

## **Written Response by the Welsh Government to the report Equality and Social Justice committee concerning Women's Experiences in the Criminal Justice System**

In the Welsh Government we remain committed to doing everything we can to support women in the justice system and those who may be at risk of entering the criminal justice system.

In 2019 we published our Women's Justice and Youth Justice Blueprints, a programme that was developed jointly in collaboration with the Ministry of Justice, His Majesty's Prison and Probation Service and the Youth Justice Board. The collaborative approach continues to this day and has enabled us to deliver a diverse range of services for women in Wales to help keep women and communities safe and free from crime. I was pleased to see references to these in the report, such as the Women's Pathfinder Whole System Approach and the Visiting Mums service; and the recognition of the positive impact these services are continuing to have.

However, we know that women in the criminal justice system face many challenges, such as unnecessary and disruptive custodial sentences which can have a profound impact on their children and families and a knock-on effect on housing and employment. I am pleased that the Blueprints has helped mitigate some of those challenges and can assure you that officials are continuing to work closely with our justice partners to ensure women have access to the support they need.

I would like to thank the members of the Equality and Social Justice Committee for their report on the experiences of women in the criminal justice system. My officials are currently considering future priorities for the Women's Justice Blueprint in collaboration with our wider justice partners such as the Ministry of Justice and HM Prison and Probation Service, and I can reassure members of the committee that the recommendations will help inform this important agenda going forwards.

I have set out my response to the Report's individual recommendations below.

### Recommendation 1

The Committee recommends that:

The Welsh Government should map out the cost of the services it provides to identify those that it is responsible for as part of the current devolution settlement and those that currently fall within the responsibility of the Ministry of Justice. This work should be carried out by June 2023 and the Welsh Government should keep us informed of progress.

### **Response: Accept**

The Welsh Government welcomes this opportunity to ensure there is full clarity on funding for justice services in Wales, and we will work with the Ministry of Justice to fulfil the recommendation. Given the complexity of the mapping exercise and the importance of ensuring we provide a fully transparent picture thoroughly we anticipate this work will be completed by the Autumn.

**Financial Implications:** We anticipate that the immediate costs of the recommendations can be met from existing programme budgets in BEL 1267 which has a budget of £1.075m in 2023-24 and an indicative budget of £1.075m in 2024-25.

### Recommendation 2

The Committee recommends that:

The Welsh Government should endeavour to obtain devolved responsibility for women's involvement in the criminal justice system.

#### **Response: Accept**

The Welsh Government remains committed to the devolution of justice in Wales, and we agree that outcomes for women in the criminal justice system in Wales could be significantly improved through devolution. Notwithstanding the achievements of the Women's Justice Blueprint, we note and recognise Dr Robert Jones's description that the ability of devolved government to act as an effective policy maker is constrained and, ultimately, undermined by the fact that the UK Government controls most of the key criminal justice policy levers.

[Delivering Justice for Wales](#) sets out some of the core components of the Welsh Government's approach to designing a devolved criminal justice system that focuses on prevention. For example, it sets out ambitions to reduce the size of the prison population, including pursuing alternatives to custody and reducing the use of short sentences, and to ensure all practice across the system is trauma informed, based on our understanding of the potential impact of adverse child experiences on a person's future. While these aspirations apply to men as well as women, they are likely to be particularly important in relation to women in the criminal justice system.

**Financial Implications:** We anticipate that the immediate costs of the recommendations can be met from existing programme budgets in BEL 1267 which has a budget of £1.075m in 2023-24 and an indicative budget of £1.075m in 2024-25. Should justice become devolved in the future there may be financial implications. We will consider this as part of future budget rounds.

### Recommendation 3

The Committee recommends that:

To ensure the Women's Justice Blueprint is embedded, the Welsh Government should build on its visual explanation of the work of the Blueprint and provide an in-depth overview of all on-going schemes and pilots, setting out who is responsible for delivery, timelines, actions taken and reports, to ensure that all organisations with an interest in supporting women in the criminal justice system are aware of what is happening on the ground. This work should be concluded by June 2023

#### **Response: Accept**

In collaboration with justice partners, we will seek to build on the Women's Justice visual tool to ensure it reflects support available for women in Wales. The Welsh

Government recognises the importance of this work and the time that will be needed to capture the breadth of support comprehensively. It is proposed that a more in-depth visual explanation of the work of the Blueprints will be developed following the confirmation on next steps for the Blueprints in the Autumn.

