

# **Independent Advisory Panel on Deaths on Custody**

**Submission of evidence to Lord Farmer for  
his review of women in the criminal justice  
system and strengthening ties with their  
families**

November 2018

## **About the Independent Advisory Panel on Deaths in Custody (IAP)**

The Ministerial Council on Deaths in Custody formally commenced operation on 1 April 2009 and is jointly sponsored by the Ministry of Justice, the Department of Health and the Home Office. The Council consists of three tiers:

- Ministerial Board on Deaths in Custody
- Independent Advisory Panel (IAP)
- Practitioner and Stakeholder Group

The IAP forms the second tier of the Ministerial Council. The remit of the Council (and IAP) covers deaths which occur in prisons, in or following police custody, immigration detention, the deaths of residents of approved premises and the deaths of those detained under the Mental Health Act (MHA) in hospital. The principles and lessons learned as part of this work also apply to the deaths of those detained under the Mental Capacity Act in hospital.

The role of the IAP, an arms-length body, is to provide independent advice and expertise to the Ministerial Board. It provides guidance on policy and best practice across sectors and makes recommendations to Ministers and operational services. The IAP's aim is to bring about a continuing and sustained reduction in the number and rate of deaths in all forms of state custody in England and Wales.

Juliet Lyon CBE was appointed Chair of the IAP in 2016. Further information on the IAP can be found on the website: <http://iapdeathsincustody.independent.gov.uk/>

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# The IAP's evidence

1. The Independent Advisory Panel on Deaths in Custody (IAP) welcomes the review of women in the criminal justice system and strengthening ties with their families being conducted by Lord Farmer assisted by Clinks. The focus of our written evidence to Lord Farmer is on preventing deaths, both self-inflicted and natural, in prison custody and keeping people safe. Reference is also made to the importance of avoiding use of imprisonment as a treatment disposal or place of safety for vulnerable women and instead looking to solutions in public health and social care.
2. The IAP is a small, independent non-departmental public body. Its role is to act as a primary source of advice to ministers on how best to reduce the number and rate of deaths in state custody. The IAP is co-sponsored by the Ministry of Justice (the lead sponsor), the Home Office and the Department of Health and Social Care. It is part of the Ministerial Council on Deaths in Custody. Prisons, approved premises, police custody, secure hospitals, establishments holding people under the Mental Health Act, and immigration removal centres all fall within its ambit.
3. Panel members' experience encompasses forensic psychiatry, psychology, emergency medicine and human rights – as well as work within custodial environments. The IAP identifies and draws on examples of national and international good practice. It is supported by a broad group of around 200 interested parties, including members of bereaved families and health and justice professionals. Our single objective is to help prevent avoidable deaths, natural and self-inflicted, in custody and to enable the state to fulfil its obligation to protect life.
4. In response to the 12 self-inflicted deaths of women in prison in England in 2016, the IAP undertook a rapid information gathering exercise about reasons for these tragic deaths and what could be done to prevent future deaths. Altogether we consulted and heard from 60 women prisoners, expert by experience, and 40 health and justice professionals. In our report '[Preventing the Deaths of Women in Prison](#)' the main points made were:
  - Insufficient attention is paid to preventative work and effective community sentences which could avoid separation from family, the losses sustained by imprisonment and the uphill battle on release to find somewhere safe to live and a means of earning a living – all of which increases the risk of suicide and self-harm.
  - Concerns were raised about insufficient information for the courts, an absence of pre-sentence reports and a tendency to resort to use of prison as a place of safety.
  - There are examples of good practice, before, during and after custody – however, these providers are struggling with resource pressures and the lack of a gender-specific approach to safeguarding women.
  - Women prisoners are different to men – in terms of vulnerability, offences, personal histories and caring responsibilities.

