

Women and Equalities Select Committee Inquiry

Unequal Impact: COVID-19 and the impact on people with protected characteristics

30 April 2020

Introduction

The Criminal Justice Alliance (CJA) is a coalition of 160 organisations – including charities, think tanks, research institutions and staff associations – working across the criminal justice system. The CJA works to achieve a fairer and more effective criminal justice system which is safe, smart, person-centred, restorative and trusted. We welcome the opportunity to respond to this timely and important inquiry. Our response is informed by the invaluable expertise of our members on how COVID-19 is disproportionately impacting those with protected characteristics who are affected by the criminal justice system (CJS) in England and Wales.

There is strong evidence that people with protected characteristics suffer worse outcomes within the criminal justice system (see for example The Lammy Review¹). It is unsurprising that at this time of national crisis, some groups of people within the criminal justice system have been impacted more severely than others. Although some progress has been made to reduce the impact of COVID-19 on such groups, government needs to go further and faster.

People affected by the criminal justice system can often be hidden from public view and public discourse, whether victims of domestic violence or people sharing prisons cells locked down for 23 hours a day. We have set out pragmatic recommendations in this submission, most of which have already been made to the Ministry of Justice and Home Office in previous weeks, by ourselves and many of our members, through communications and governmental advisory groups. We hope the Committee will find this evidence useful and will help to hold the Ministry of Justice and Home Office to account as part of its inquiry looking at people with protected characteristics.

Summary of recommendations:

AGE

1. Guidance should be provided to police officers on trauma-informed policing and restricting the number of child arrests and limiting the use of force and police custody for children during the crisis.
2. Greater focus should be placed on building partnerships with, and providing emergency funding to, grassroots community-led organisations and youth services, to produce targeted information, activities and support for children and young adults.
3. The Ministry of Justice should ensure information regarding the release of care leavers is shared with specialist charities in a timely manner so that plans for

support can be put in place. Such organisations require urgent funding if they are to adapt and continue with the provision of vital services. There should be specific guidance for all prisons to ensure this group are being supported. Changes to local authority guidance on care-leavers should be urgently reviewed.

- 4.** In line with the Farmer Review, HMPPS should urgently expand and prioritise the use of in-cell technology and video calls to connect parents with their children across the prison estate. They should also ensure adequate emergency funding is provided to charities supporting prisoners' families at this time.
- 5.** Children living in households with domestic abuse should be acknowledged as victims in their own right as the effects on children long after the incident has occurred.
- 6.** Long-term ring-fenced funding is required for services that will support children to deal with psychological disorders, such as post-traumatic stress and anxiety, both now and once restrictions are lifted.
- 7.** In light of complexities of diseases and ailments which present earlier for the prison cohort HMPPS should consider reducing the shielding age to 60 within prisons.
- 8.** The Ministry of Justice should publish data on a weekly basis of the demographic breakdown of those who have tested positive for COVID-19 and those who have died since the start of the outbreak, both from COVID-19 related illnesses and self-inflicted, to have a clearer picture of any unequal impact.
- 9.** Prisoners who are trained as buddies to assist other prisoners with health and social care needs should be moved to shielding wings to avoid the risk of cross-contamination and continue supporting those with deteriorating health.
- 10.** HMPPS should consider a further a protective isolation unit for those who regularly attend the hospital for treatment.