**Financial Implications:** We anticipate that the immediate costs of the recommendations can be met from existing programme budgets in BEL 1267 which has a budget of £1.075m in 2023-24 and an indicative budget of £1.075m in 2024-25.

#### Recommendation 4

The Committee recommends that:

The Welsh Government should publish implementation updates on an annual basis, which include:

- a more detailed account of progress against the stated aims of the Blueprint; and
- the status and timelines of the pilots that are being carried out including next steps.

#### **Response: Accept**

Committee members will be aware of the annual publication of our Implementation Plans as a means of highlighting progress and achievements to date. We will continue with this approach and are seeking to build on current reporting mechanisms as part of the ongoing discussions to determine the next steps for the Blueprints.

**Financial Implications:** We anticipate that the immediate costs of the recommendations can be met from existing programme budgets in BEL 1267 which has a budget of £1.075m in 2023-24 and an indicative budget of £1.075m in 2024-25.

#### Recommendation 5

The Committee recommends that:

The Welsh Government should set out how it plans to work with partners to scale up its Women's Pathfinder Whole System Approach activity on early intervention and prevention so that it reaches all parts of Wales.

#### **Response: Accept**

Diversion schemes for women have been in place across all police forces in Wales since 2019. In South Wales and Gwent, the early intervention pathway has been delivered as part of a broader whole system approach service for women, which has been jointly commissioned by Welsh Government, the South Wales and Gwent Police and Crime Commissioners and HMPPS.

Commissioners including Welsh Government, the South Wales and Gwent Police and Crime Commissioners and HMPPS (in consultation with the Police and Crime Commissioners in Dyfed-Powys and North Wales) have recently designed the next generation of integrated women's services across Wales. The new Women's Pathfinder Whole System Approach Specification seeks to build on the significant evidence and learning gathered through the Blueprint to date, to further integrate and join-up key women's services and provide greater opportunity for women to access end to end support, in line with the whole system vision of the Women's Justice Blueprint. As such, Welsh Government has extended its funding to support the development of whole system approaches for women across the whole of Wales.

The new Specification will also provide a mechanism for driving forward delivery of a number of key national partnership priorities including work to:

- Tackle domestic abuse and sexual violence against women and girls.
- Prevent and mitigate impact of Adverse Childhood Experiences.
- Ensure an anti-racist criminal justice system in Wales.

The Specification is due to go out to tender in April/May 2023 and expected to go live across Wales by January 2024.

**Financial Implications:** We anticipate that the immediate costs of the recommendations can be met from existing programme budgets in BEL 1267 which has a budget of £1.075m in 2023-24 and an indicative budget of £1.075m in 2024-25.

### Recommendation 6

The Committee recommends that:

The Welsh Government should work closely with HMPPS and local partners to identify where further Women's Centres should be developed. Further, the Welsh Government should set out the plans it and other partners have to develop sustainable funding streams to support the creation and work of these Centres.

### **Response: Accept**

The Women's Justice Blueprint is committed to creating safe environments in which children and women are protected from harm and supported to thrive. The Women's Blueprint is working with partners to strengthen the network of women's centres/hubs and safe spaces for women across Wales, working towards the vision of a women's centre/hub in each local authority area of Wales: The following specific activities are being progressed:

- Development of evidence-base in relation to demand and need, alongside mapping of current provision and gaps at local authority level.
- Design (through co-production approach) of a core specification outlining the hallmarks of good practice for women's centres in Wales.
- Engagement with providers of existing women's centres, commissioners and local forums (PSBs, Community Safety Boards, Regional Partnership Boards and Area Planning Boards) to identify sustainable funding pathways, and to

promote and raise awareness of the individual and system-wide benefits of women's centres, and the role of key services within this.

**Financial Implications:** Although no short-term costs are anticipated this work could lead to further costs in the future (for instance costs linked to policy work on progressing the devolution of justice to Wales). It is not possible to scope the costs of this work at this early stage, but these are likely to be in excess of the baseline budget that is available. Further consideration will be given to the feasibility of the delivery of this work in the context of the funding available through future budget rounds.

### Recommendation 7

The Committee recommends that:

The Welsh Government should work with the Ministry of Justice and HMPPS to identify gaps and to ensure there are sufficient community-based alternatives to custody available specifically for women across Wales.