- The reduction in staff numbers and loss of experienced staff has had a negative impact on the ability of prison governors and staff to build and maintain consistent, trusting relationships with the women in their custody. As one woman said: *“If someone needs to talk not to be told ‘later, sorry no time, too busy’. This can make someone feeling low even worse.”*
  - Mental healthcare and treatment for addictions are overly variable and require greater consistency in design and application to meet acceptable standards.
  - The work of Samaritan Listeners and Insiders is inspiring and indicates the potential for self-help and peer support.
  - Transfer of information between agencies and between prisons can and must be improved in order to keep women safe and those who work with them fully informed.
  - Family contact is a hugely significant factor in keeping women safe in custody and on release – yet prison location, technology and visiting arrangements make this harder for women than men.
  - Too many women are released with insufficient support – particularly in fundamental areas such as safe housing – leading to a quick return to addiction, crime and custody: the revolving door. As one respondent said: *“How can you prioritise your physical or mental health when you have nowhere to sleep, no job, no support network and £46 in your pocket?”*
5. The IAP welcomes the Government’s Female Offender Strategy and the commitment to implement recommendations made in our report on preventing the deaths of women in custody<sup>1</sup>. It would be most helpful if this commitment could be endorsed by Lord Farmer in the course of his review. To date efforts have been made by HMPPS to implement IAP recommendations systematically in tandem with those made by the Prisons and Probation Ombudsman in their [thematic review of women’s deaths](#) published, by agreement, on the same day in March 2017.
6. Some immediate changes were made in the course of our gathering information and giving feedback to the prison service and governors of women’s prisons. These included changes in arrangements for first night in custody, transfers and family visits. A welcome practical change was to ensure that all women could retain their pinphone numbers at a time of transfer to another establishment. Through custom and practice and misplaced security considerations, this had not happened in all women’s prisons leading to virtual severing of family ties at a point when they were most needed. The IAP is grateful here for the leadership of Luke Serjeant and Jane Trigg and their determination to make custody safer.
7. As Lord Farmer made clear in his prior review, prisons do not hold a representative section of the wider population – people in custody have significantly higher rates of mental health need, drug and alcohol addictions and rates of suicide and self-harm. High levels of vulnerability are evidenced

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<sup>1</sup> Paragraph 112 in the report:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/719819/female-offender-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719819/female-offender-strategy.pdf)

by MoJ figures published in 2013 showing that 46% of women prisoners and 21% of men in prison have attempted suicide at some point in their lives compared to just 6% of the general population. In the twelve months to June 2018, there were 49,565 recorded acts of self-harm in prison custody, 9,300 in the women's estate. For many people in prison, mental health conditions have played a significant part in their offending history, yet the support they receive, both before, during and after prison continues to be unacceptably variable.

8. We know that over 17,000 children each year are separated from their mothers by imprisonment. The extent of this separation and loss undoubtedly increases the risk of self-harm and attempted suicide as well as worsening chronic health conditions. Throughout our consultation meetings in ten prisons and the submissions the IAP received from members of the Ministerial Board on Deaths in Custody and the Advisory Board on Female Offenders, the emphasis on the importance of family contact ran, in Lord Farmer's words, 'like a golden thread'. Hence a primary recommendation in our report to ensure that adequate information is provided to the courts covering mental health need, vulnerability and safeguarding concerns.
9. The IAP encouraged greater use of community sentences and treatment orders by the courts. We are currently engaged in an independent survey of the use of such orders by magistrates which includes a specific section on women and will try to make findings available to Lord Farmer in due course. Overall we recommended that 'coordinated national and local government focus on prevention and the strategic reduction of women's prison numbers'. Instead we called for a 'sustained network of women's centres'. These would enable most women in the justice system to retain family ties and continue to care for their children.
10. Our report considers briefly how families can remain involved where custody is required and recommendations include engagement in ACTT reviews. The two sections on Family Contact and Preparation for Release are included in full here as being of most relevance to Lord Farmer's review. The IAP would be pleased to provide further information if required.

## **Extracts from the IAP's report - Preventing the Deaths of Women in Prison – initial results of a rapid information gathering exercise by the Independent Advisory Panel on Deaths in Custody<sup>2</sup>**

**Is family contact an important consideration and, if so, how can this be improved?**

***“Families are your people – people you can be yourself with. Family is your link to the outside world”*** – Woman prisoner in conversation with the IAP.