SEX

- 11.** The Ministry of Justice should ensure psychological services are adapted to ensure women continue to receive support with their mental health and should publish details of actions taken across the Women's Estate to improve well-being including contact with family through virtual visits, in-cell activities, access to exercise and emotional support.
- 12.** The Ministry of Justice must deliver on their early release scheme as a matter of urgency and also look to extend its reach to those with six months of less to serve and those with underlying health conditions.
- 13.** The Ministry of Justice should ensure all women released from custody at this time receive an increased discharge grant, a mobile phone with internet access, referrals to support services and safe accommodation.
- 14.** The Home Office must closely monitor the use of enforcement measures and fines on women and provide guidance to ensure these are only used as a last resort. Fines for parents should not be introduced.
- 15.** It is vital the Ministry of Justice gives specialist women's services are sufficient and timely information about releases.
- 16.** All decisions being made in the short to medium term about commissioning processes must put contingency planning in place to ensure women's services are not disadvantaged by changes to these processes and post-lockdown, these services must be valued and sustainably funded by central government.
- 17.** An integrated approach is urgently needed between police, social services, youth work services and domestic violence charities to ensure that all those at risk are safeguarded and have safe accommodation.
- 18.** Further funding is needed, for community and accommodation-based services to give women and their children safe exit routes. At least £65 million is needed to meet increased demand for domestic abuse support.
- 19.** The Home Office should ensure specialist organisations are funded to supporting victims of domestic abuse with specific needs including BAME women and children.

- 20.**The Home Office should ensure that restorative services are funded to offer remote conflict resolution and mediation for families, where appropriate.

PREGNANCY & MATERNITY

- 21.**The Ministry of Justice must move further and faster to release the remaining pregnant women and new mothers from prison.

RACE & RELIGION

- 22.**The Home Office should publish regular data, with demographic breakdown, on those arrested, detailed and / or fined under the Coronavirus Act. This data should also be provided to and discussed with local community scrutiny groups. These groups should be able to scrutinise policing under the Act by viewing Body Worn Video footage and relevant paperwork.
- 23.**The changes to detention times should be urgently reviewed. The Department of Health should ensure there is dedicated funding for mental health services working specifically with BAME communities to ensure they receive the support they need and do not have to be taken into police custody for their own safety. The Home Office should publish data on numbers and ethnicity of people detained for this reason and the time held and it should be reviewed regularly.
- 24.**Funding for specialist organisations working with victims of hate crime should be supported to adapt and increase their services at this time, including restorative justice services.
- 25.**HMPPS should source additional packs from local community organisations and produce clear guidance for governors to ensure those that are observing Ramadan are able obtain essential packs which will support them to adhere to their religious obligations.
- 26.**HMPPS should work in partnership local media such as Ramadan radio to ensure families of Muslim prisoners are well informed regarding the current situation in prisons.

DISABILITY

- 27.**The Ministry of Justice should publish guidance on additional support prisons should be providing to people with learning disabilities in prison at this time.
- 28.**HMPPS should work with organisations developing in-cell activity packs to help those with ill mental health engage in meaningful cognitive and physical activity.

1. AGE

Police enforcement powers on children and young adults:

New emergency measures have been introduced to ensure police can effectively enforce restrictions and are also applicable to children. While children cannot be issued with a fixed fine, we are concerned that this may lead to an increase in children being arrested for minor offences. Guidance has been published by the National Police Chiefs Council (NPCC) and the College of Policing, regarding what constitutes as a reasonable excuse to leave the place where you live¹. It is therefore concerning there have been reports of the powers being misapplied on at least 36 children² after the guidance was issued, indicating the need to communicate guidance more effectively to front line officers.

Police can also 'use reasonable force in the exercise of the power', as well as permitting it to be exercised on unaccompanied children. It is crucial that the Home Office monitor more closely police enforcement powers on children, particularly those with a learning disability, those in care and Black and Minority Ethnic (BAME) children, to ensure they are not being disproportionately used on these groups of children. **Guidance should be provided to police officers on trauma-informed policing and restricting the number of child arrests and limiting the use of force and police custody for children during the crisis.**

One third of fines have been to the young adult age group (18-24 years)³. The role of peer workers at this time is incredibly important as 'trusted messengers' of public health information and as an effective route to engage children and young adults who need support. For example, the charity Peer Power have worked with NHS England to develop a short film on COVID-19 by young people for young people impacted by the criminal justice system⁴. **Greater focus should be placed on building partnerships with, and providing emergency funding to, grassroots community-led organisations and youth services, to produce targeted information, activities and support for children and young adults.**

Care Leavers in custody and after release

Although there has been a significant reduction in the number of children sent to prison over the last decade, at the end of March 2020 there were 773 children in custody in England and Wales, 29 were under 14.⁵ Every year a proportion of children turning 18 will transition into the adult custody system despite their emotional and social maturation continuing to develop into the mid-twenties⁶. Young adults who leave care are at a significantly higher risk of coming into contact with the criminal justice system and may require additional support to help their transition into adulthood. It is estimated that nearly half of young men and two thirds of young women in custody aged between 16 and 21 have recently been in statutory care⁷.