### **Response: Accept**

The Women's Blueprint Community Solutions workstream aims to develop, improve, and raise awareness of the community-based alternatives to custody by working within HMPPS and with partners, providers and sentencers to ensure robust and effective community options for women appearing in Court. This involves improving the use and delivery of Unpaid Work projects for women, developing Accredited Programmes and structured interventions for women, and increasing the use and range of Electronic Monitoring options and ensuring that all staff delivering community options are trained and skilled in working with women. HMPPS is also working with Welsh Government and Local Authorities to improve access to health and accommodation whilst women are serving community sentences to increase their ability to comply and avoid short term custodial sentences as a result of breaching community sentences.

**Financial Implications:** Although no short-term costs are anticipated this work could lead to further costs in the future (for instance costs linked to policy work on progressing the devolution of justice to Wales). It is not possible to scope the costs of this work at this early stage, but these are likely to be in excess of the baseline budget that is available. Further consideration will be given to the feasibility of the delivery of this work in the context of the funding available through future budget rounds.

### Recommendation 8

The Committee recommends that:

The Welsh Government must work with counterparts in the Ministry of Justice and with HMPPS to more clearly articulate the purpose and services the proposed Residential Women's Centre will offer.

### **Response: Accept**

The Welsh Government recognises the benefits of providing accommodation for vulnerable women with complex needs who would otherwise be sentenced to custody. The planning application is currently with Planning and Environment Decisions Wales. This will be picked up through work on the Residential Women's Centre once the current planning concludes.

**Financial Implications:** We anticipate that the immediate costs of the recommendations can be met from existing programme budgets in BEL 1267 which has a budget of £1.075m in 2023-24 and an indicative budget of £1.075m in 2024-25.

### Recommendation 9

The Committee recommends that:

The Welsh Government should work with the Ministry of Justice to ensure that Wales is represented in the development of the operational instructions and guidance relating to Residential Women's Centres

#### **Response: Accept**

Should the Residential Women's Centre go ahead we will work with HMPPS and Ministry of Justice colleagues to ensure that the operational instructions and guidance for the Residential Women's Centre in Wales meet the needs of women and are aligned with service delivery in Wales.

**Financial Implications:** We anticipate that the immediate costs of the recommendations can be met from existing programme budgets in BEL 1267 which has a budget of £1.075m in 2023-24 and an indicative budget of £1.075m in 2024-25.

### Recommendation 10

The Committee recommends that:

The Welsh Government should set out what financial contribution it will be expected to make to supporting women at the pilot centre, should it go ahead, and what the funding implications might be for the City and County of Swansea and the Local Health Board

#### **Response: Accept in principle**

This will be picked up through work on the Residential Women's Centre once the current planning concludes.

**Financial Implications:** Although no short-term costs are anticipated this work could lead to further costs in the future (for instance costs linked to policy work on progressing the devolution of justice to Wales). It is not possible to scope the costs of this work at this early stage, but these are likely to be in excess of the baseline budget that is available. Further consideration will be given to the feasibility of the delivery of this work in the context of the funding available through future budget rounds.

## Recommendation 11

The Committee recommends that:

The Welsh Government should work with HMPPS to monitor the use of Pre-Sentencing Reports and identify inconsistencies, including on the impact on children's welfare. The Welsh Government, with HMPPS, should set out how it plans to ensure a more consistent and improved use of Pre-Sentencing Reports across Wales.

### **Response: Accept in principle**

The Women's Justice Blueprint Project monitors Pre-Sentence Reports (PSR) and sentencing data on a quarterly basis, to support an evidence-led approach to project delivery, reporting progress back to the Welsh Government Blueprints Programme Board through the collation of highlight reports.

HMPPS and HMCTS have jointly designed an enhanced, evidence-led multi-tiered court engagement model, which is currently being implemented across Wales. Specific guidance has been produced to support delivery of quality PSRs that consider the distinct needs and complexities relating to women. Significant sentencer liaison has also been undertaken to raise awareness of the impact of short custodial sentences and to promote alternative community approaches. Gender-informed training for sentencers and other court professionals will also be rolled out during 2023. A deep dive analysis of work in relation to specific court areas with outlying trends of custodial sentencing for women is underway, with learning and recommendations informing practice development both within target court areas and across Wales.

HMPPS will also be taking forward recommendations from the recent PSR pilot, which will draw together the learning to inform future Court design work. Learning will be shared and utilised to ensure we continue to be persuasive and request adjournments when required to provide a quality assessment and better understand needs of the individual. Processes for early identification of cases that would benefit from a PSR will continue in line with the national operational court strategy. There will continue to be close monitoring of PSR volumes on priority cohorts (women being one of the priority cohorts) within performance, with findings being shared with the Welsh Government through Blueprints governance.

