

# one small thing

## One Small Thing response to the Justice Select Committee's inquiry into the role of adult custodial remand in the criminal justice system April 2022

### About One Small Thing

One Small Thing's vision is a justice system that can recognise, understand, and respond to trauma. Our mission is to redesign the justice system for women and their children. We do this by:

- **Redesigning** the way the justice system responds to women and their children in a way that can be replicated and scaled nationally- we are currently building [Hope Street](#), a pioneering residential community for women and children.
- **Educating** prison residents to understand how trauma can affect them and equip them with the skills to respond; and train frontline staff to understand and respond effectively to trauma and adversity.
- **Influencing** politicians and policy makers to encourage culture change across the justice system and the people who work within it.

In response to this inquiry we are responding to all questions but with a particular focus on **trauma-informed support** and provision for **women and their children**

### One Small Thing Response Summary

We welcome the opportunity to respond to this inquiry and believe overall that the legislative framework for determining whether to remand an individual to custody is not currently fit for purpose, or being appropriately applied. Despite the Female Offender Strategy (2018) commitment to reduce the numbers of women in prison, the numbers of women being remanded to custody has been increasing, and during Covid remand periods have been getting longer (National Audit Office (2022) *Improving outcomes for women in the criminal justice system*)

Through our Becoming Trauma Informed programme in prisons, we hear the devastating impact this has on women, stuck with the anxiety of awaiting their trial, whilst separated from family and children. The voices of these women are not being heard, and data is not being published on what is happening to them. Better intersectional data is urgently needed including published statistics disaggregated by gender alongside ethnicity, disability, age, immigration and parental status.

Women should be able to access bail alongside support and housing in the community. We are currently building [Hope Street](#), a **residential community for women and their children** in Hampshire that we believe can be a blueprint for change, and welcome the opportunity to continue to share our learning from this project.

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## Consultation Question Responses

**To what extent is the legislative framework for determining whether to remand an individual to custody (a) fit for purpose, and (b) being appropriately applied?**

The fact that almost two-thirds of women remanded to prison by magistrates are either found not guilty or are given a community outcome (Howard League for Penal Reform (2020), *Reset: Rethinking remand for women*) shows that the legislative framework is clearly not currently fit for purpose or being appropriately applied.

The Bail Act 1976 needs urgent reform to strengthen the presumption of the right to bail, especially for women who are mothers or pregnant whose time on remand can mean that they permanently lose custody of children.

***‘From my experience the impact of remand on women's lives was devastating. When I was in prison I worked in the reception and would often be the first prisoner that women who had been remanded would see, and the person to greet them as they were released from the prison van. Most women remanded had been assured by their solicitor that they would be going home that day. Women would arrive at prison with no belongings and no money. Most were feeling extremely vulnerable and traumatised, wondering about their children and their homes. They would be entitled to one phone call which was usually made in reception, was extremely emotional and not in a private space. Most women were not remanded after violent or serious crimes, and I would encourage them to apply for a bail hearing via video link. Surprisingly, a lot of them would actually be granted bail, posing the question why were they remanded at all?’*** (Lilly Lewis, Women's Involvement Advisor, One Small Thing)

Through our work in prisons, we see the disproportionate use of women being remanded to custody for their ‘own protection’. This is inappropriate and re-traumatising:

***‘Women continue to be remanded ‘for their own protection’ under the Bail Act 1976—this is wholly inappropriate. Prison is a damaging and unsafe environment for people in crisis and should never be considered a place of safety.’*** (All Party Parliamentary Group on Women in the Penal System (2020) *Prison for their own protection: The case for repeal*, London: Howard League for Penal Reform)

Women who need specialist care and mental health support are instead being locked away without support as this case study from our Women's Involvement Advisor demonstrates:

***‘There was a woman on remand who really stays in my memory, placed in the hospital wing in one prison I was in. She was on remand for a small financial crime. I was part of the Shannon Trust team who would support women who could not read or spell. I was going over to her wing every other day. When I met her it was so distressing, she was in her sixties and had no idea where she was or why she was there. She couldn't keep herself clean or tidy her cell, so when I was there to support her reading I would help her clean***

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*and teach her to spell at the same time, for example when we would make her bed I would spell out BED. I always remember her toenails were so long and I asked staff if they could help her cut them and was told 'that's not our job', devastating to say. I was advised this woman was remanded for her own safety as there was nowhere else to send her.'*

Women should instead be provided with support and accommodation in the community, such as we are developing through our [Hope Street](#) project (see response to final question).