The current crisis has led to in prison peer to peer care leaver representatives no longer able to provide support in person and no formal arrangements in place for this to be done remotely. To navigate through the challenges of COVID-19, staff with responsibilities for care leavers are being redeployed but it is more important than ever that peer support

¹ National Police Chiefs Council & College of Policing (2020) [What constitutes a reasonable excuse to leave the place where you live.](#)

² Dearden, L. (2020) [Police wrongly fining children under coronavirus law](#), *The Independent*.

³ NPCC (2020) [COVID19 fines demographic data.](#)

⁴ Peer Power. (2020) [Peer power launch just health film and report.](#)

⁵ Her Majesty's Prison and Probation Service. (2020) [Youth custody data: February 2020.](#)

⁶ Barrow Cadbury Trust & The University of Birmingham. (2013) [Taking account of maturity: A guide for probation practitioners.](#)

⁷ House of Commons Justice Committee. (2018) [Young adults in the criminal justice system](#): Eighth report of session 2017-19.

networks of care leavers are provided with the resources they need to enable the continuation of remote support and advocacy. Many young adults who are being released have never lived independently but are now being asked to do this in extraordinary circumstances and in some cases released into flats with no gas, electric or phone⁸. We are also concerned about the risk of increased risk of recall for care leavers who might struggle in the current crisis to keep the requirements of strict licence conditions and/or community sentences. Alternatives to custody should be sought where possible to reduce the risk of being returned to custody. We are also very concerned about changes made to local authority social care guidance relaxing local authorities duties to care-leavers⁹.

The Ministry of Justice should ensure information regarding the release of care leavers is shared with specialist charities in a timely manner so that plans for support can be put in place. Such organisations require urgent funding if they are to adapt and continue with the provision of vital services. There should be specific guidance for all prisons to ensure this group are being supported. Changes to local authority guidance on care-leavers should be urgently reviewed.

Children with a parent in custody

Parental imprisonment can have a detrimental impact on families, particularly children. Estimates suggest that there are 200,000 children with a parent in prison¹⁰. When compared to their peers, children of prisoners are three times more likely to develop mental health problems, as well as other adverse outcomes.¹¹ When a child's primary care giver is sent to prison this can have a traumatic impact, but despite the separation many children will remain in contact with their parent through prison visitation. However, to ensure prisons are complying with social distancing rules and to protect staff and prisoners, prisons have suspended family visits in response to the COVID-19 outbreak. This, coupled with the sporadic nature of in-cell telephony and the lack of video calls, will leave many children unable to connect with parents in custody.

Children do not forfeit the right to a family life if a parent goes to prison however, the restrictions will have an unfavourable impact on these children who will no longer be able to communicate with their parent or family member. Other European countries have provided access to tablet technology during the crisis to facilitate video conferencing between prisoners and their families. **In line with the Farmer Review¹², Her Majesty's Prison and Probation Service (HMPPS) should urgently expand and prioritise the use of in-cell technology and video calls to connect parents with their children across the prison estate. They should also ensure adequate emergency funding is provided to charities supporting prisoners' families at this time.** We understand there is a virtual visits pilot due to be launched in six prisons, including two women's prisons, but progress is very slow. Research suggests that prisoners who receive visits from families while in prison are less likely to reoffend¹³ this underscores the importance of maintaining family relationships and resourcing services that support prisoners' children and families at this time.