**Financial Implications:** Although no short-term costs are anticipated this work could lead to further costs in the future (for instance costs linked to policy work on progressing the devolution of justice to Wales). It is not possible to scope the costs of this work at this early stage, but these are likely to be in excess of the baseline budget that is available. Further consideration will be given to the feasibility of the delivery of this work in the context of the funding available through future budget rounds.

## Recommendation 12

The Committee recommends that:

The Welsh Government should liaise with PACT to ensure prisoners are made aware of the support available to them, including how to contact elected Members from their home constituencies, to ensure people have equitable access to services they are entitled to.

### **Response: Accept in principle**

Responsibility for information in prisons sits with HMPPS. We will work with HMPPS to ensure that information about how to contact elected Members in Wales is available to women from Wales.

**Financial Implications:** We anticipate that the immediate costs of the recommendations can be met from existing programme budgets in BEL 1267 which has a budget of £1.075m in 2023-24 and an indicative budget of £1.075m in 2024-25.

## Recommendation 13

The Committee recommends that:

The Welsh Government should work with the Ministry of Justice and HMPPS to:

- carry out a formal evaluation of the Visiting Mum project.
- assess whether there are sufficient resources in place to facilitate work that enable families to stay connected such as the 'purple visits'.

### **Response: Accept**

An independent evaluation of the Pact Visiting Mum Service was undertaken by Cardiff University and Cascade in 2017. The Evaluation highlighted a number of positive findings for both the women and for their children and carers. A copy of the report can be found below:

[Final-PACT-report-Final-version.-12.7.17.pdf \(cardiff.ac.uk\)](#)

We will continue to monitor the delivery of Visiting Mums, and Welsh Government jointly chairs the Family Connect group to both monitor work on helping families to stay connected and identify areas for potential improvement and expansion of this work.

**Financial Implications:** We anticipate that the immediate costs of the recommendations can be met from existing programme budgets in BEL 1267 which has a budget of £1.075m in 2023-24 and an indicative budget of £1.075m in 2024-25.



#### Recommendation 14

The Committee recommends that:

The Welsh Government should create tailored guidance for local authorities to ensure that women are reunited with their children in a child-focused way following a custodial sentence.

#### **Response: Accept**

As is noted within the publication of the Committee's report, there is no specific guidance presently in place relating to reuniting women and children after a custodial sentence. However, there are duties to promote contact and the relationship between a Child Looked After Child and their family is considered within the Social Services and Wellbeing Act 2014 ("the Act") which is noted and also highlighted within the Code of Practice (Looked After and Accommodated Children) in support of at Part 6 of the Act. The Code of Practice stipulates the importance of Local Authorities working collaboratively with families to enable a reunification with the family where it is considered to be in line with the child's well-being. This would also encompass the needs of children who become Looked After by virtue of their parent serving a custodial sentence.

**Financial Implications:** We anticipate that the immediate costs of the recommendations can be met from existing programme budgets in BEL 1267 which has a budget of £1.075m in 2023-24 and an indicative budget of £1.075m in 2024-25.

#### Recommendation 15

The Committee recommends that:

The Welsh Government should set out what residential detoxification provision is available for women in the criminal justice system, and how it is delivered.

#### **Response: Accept in Principle**

Welsh Government provides a range of support services including in patient de-tox and residential rehabilitation are available across Wales. Our Rehab Cymru Framework offers a range of residential treatment settings, including detoxification services, in both Wales and England. Responsibility for women in prisons sits with HMPPS. We will continue work with HMPPS to ensure that information on accessing detoxification and residential rehabilitation services are improved and available to women in the criminal justice system, including those who are released from prison.

**Financial Implications:** We anticipate that the immediate costs of the recommendations can be met from existing programme budgets in BEL 1267 which has a budget of £1.075m in 2023-24 and an indicative budget of £1.075m in 2024-25.

### Recommendation 16

The Committee recommends that:

The Welsh Government should share its view on the forthcoming NHS England review once it is published and set out any action it plans to take as a result of its findings.

#### **Response: Accept**

Once the review is published the Welsh Government will outline its response.

**Financial Implications:** We anticipate that the immediate costs of the recommendations can be met from existing programme budgets in BEL 1267 which has a budget of £1.075m in 2023-24 and an indicative budget of £1.075m in 2024-25.

### Recommendation 17

The Committee recommends that:

The Welsh Government should work with HMPPS and local authorities to obtain Service Level Agreements with the remaining 16 local authorities, explore options for supported accommodation for low-risk women who are vulnerable and work with HMPPS to provide approved premises for high-risk women. This work should be carried out before Autumn 2023.