***“Contact with family is extremely important. I am hundreds of miles from mine. My mum is my rock and I used to see her or speak to her every day outside. Now I only get to speak to her once/twice a week using a phone that crackles. I won't see my mum again until October next year as she is too ill to travel. My mum can get to my solicitors where I could have a videolink visit with her. Stamps/sae's should be allowed to be sent in.”*** – Woman prisoner.

### **Main points**

- **Approximately two-thirds of women in prison have dependent children under the age of 18, and will therefore be separated from them during their time in custody.**
  - **There was unanimous agreement among those who responded that the importance of family contact cannot be overstated in terms of improving the safety of women in custody.**
  - **There was comment from several respondents that the traditional means of contact – i.e. prison telephones on the wing landings – are too expensive, public and inconvenient for meaningful family contact. The most recent HMIP inspection report on Eastwood Park showed that over a quarter of the women held there had not received a visit from anyone.**
  - **Better technology was called for, including in-cell telephones, which were pointed to as reducing tension on the landings as well as providing a vital connection to families – particularly for foreign national prisoners who can use them regardless of the time differences.**
  - **A number of respondents recommended improved use of Release On Temporary Licence (ROTL) to sustain and strengthen family contact.**
11. This question prompted some of the most consistent responses featuring very similar arguments and recommendations. There was unanimous agreement

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<sup>2</sup> <http://iapdeathsincustody.independent.gov.uk/wp-content/uploads/2017/08/IAP-rapid-evidence-collection-v0.3-preventing-the-death-of-women.pdf>

among those who responded that the importance of family contact cannot be overstated in terms of improving the safety of women in custody.

12. The specific vulnerabilities of women in custody mean that, while the deprivation of family contact can have significantly negative outcomes, adjustments to enhance family contact can be hugely positive. A key factor that differentiates women prisoners from the adult male estate is the primary care responsibility that many more women prisoners have – proportionally – and markedly more so than men.
13. Approximately two-thirds of women in prison have dependent children under the age of 18, and will therefore be separated from them during their time in custody. As we have explored earlier in this report, the women who enter the criminal justice system have significantly more mental health, 'self-harm' and suicide and abuse histories than men in prison. Mothers, are likely to suffer severe distress from the separation from their children which may often exacerbate these pre-existing mental health conditions.
14. For 85% of mothers in custody, their imprisonment was the first time they had been separated from their child for an appreciable period. The response from HM Inspectorate of Prisons recommended that all women with dependents should be referred to a family support worker and offered services to reduce the trauma of separation. Ensuring women were able to contact their families in the first few days in prison would help to give them support.
15. There is also a wider public health angle to the issue of female imprisonment, relating to the children left without their primary carer when their mother is imprisoned. The British Association for Counselling and Psychotherapy stated that this separation has a negative impact on the children, who have at least double the risk of mental health problems and three times the risk of anti-social or delinquent behaviour compared to their peers. Around 80% of children separated from their mothers whilst they're incarcerated show what the BACP refer to as a 'disorganised attachment pattern'. The Prison Reform Trust recommended that:

*“Access to childcare ROTL and support for maintaining contact with children and for dealing with the grief, guilt and loss that mothers experience on imprisonment are all important in ensuring women do not succumb to despair”.*

16. Further compounding the initial problem of separating women from their children, is the greater difficulty women have in maintaining such relationships while they are incarcerated. Women are imprisoned further from their homes and receive fewer visits than men – despite the centrality family contact plays in their wellbeing. In England, women are imprisoned an average of 55 miles away from their homes, while women in Wales face a distance of over 100 miles. At HMP Eastwood Park, 20% of women are over 150 miles from home.