Child abuse

⁸ Switchback. (2020) [Action needed to support prison-leavers during Covid-19](#).

⁹ Become (2020) [Changes to COVID-19 Social Care Guidance](#)

¹⁰ Kincaid, S., Roberts, M., and Kane, E. (2019) [Children of prison: Fixing a broken system](#).

¹¹ Prisoner Family. [The impact of parental imprisonment on the mental health of children and young people](#), accessed on 29th April 2020.

¹² Lord Farmer. (2019) [The importance of strengthening female offenders' family and other relationships to prevent reoffending and reducing intergenerational crime](#), The Ministry of Justice.

¹³ Bruton-Smith, L., and Hopkins, K. (2013) [The factors associated with proven re-offending following release from prison: findings from Waves 1 to 3 of SPCR](#), The Ministry of Justice.

Children are especially vulnerable to abuse during the crisis as families will face increased stress and uncertainty.¹⁴ Home may also not be a safe option for children living in households where violence has occurred before. **Children living in households with domestic abuse should be acknowledged as victims in their own right as the effects on children long after the incident has occurred**¹⁵. Lockdown restrictions disrupt support systems and school closures limit the number of people children come into contact with making abuse more difficult to identify. Children who are abused risk becoming hidden and alienated due to the lack of social contact which makes child helplines more important than ever before. We welcome the Chancellor's announcement to make funding available for charities working with vulnerable children, but **long-term ring-fenced funding is required for services that will support children to deal with psychological disorders, such as post-traumatic stress and anxiety, both now and once restrictions are lifted.**

Older people in prison

In recent years there has been a significant growth in the number of older prisoners however there is widespread variation across the prison estate in the number of adequately adapted and accessible cells for this group¹⁶. Prisoners aged 50 are said to have similar health and social care needs to those aged 60 years living in the community.¹⁷ The NHS have categorised those aged over 70 in the community as being in the 'high risk group' from coronavirus but this is likely to be a much younger cohort within prisons. **In light of the complexities of diseases and ailments which present earlier for the prison population HMPPS should consider reducing the shielding age to 60 within prisons.** Peter Clarke, the Chief Inspector of Prisons, reported to the Justice Select Committee that around 4,000 older prisoners were still in shared cells.¹⁸ Given the increased vulnerability of contracting coronavirus amongst this cohort we are concerned that the government's current strategy to shield is not feasible in practice due to the limited capacity within prisons and therefore risks the lives of these individuals. No data has currently been published on the age of those who have died in prison from COVID-19, however we understand most had underlying health conditions, indicating they may have been older. **The Ministry of Justice should publish data on a weekly basis of the demographic breakdown of those who have tested positive for COVID-19 and those who have died since the start of the outbreak, both from COVID-19 related illnesses and self-inflicted, to have a clearer picture of any unequal impact. Prisoners who are trained as buddies to assist other prisoners with health and social care needs should be moved to shielding wings to avoid the risk of cross-contamination and continue supporting those with deteriorating health.** Organisations such as Recoop are adapting their formalised training packs for buddies into distance learning so that in-cell training can take place. Buddies are also trained in infection control and can be a vital resource in relieving pressure off the system at this time, but further investment is required.

An overwhelming proportion of men in prison aged over 50 have been convicted of sex offences and are therefore unlikely to benefit from the early release scheme. While we recognise a need to balance the risk to public safety and the health of those within prisons, we are concerned that there are a number of people who are in prison that have a cognitive impairment such as dementia and present low risk to public safety. At the discretion of individual governors, a small proportion of older prisoners may be released on

¹⁴ NSPCC. (2020) [Coronavirus \(Covid-19\) and keeping children safe from abuse](#).

¹⁵ Wedlock, E., and Molina, J. (2020) [Sowing the seeds: Children's experience of domestic abuse and criminality](#), The Victims Commissioner.

¹⁶ Age UK. (2019) [Ageing prison population inquiry: Justice Committee](#).