**Why has the number of people on remand increased since Covid, and what work is being done to address this? What effect does the increasing remand population have on the prison population? How long are people being held on remand? What are the implications of people being held for long periods on remand? Whether there are differences in the use of remand in custody between men and women?**

Women are more likely to be remanded to custody than men and this has a disproportionate impact on children as women are more likely to be the primary carer. 20% of women in prison are being held on remand, compared to 16% of men (Ministry of Justice (2021) *Offender Management Statistics, Prison Population: 30 September 2021*).

*I think that when a man goes to prison on remand he loses his freedom, but often when a woman is remanded to prison, she loses everything that she has, a home, possibly children, and her freedom. There is definitely more stigma when a woman goes to prison, and for those who are mums this has a huge impact on children. A lot of shame is felt by children. My daughter would say, 'it's meant to be a man that goes to prison mum, it's embarrassing when I have to tell people that my mum is in prison.' Every aspect of a child's life is disrupted when mum goes to prison.* (Lilly Lewis, Women's Involvement Advisor, One Small Thing)

Covid-19 has compounded the situation with women waiting longer for their trials and spending longer separated from children and family. The number of people on remand in the women's prison estate has increased by over 16% since Covid-19 (Atkins, V (2022) *Parliamentary question UIN 138041 Prisoners on remand*), this has been explained by delays in court trials as a result of Covid-19.

**What data on remand should be collected and published that isn't already?**

It is crucial that data is collected on the number of people remanded to custody, location, length of time spent on remand and any bail applied for or granted broken down by intersectional data including gender, disability, ethnicity and immigration status. Data should show the multiple disadvantages faced by those before being remanded including mental ill health, substance use and homelessness, and how this is impacted by their time on remand in custody. We need to know the rates of self-harm specifically for those on remand.

Importantly to understand the full impact on women, we need data on parental status including whether someone is a lone parent, alongside numbers of pregnant women remanded to custody.

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## What support is available for remand prisoners?

The sudden loss of freedom and disruption to family life when someone is remanded to custody has a huge detrimental mental health impact. This, combined with the anxiety of not knowing what is going to happen when they get to trial, and the often unfamiliar surroundings of prison, is an unnecessary traumatic experience for so many women. 17% of self-harm incidents by women in prison in 2020 were committed by those held on remand. (Table 2.6, Ministry of Justice (2021) *Safety in Custody Statistics: Self-harm in prison custody 2004–2020*, London: MoJ)

Our work in prisons includes peer-led trauma interventions that help women to process and understand the trauma they have experienced (see our Healing Trauma [evaluation](#)). It is vital that specialist mental health support is also available alongside this. We hear from women that there is insufficient support on remand wings, particularly around mental health and substance use:

*Remand wings are probably the worst wings I have stayed on. The women who were often in and out of prison branded 'prolific offenders', would often conceal drugs so there were lots of women taking drugs. I was in a cell with a locked adjoining room. The girl next door was smoking heroin so I would have to place a towel next to the floor to stop the fumes coming through. Women are so distraught and desperate not knowing when they will go to trial and second guessing what will happen to them.* (Lilly Lewis, Women's Involvement Advisor, One Small Thing)

## What alternatives are there to the use of custodial remand (such as more effective tagging)?

Instead of being remanded to custody women should be able to access bail alongside support and appropriate safe housing in the community as needed.

One Small Thing is currently building [Hope Street](#), a residential community for women and their children in Hampshire. Hope Street will pilot a new approach to working with justice involved women and is due to open early next year. From within a healing, trauma-informed, residential environment, women and their children will have access to a range of specialist support including mental health, domestic abuse and substance use services.

Women will be able to stay at Hope Street **instead of being unnecessarily sent to custody on remand prior to sentencing**, if they are at risk of homelessness after leaving prison, or so they can complete community service with somewhere safe and supportive to stay. Hope Street will include a network of housing, Hope Houses, across Hampshire allowing us to support women over the long-term. By taking a positive, compassionate and trauma-informed approach, the aim is to achieve better outcomes for women, their children and society.

**We would welcome the opportunity to share more information and discuss our response further. To arrange a call or for more information, please contact: [esthers@onesmallthing.org.uk](mailto:esthers@onesmallthing.org.uk)**