17. The greater distance from home that women are kept from home is not always adequately compensated for in terms of other means of family contact. Women at HMP Low Newton received just £1 phone credit in exchange for four unused visiting orders. The women that the IAP met at HMP Bronzefield described family contact as “It’s everything” while those at HMP Foston Hall said “Family is your link to the outside world.” There was a noticeable difference in the responses from these two prisons with regard to the facilities available. While the women at HMP Foston Hall said that the visits centre is small and the children’s visits could be improved, those at HMP Bronzefield praised the visiting arrangements including children’s visits.
18. There were comments from several respondents that the traditional means of contact – i.e. prison telephones on the wing landings – are too expensive, public and inconvenient for meaningful family contact. These issues help explain Women’s Breakouts finding that, although women (51%) were more likely than men (39%) to say that getting support from their family would help them in prison, they were less likely to receive it. The women at HMP Bronzefield were keen to highlight the positive effect of their in-cell telephones which they pointed to as reducing tension on the landings as well as providing a vital connection to families – particularly for foreign national prisoners who can use them in coordination with the time differences of their families. Despite the success of this technology, these women wished to see it go further with prison embracing the possibilities offered by video calls to families.

### **Key recommendations**

- **Impose community sentences, with family and domestic violence support where necessary, unless the offending is so serious or dangerous that only a custodial penalty will suffice.**
- **Create a custodial system closer to homes in smaller more residential accommodation linked to health and other local agencies.**
- **Implement in-cell telephones in all women’s prisons, and enable women to make free emergency telephone calls where necessary.**
- **Maximise family contact through better technology, to include use of videoconferencing and visiting arrangements.**
- **Consider and extend the use of release on temporary license (RoTL).**
- **Train and support staff for work with families and appoint family support/liaison officers in all establishments.**
- **Establish and maintain sustained partnerships with voluntary organisations offering family support.**
- **Provide and make accessible to women in prison the 24 hour Freephone, National Domestic Violence Hotline, run in partnership between Woman’s Aid and Refuge.**
- **Encourage family engagement in ACCT reviews.**



## Could preparation for release be improved specifically to safeguard vulnerable women?

*“How can you prioritise your physical or mental health when you have nowhere to sleep, no job, no support network and £46 in your pocket?” – Respondent*

*“Preparation could be improved as women find they have nowhere to live, no-one to support them. This can make women feel very vulnerable.” – Woman prisoner.*

*“Women who are recalled to prison – this may cause them to feel that suicide is the only option as they cannot face living/existing in this environment again.” - Woman prisoner*

### Main points

- Respondents consistently noted the need for greater preparation for release, including support following release (particularly in housing) and concerns around the increased number of women recalled into custody following their initial release.
  - Almost all respondents stated that priority must be “somewhere safe to live” and a number cited evidence on the heightened risk of self-inflicted deaths in the first four weeks after release.
  - Several responses pointed to how a more gradual transition from custody to the community – whether through RoTL or some form of semi-supervised care or halfway housing could help women establish the necessary links with benefits, substance misuse services and housing that are all vital.
19. This question prompted a series of responses based on the same consistent themes from the vast majority of those who wrote to the IAP. These themes included the need for greater preparation for release, more support following release (particularly in housing) and concerns about the increased number of women recalled into custody following their initial release.
20. The IPCC referred to the correlation between deaths in and immediately after police custody and mental illness and addiction issues. They called for improved assessment of risk and strengthened support services to include outside normal working hours.

### Preparation for release

21. Several responses noted how the run-up to release is a particularly stressful time for women in custody, as they consider all of the aspects of their life that have been put on hold to varying extents while they are in prisons. Concerns regarding money, housing, substance misuse and relationships all become

more prominent – and consequently require addressing and support. Laura Graham wrote

*“Preparation for release should begin as early as possible ... no vulnerable woman should ever have to walk out of prison to nobody.”*

22. The response from Working Chance declared the arrangements for women leaving custody to be “fairly lamentable” and argued that better provision for people’s basic needs (food, shelter and - shortly after - being able to work) was important for people’s level of hope and therefore of survival. They noted many of these aspects, such as planning, onward referral and benefit claims, need to start well prior to release.