¹⁷ Forsyth, K., Archer-Power, L., Senior J, et al (2017) The effectiveness of older prisoner Health and Social Care Assessment and Plan (OHSCAP): a randomised control trial, National Institute for Health and Research.

¹⁸ Justice Select Committee (2020) [Oral evidence session: Ageing prison population](#), Tuesday 21st April 2020, Parliament TV.

compassionate grounds however the process is impeded by lengthy processes to find suitable accommodation and care specific to their health needs. HMPPS published guidance on 'the use of compassionate ROTL'¹⁹ but no changes were made to the compassionate release powers or policy in response to COVID-19 meaning that many older cohorts of people will continue to suffer in prison. **HMPPS should review the compassionate release criteria in light of COVID-19 and the risk to life of those who have serious ailment.** Furthermore, those who regularly attend the hospital for treatment such as cancer therapies or dialysis are at greater risk of contracting the virus. **HMPPS should consider a protective isolation unit for this group and provide further guidance to prisons on how to safely house this cohort.**

Reducing prison numbers would help ensure staff can run a regime which enables greater time out of cell to exercise, make calls, have showers etc. which is necessary for mental health and wellbeing. **The Ministry of Justice should speed up the early release of low risk prisoners to ensure all people in prison can be held in single cells, including older people and those with underlying health conditions.** In light of the lockdown and the limited resettlement preparation Recoop have produced a four-day resettlement course developed with older people with older people made into a distance learning in-cell package. **HMPPS should work with specialist organisations and charities to ensure resettlement support meets the unique needs of older prisoners for example, digital and technology.** It is also concerning that there is a lack of information on older BAME prisoners. Research suggests those from BAME backgrounds often face delays in dementia diagnosis and barriers in accessing services in both the community²⁰ and custody²¹. Lockdown measures and the cancellation of prison regimes are likely to have a disproportionate impact on this group as those with dementia require daily routine to minimise confusion. **HMPPS should ensure there is more transparent data collection of older prisoners particularly those with a protected characteristic so that their specific needs are recognised.**

2. SEX

Women in custody

In these unpresented times the difficulty of coping with lockdown measures are likely to exacerbate mental health conditions particularly for those in prison where individuals are being kept in what is in affect solitary confinement for up to 23 hours a day. We are concerned that the rate of self-harm incidents within prison, especially amongst women, will increase. In the year to September 2019 women accounted for 19 percent (10,288) of all self-harm incidents within prisons in England and Wales²². Furthermore, 49 percent of women and 23 percent of men in prison are identified as suffering from both anxiety and depression, compared to 15 percent of the general population.²³ Women who come into contact with criminal justice system are more likely to have been victims of sexual abuse or domestic violence in their adult life. We understand there have been six self-inflicted deaths in custody since 23 March, two of whom were women, highlighting the importance of ensuring they receive support and as many low risk women are released as possible. **The Ministry of Justice should ensure psychological services are adapted to ensure women continue to receive support with their mental health and should publish details of actions taken across the Women's Estate to improve well-being**

¹⁹ Ministry of Justice & Her Majesty's Prison and Probation Service. (2020) [Covid-19: Use of compassionate ROTL](#).

²⁰ Alzheimer's Society. (2017) [Black, Asian and Ethnic Minorities communities and dementia research](#).

²¹ Age UK (2020) Loc. Cit.

²² Ministry of Justice & Her Majesty's Prison and Probation Service. (2020) [Self-harm in prison custody 2004 to 2018 data tables](#).

²³ Prison Reform Trust. (2017) [Self-harm and suicide rising as prisons struggle to meet mental health need](#), Press Release.

including contact with family through virtual visits, in-cell activities, access to exercise and emotional support.

