the demands of women to access timely healthcare.

Resettlement

Relationships

Participants considered maintaining relationships with people outside of prison as a priority. Participants said many women were mothers and/or primary carers and special consideration must be given to this. For example, a women's status as a mother should confer additional rights, such as a phone call to family on immediately being received into custody. Someone pointed out that the lack of access to phones should be addressed when in-cell communication is rolled out.

Participants thought there should be an increased focus in *Expectations for Women* on access to family and supportive relationships and how prisons can involve and communicate better with families to support the individual. Since *Expectations for Women* was published, the MoJ has published Lord Farmer's major report on the importance of family ties and other relationships for women in prison. The report made a number of recommendations, all of which have been accepted by the government.

The Farmer review must be reflected in *Expectations for Women*, and the importance of family ties should be embedded throughout the document, rather than just considered under resettlement.

ROTL is predominately used for education and employment purposes, but should be utilised as a tool to better facilitate ties with families and friends prior to release, and help women undertake caring responsibilities in the community. Since the *Expectations for Women* prisons were last revised, the MoJ has published a new ROTL framework aimed at increasing its use, alongside the Child Resettlement Licence.⁴

A consideration of the use of ROTL should be included in the HMIP expectations around resettlement, and directly reflect the intentions of the new policy framework.

Participants also commented that ROTL can be damaging when delivered poorly, especially when planned releases are scuppered at short notice and the reasons why are not well communicated.

The way in which ROTL is delivered should be considered under the Respect standard.

Accommodation on release

Women are often sentenced to custody for short periods of time but this is often long enough to lose or disrupt their accommodation. Too many women are released from prison with no fixed abode. Women with dependent children lose care of their children when sentenced to prison, and cannot regain care of their children after release because they are not provided with accommodation suitable for children.

Accommodation must be the top priority when HMIP examine resettlement planning, and HMIP should work with HMI Probation to ensure *Expectations for Women* effectively examines:

- How women's prisons, through the resettlement process, account for distinct challenges women face in securing safe, secure and appropriate accommodation, including the additional specific challenges for women with dependent children
- How women's prisons work with women on short sentences to help protect their existing accommodation; as well as securing future accommodation for those sentenced to longer periods
- How women's prisons are fulfilling their duties under the Homelessness Reduction Act 2017 to refer women leaving prison to relevant local authorities and housing providers.

Sexual exploitation

Under the resettlement test, there is an expectation which refers to women being encouraged to disclose any involvement in sex work. This does not cover the extent of sexual exploitation that women can experience. Prisons need to be more broadly identifying victims of violence against women and girls (VAWG). To do this appropriately, prison staff need training in the various forms VAWG can take, identifiers that indicate someone may be a victim or survivor of VAWG, the impact this has on women, and how to respond appropriately. Relationships with specialist voluntary organisations should be built to better support women.

HMIP should add new expectations with corresponding indicators that require women's prisons to have appropriate policies, training and safeguarding in place for victims and survivors of violence.

Theme 2

How HMIP expects prisons to work in partnership with the voluntary sector

Priority 2

There should be a clearer focus on how prisons work in partnership with voluntary sector service providers, particularly gender-specific services, to meet the needs of women in prison and through the resettlement process.

Barriers to partnership working in prison

It can be challenging for voluntary organisations, especially small and specialist, to get access to prisons. Community-based organisations in particular told us it was challenging and time-consuming for voluntary sector staff to access prison in order to deliver their services. Voluntary organisations offering their services to prisons for the first time faced communication problems, and described their enquiries being passed around through various staff and departments. One participant mentioned the particular difficulties faced by voluntary sector staff with convictions in accessing prisons to provide services.

For voluntary organisations who are given access to deliver their services in prison, many practical barriers persist, for example, they face difficulties in accessing appropriate space within the prison to work with women. Participants raised concerns that some prison staff had little respect for voluntary organisations, driven by a difference in the working culture and a lack of understanding of what the voluntary sector does. Poor information sharing and communication are a barrier to good partnership work. It was suggested that the 'contract culture' that exists in prisons has exacerbated tensions, by increasing the tendency for each partner agency (statutory, private and voluntary) working to meet their own set of targets.

These barriers to partnership working lead to support that is uncoordinated and disjointed and failing to meet the often complex and wide-ranging needs of women. Voluntary organisations in prison said they are often supporting women in crisis, due to failures elsewhere in the prison.

HMIP should have a greater focus on how well prisons work with voluntary organisations:

- Ensure voluntary sector organisations in prisons are involved in inspections, to help HMIP understand challenges in the prison and the extent to which non-statutory providers are supported to deliver their work
- Assess the extent to which voluntary organisations and non-statutory providers are involved as equal partners
- Assess the extent to which formal agreements are in place between prison and non-contracted/statutory providers to ensure support and understanding (for example Memorandum of Understanding or Service Level Agreements)
- Explicitly define in detail what 'effectively co-ordinated services' look like, and set expectations for prisons against that definition.

Voluntary sector coordination

Where participants have experienced good partnership working between the prison and the voluntary sector, it relies on good relationships between voluntary organisations and senior staff. Participants said it was essential to have senior staff supporting partnership working, and staff with genuine interest in and enthusiasm for the voluntary sector in senior roles.

Participants also said every women's prison should have a voluntary sector coordinator to make sure that the women and prison staff know what services are available to them and to support them to navigate the various services. This role was seen to be essential for providing a single point of contact, in order to improve communication and information sharing between voluntary providers and the prison. The role should help provide better strategic management of all partnership agencies and services, also helping to identify and fill gaps in provision. The evaluation of a Clinks pilot, establishing voluntary sector coordinators across three prisons, found that joined up working through a dedicated coordinator improved support for rehabilitation, through the gate provision, identifying need/what worked, and contributed to a safer prison environment.⁵

Gender-specific services, particularly those run 'by women and for women', are considered by participants as essential in meeting the needs of women in prison and on probation, and a voluntary sector co-ordinator would need to give particular focus to ensuring such services were accessible.