#### **Response: Accept**

Welsh Government recognises the value and importance of partnership working in ensuring positive housing outcomes for people leaving custody. As outlined by HMPPS in their evidence to the Committee, work is currently underway, led by HMPPS, to develop Service Level Agreements with all local authorities across Wales to provide initial accommodation. There are benefits with HMPPS and local authorities working together to consider all housing options available for women, taking into account their individual needs. Through the use of a person-centred approach women can be supported into housing solutions that provide suitable homes and help to break repeat cycles of homelessness and provide them with safe spaces to begin to rebuild their lives safely within communities.

The Welsh Government will continue to support HMPPS and local authorities, as delivery organisations, to establish and strengthen partnership working in this area. The specific details of Service Level Agreements and operational working arrangements do however need to be agreed between the signatory parties, and whilst we will support and encourage these steps, both of these parties must be proactive in their engagement to develop solutions that are deliverable by both. The timing of the delivery of these formal agreements will also be dependent on both signatory parties, and we will continue to encourage and urge local authorities and HMPPS alike to make this a priority.

**Financial Implications:** Although no short-term costs are anticipated this work could lead to further costs in the future (for instance costs linked to policy work on progressing the devolution of justice to Wales). It is not possible to scope the costs of this work at this early stage, but these are likely to be in excess of the baseline budget that is available. Further consideration will be given to the feasibility of the delivery of this work in the context of the funding available through future budget rounds.

### Recommendation 18

The Committee recommends that:

The Welsh Government should look at examples of best practice and innovation to see what accommodation solutions could be developed in Wales.

### **Response: Accept**

Welsh Government recognises the pressures on housing across Wales, with the number of people presenting as homeless continuing to be high, including people leaving custody. Whilst this demonstrates the wider pressures in the system, it also gives us the opportunity to draw on the wide range of policies and systems in place to support those who are homeless, to identify best practice and creative solutions that could be extended to people leaving custody. Progress updates on this area are regularly shared during the Strategic Accommodation Board which is jointly chaired with HMPPS and Welsh Government.

Across Wales, we fund seven Housing First projects and a number of local authorities also fund their own projects, all aimed at supporting people with highly complex needs into accommodation. In these projects, tenants are provided with wrap around support to assist them in maintaining their tenancies and to promote their individual wellbeing and standard of living. There are several case studies which demonstrate how this service works for individuals with a high level of need in multiple areas, and in particular those who may struggle to trust service providers.

These programmes build trust between individuals and case workers and wider partners, empowering them to take control of their lives in a supported environment, with the security of a safe home to take these steps in. Data is increasingly promising of the efficacy of this approach in Wales, with the Housing First Network reporting a sustainment rate of tenancies of 90% for people who have historically struggled to maintain any form of engagement with services, let alone retain a tenancy.

Equally, all local authorities have, or are working towards developing, a Rapid Rehousing Transition plan, to assist them in their transition to fully embed the concept of rapid rehousing, of which Housing First and support are key elements in supporting people access and maintain settled housing. This concept is dependent on a trauma-informed, person-centred approach to work with individuals to identify their specific needs to assist them into housing quickly. This provides the initial foundation for the support and housing services those individuals need who are leaving custody, and who may be vulnerable or at risk due to other risk factors. Rapid Rehousing is developed and based on the requirement that the needs of the individual are understood and met when providing them with housing solutions.

Whilst Rapid Rehousing is in its infancy at this time and will take time for local authorities to fully transition and embed it throughout their entire services, I have commissioned research to evaluate and assess some of the most innovative homeless interventions in Wales, including our Housing First projects. The purpose of this research will be to support homelessness and wider services across local authorities in their transition out of the crisis that was the pandemic. The evidence generated will also inform future policy and legislation development. This research is based on a case study approach and will include engagement of those with lived experience of current services. The findings of this report will assist us in identifying best practice, and in the implementation of creative and innovative solutions to assist those leaving custody into suitable settled homes.

**Financial Implications:** Although no short-term costs are anticipated this work could lead to further costs in the future (for instance costs linked to policy work on progressing the devolution of justice to Wales). It is not possible to scope the costs of this work at this early stage, but these are likely to be in excess of the baseline budget that is available. Further consideration will be given to the feasibility of the delivery of this work in the context of the funding available through future budget rounds.

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal line above the first name.

Jane Hutt MS

Minister for Social Justice