It is deeply troubling that recent announcements regarding the early release scheme have not resulted in greater numbers of low risk women being released from custody. See below for specific information on the early release scheme for pregnant women and those in mother and baby units, which again has been frustratingly slow in supporting women to be released. We have signed our support for the submission to this inquiry from one of our members, Agenda: the alliance for women at risk, and emphasise their recommendation that **the Ministry of Justice must deliver on their early release scheme as a matter of urgency and also look to extend its reach to those with six months of less to serve and those with underlying health conditions.** This also highlights a greater long-term issue about why low risk women are in prison on short sentences at all and are not instead receiving community sentences as set out in the Female Offender Strategy²⁴.

Women who are leaving prison early are being provided with accommodation and mobile phones, but these do not have the capacity to access the internet, therefore preventing them from accessing online support services. People leaving under the early release scheme are receiving an increased discharge grant of £80, however women leaving prison at the end of their sentence are not entitled to receive the additional amount, despite the additional costs facing all people leaving prison at the moment due to increased food prices and costs of additional food for children no longer at school. We welcome the Health Minister's announcement to provide children eligible for free school meals with food vouchers however, it was reported that many have not received supermarket vouchers due to delays in the supply system²⁵. As there is no monitoring of parental status of prisoners in the UK, we are unable to predict how many will be impacted but, over half of women surveyed by inspectors in 2018-19 reported that they had children under the age of 18. **The Ministry of Justice should ensure all women released from custody at this time receive an increased discharge grant, a mobile phone with internet access, referrals to support services and safe accommodation.**

Policing of women

Police in England and Wales issued more than 3,000 fines within three weeks of lockdown rules coming into effect of these 524 fines were given to women and one third were given to young adults aged 18-24 years. The NPPC have since published further information on police fines – data now shows that over 9,000 fines have been issued under the powers.²⁶ One of the first people to be prosecuted under the new police powers granted under Schedule 21 of the Coronavirus Act 2020 was Marie Dinou, a Black woman from York, for failing to tell officers her name and why she was outside. Under guidance produced by the NPCC police do not have the power to 'stop and account'. Her conviction was later quashed after British Transport Police admitted to misapplying the piece of emergency legislation²⁷.

Many families, in particular single parent households, will face severe financial strain due to the economic impact of the crisis and authorising such powers would add additional burden on those who are already experiencing poverty and facing financial uncertainty. Enforcement through fines must be used as a last resort for women. Escalation of unpaid fines could lead to a criminal record, which has long term implications²⁸, and non-payment could result in a prison sentence. We know that prosecutions for non-payment of fixed

²⁴ Ministry of Justice (2018) [Female Offender Strategy](#)

²⁵ Weale, S., and Murray, J. (2020) [UK's poorest families suffering as free school meal vouchers delayed](#), The Guardian.

²⁶ NPCC. (2020) [Police chiefs welcome positive start to recruitment](#); See also

²⁷ Townsend, M. (2020) [Checkpoints, fines and online shaming: police struggle to enforce new rules](#), The Guardian.

²⁸ Unlock and Transform Justice. (2020) [#Fairchecks campaign](#).

penalty fines owed for not paying TV licence²⁹ or Council Tax³⁰ disproportionately impact women and therefore, alternatives to fines and custody should be used, especially at this time when unemployment has increased. Senior officers have called for wider police powers including fining the parents of those who are not complying with lockdown measures. This should not be introduced as it would also have a disproportionate impact on women, especially single mothers. **The Home Office must closely monitor the use of enforcement measures and fines on women and provide guidance to ensure these are only used as a last resort. Fines for parents should not be introduced.**

Specialist services for women in the criminal justice system

A disproportionate number of women in prison have experienced violence and abuse³¹. More than 50 percent of women in prison surveyed by the Ministry of Justice reported having experienced emotional, physical or sexual abuse as a child³². Women with multiple and complex needs are at an increased risk as this time due to the lack of vital face to face services, being isolated at home or coerced into other unsafe environments where they are at risk of violence, exploitation and abuse. However, many specialist, trauma-informed, women's services are struggling to support women after release from prison during the crisis, due to lack of information about planned releases and lack of a co-ordinated plan³³. We have heard of services being referred women with no fixed abode less than 24 hours before release. **It is vital the Ministry of Justice gives specialist women's services are sufficient and timely information about releases.**