Expectations for Women should be more specific in assessing a prison's commitment to working in partnership with women's specialist services.

The following indicators are currently included in HMIPs *Expectations for Men*,⁶ and participants said these should be incorporated into *Expectations for Women*:

- Relevant voluntary and community sector organisations are supported to work with prisoners (p.52)
- A named manager is responsible for coordinating the work of voluntary and community sector organisations (p.53).

Expectations for Women should include a stand-alone expectation on voluntary sector coordination, which includes the relevant indicators on voluntary sector coordination that are currently in Expectations for Men.

Voluntary organisations and resettlement

Participants raised a number of areas of concern about the lack of coordination and communication in the resettlement process between services in women's prisons and voluntary services in the community:

- Commissioning processes have made services more disjointed, particularly those intended to be 'through-the-gate'
- Women are being held much further away from their homes than men, creating obvious challenges for achieving join-up of services
- Ongoing significant changes to probation have impacted operationally how resettlement is delivered, and continued reform of probation is creating more uncertainty.

These issues were seen to negatively impact on the support women can access and therefore their resettlement outcomes. Enabling community-based organisations to reach

into prisons supports women to start building relationships with the community before release, and ensures better continuity of care for women on release. Participants said prisons need to improve their local knowledge of which services are available in the community. Examples of good practice were given, including the Re-Unite project in London, founded by Commonweal Housing, Women in Prison and Housing for Women; and work by the Greater Manchester Women's Support Alliance to deploy Prison Link Workers at HMP Styal.

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.

Since *Expectations for Women* were last revised in 2014, the government have undertaken a major review of the probation system, which will bring Transforming Rehabilitation to an end, and introduce a new model for probation from spring 2021. As part of these reforms, key workers under the Offender Manager in Custody Model (OMiC), will be responsible for resettlement planning for people serving longer sentences, until probation responsible officers based in the community take over at 10 months prior to someone's release.⁷

***Expectations for Women* should enable HMIP to assess the extent to which OMiC key workers and probation staff work in partnership to achieve a successful transition, and the degree to which this is coordinated with relevant voluntary organisations.**

Theme 3

Equality, diversity and faith

Priority 2

There should be a clearer focus on how prisons work in partnership with voluntary sector service providers, particularly gender-specific services, to meet the needs of women in prison and through the resettlement process.

Intersectionality of need

Participants said that the expectations need to address disparities and unequal outcomes for women in prison with additional protected characteristics, including BAME women, women with learning or physical disabilities, and young women, to hold women's prisons to account on how they address disparities.

A range of examples were given as to how certain cohorts of people faced particular challenges and unequal treatment in prison. For example, participants identified discrimination towards BAME women as a serious issue, which was particularly acute for Muslim women. This reflects findings in the Lammy Review which showed BAME women faced disproportionate treatment throughout the criminal justice system, including in prison.⁸

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A participant said that transgender people face particular discrimination in women's prisons, reflecting and magnifying discrimination and transphobia in the public sphere. Women with a learning difficulty or disability faced specific issues in accessing their rights in prisons, such as not being able to make requests or register complaints because the system to do so is paper-based.

Participants identified pregnant women and new mothers as a group requiring a distinct approach. This mirrors Clinks' recent report, informed by women with lived experience,⁹ which showed the distinctive physical health, dietary, caring and mental health needs of pregnant women, and the delays and poor communication around transfers to MBUs.

Attention to women who are pregnant in prison is insufficient in *Expectations for Women*, and this should be addressed by having a greater focus on provision in MBUs and reflecting the Birth Charter, developed by the charity Birth Companions.¹⁰

Prisons should strive towards ensuring equal treatment, equal access and equal outcomes for all women in their care, and participants agreed that this isn't always achieved. To understand the extent to which prisons are ensuring equality for women, HMIP require a lens which goes wider than gender, to consider the distinctive challenges certain women with other protected characteristics face.

Participants said awareness of the distinct needs of women with additional protected characteristics and a commitment to tackling disparity of outcome and unfair treatment needs to be embedded throughout *Expectations for Women*.

***Expectations for Women* should also assess to what extent prisons have given due regard to the public sector equality duty, as outlined in the Equality Act (2010), to eliminate unlawful discrimination in prison, and advance equality of opportunity between those who have a protected characteristic and those who don't.**

Diversity and lack of understanding amongst staff

Participants said that some prison staff had a negative attitude or displayed a lack of understanding about meeting people's distinct needs. Some staff saw this as offering "special treatment" to certain groups of people. Participants noted that prisons did not always provide the necessities needed by some women, including basic haircare products and food appropriate to their cultural practices or faith. The Lammy Review showed BAME women reported poorer relationships with prison staff and higher rates of victimisation by prison staff.

Examples were shared of women of colour being separated from each other, as they were perceived as being in gangs and women who were told to "speak English" when they are on the phone to people on the outside.

***Expectations for Women* should strengthen how HMIP assesses the attitudes and behaviours of prison staff towards addressing equality issues, and whether negative attitudes are being addressed. Participants also said that the diversity of officers, reflecting the prison population, makes a real difference to women feeling safe.**



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End notes

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CLiNKS

**CLinks supports,
represents and
advocates for the
voluntary sector
in criminal justice,
enabling it to provide
the best possible
opportunities for
individuals and
their families.**

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