23. A woman prisoner recommended:

*“Setting up apprenticeships for released prisoners so they have something active and purposeful to do through the gate, learn a trade and earn a wage, instead of going out to the same thing – unemployment, benefits, boredom, abuse, sense of worthlessness, addiction – crime to pay for addiction”.*

24. Women’s Aid wrote in their response that support and attention needs to be particularly targeted to ensure that those women who have previously experienced domestic abuse (a significant number of those in custody) are kept safe following release. ‘Through the gate’ services must be available up to – and at the point of – release. Women’s Breakout said that this form of pick-up at the gate is not as common as it was, but offers the best chance for women to make a successful transition to life outside of prison. This targeted support was noted by several respondents to not be working as well as it should as the CRCs continued to adapt to their roles and responsibilities. Most women need support not just signposting to services. The responses from the prisons also reported on post-release problems, providing accounts of women who are supported within custody but then find a lack of support on release.

## **Housing**

25. The most fundamental concern raised in this section was with regard to difficulties women leaving custody have accessing safe housing in the community. Respondents consistently emphasised that housing is the most fundamental need and – if this is not met – it is almost impossible for women to start to address other matters such as addiction treatments, rebuilding familial ties and looking for work. Some of the women the IAP spoke to in prisons stressed that housing could not be applied for while they are still in prison which complicates the issue and means it has to be resolved at short-notice on release. Where housing is not resolved successfully – and we heard of many women being released with nowhere to go – some of the Samaritan Listeners made the point that these women will often immediately resort to the type of choices that contributed to their imprisonment:

“The crack house is the warmest house.”

26. The Prison Reform Trust maintained that local authorities should give housing priority to women with multiple needs that may put them at risk of offending. The need for targeted support was made by Birth Companions and other respondents with regard to pregnant women and those who were at risk of domestic abuse or prostitution. The majority of respondents were clear that homelessness presented the greatest cause of women despairing in the community.
27. Women with complex needs fared worst. Prison safer custody managers spoke of the reluctance of hostels to accept vulnerable women, particularly those imprisoned for arson, although most often the offence had involved a woman setting fire to herself or her possessions as a form of self-harm or suicide attempt. One manager wrote:

*“In some areas, all homeless women have to report to a rough sleeper project which assesses their needs and matches with available beds in the area. If no beds are available the women are routinely accommodated on a fold-up bed in a room shared with a number of other people, largely males. Many women returning to such an area have considerable anxieties and experience real fears.”*

### **A more gradual release process**

28. Several responses pointed to how a more gradual transition from custody to freedom – whether through Release on Temporary Licence (RoTL) or some form of semi-supervised care or halfway housing could help women establish the necessary links with benefits, substance misuse and housing services that are all vital. Of the women the IAP spoke to in women’s prisons, there was a wide-spread view that the use of RoTL was rare and underused as a means of helping women successfully adapt to a life outside of custody.

### **Risk of suicide after release**

29. Public Health England noted the need to provide better preparation for release in order to minimise the risk of vulnerable women killing themselves shortly after release:

*“... we know from published evidence that the first two weeks post release is a particularly vulnerable time for female prisoners and this is a time when they are at high risk of suicide. It is therefore essential that there is a focus on preparing female offenders to be released before they leave prison and ensuring that services are available to support them in the community on release.”*

30. Nicky Padfield, who, with colleagues from Cambridge and Sheffield Universities has recently completed research for the Equality and Human Rights Commission on deaths post-custody wrote to the IAP:

*“We are keen to encourage you to include in your information gathering information on those who die post-custody or on supervision: the numbers are significantly higher than those who die in custody, and yet these women will have similar profiles and face similar challenges in life. They should not be ignored.”*

### **Key recommendations**

- **Ensure preparation for release is ongoing, forming part of a regularly reviewed sentence plan and engendering hope and a sense of future important to suicide prevention.**
- **Increase use of release on temporary license (ROTL) to enable women to resume contact with family and caring responsibilities and to undertake voluntary or paid work and training in the community.**
- **Oblige local authorities to provide safe housing for women prisoners who would otherwise become homeless at the point of release.**
- **Continue on release, if started in prison, mental healthcare and treatment for addictions.**
- **Provide social care support and mentoring on release for women with learning disabilities or learning difficulties.**
- **Review, and reinforce, compliance with Section 10 of the Offender Rehabilitation Act which requires commissioners and providers to take account of the particular needs of women in making supervision and rehabilitation arrangements.**
- **End recall to custody for most forms of technical breach of license and strengthen supervision arrangements instead.**