Women's Centres and other specialist services have had to adapt to provide support via phone and online, as well as ensuring their clients have access to mobile and technology in order to receive that remote support. These virtual services enable women to be connected with staff from local services, access emergency supplies and participate in virtual group/peer support. However, due to inadequate funding, charities are being forced to secure resources from a range of sources in order to survive the crisis and provide the support that women and their families need. This is putting a great financial burden on these charities and Women's Centres, which needs to be resolved to ensure they cannot only provide services to women now, but in the future as the current situation is risking their financial sustainability. We echo the recommendations made by Agenda that **all decisions being made in the short to medium term about commissioning processes must put contingency planning in place to ensure women's services are not disadvantaged by changes to these processes and post-lockdown, these services must be valued and sustainably funded by central government.**

Domestic abuse

Lockdown measures introduced by government to mitigate the risk of spread are likely to exacerbate the risk of experiencing domestic abuse. The 'stay at home' guidance will mean victims are constantly around their abusers and are less able to seek help. Despite exemptions applying to those fleeing domestic violence in seek of refuge, at least 16 suspected domestic abuse killings³⁴ have been identified in the UK since the lockdown came into effect. To prevent the further loss of life, **an integrated approach is urgently needed between police, social services, youth work services and domestic**

²⁹ TV Licencing. (2017) [Gender Disparity Report](#).

³⁰ Casey, T. (2019) [Poverty is not a crime: ending imprisonment for debt](#), Centre for Crime and Justice Studies.

³¹ Ministry of Justice (2007) The Corston Report.

³² Williams, K., Papadopoulou, V., and Booth, N. (2012) [Prisoners' childhood and family backgrounds](#), Ministry of Justice.

³³ Women in Prison (2020) [Covid19 and the CJS](#)

³⁴ Grierson, J. (2020) [Domestic abuse killings 'more than double' amid covid-19 lockdown](#), *The Guardian*.

violence charities to ensure that all those at risk are safeguarded and have safe accommodation. We welcome the Chancellor's timely announcement for domestic violence charities to receive emergency funding for national helplines, but as Agenda has identified, **further funding is needed, for community and accommodation-based services to give women and their children safe exit routes. At least £65 million³⁵ is needed to meet increased demand for domestic abuse support.** We are concerned that there are extensive delays in local domestic violence charities receiving the emergency funds putting them under immense strain to meet demand at this time. So that they may continue to provide life-saving support to those at risk of violence the government must ensure there are no delays in distributing the emergency funds.

There is a need to support small, grassroots organisations working with specific cohorts of victims impacted by domestic violence, for example specialist faith groups, children, BAME and LGBT people. Women and more specifically those from BAME communities often lack the confidence and trust to be openly vocal about their experiences³⁶ reinforcing the both the need and significance of specialist services. However, many of these organisations risk missing out on access to emergency funding as they are not currently commissioned by Police and Crime Commissioners. The CJA held a roundtable on the topic of BAME victims last year, in partnership with the Ministry of Justice Race Disparity team, which found many PCCs commissioning processes meant BAME specialist organisations were missing out on funding³⁷. Therefore, just relying on PCC's to identify organisations to receive the funding risks missing out valuable services who can engage different communities of women including those who do not speak English as a first language. In 2017-18, Rape Crisis reported that over a quarter of women accessing support identified as BAME³⁸. **The Home Office should ensure specialist organisations are funded to supporting victims of domestic abuse with specific needs including BAME women and children.**

As well as services to protect and support victims, services that prevent and address violent behaviour also be resourced. At this time of families living together under one roof 24 hours a day, sometimes in overcrowded conditions and with increased stress due to unemployment, bereavement, health and financial concerns, there needs to be greater effort to prevent conflict in the home. We welcome measures that allow people to leave the family home for a few nights 'cooling down' period after a family argument, but **the Home Office should ensure that restorative services are funded to offer remote conflict resolution and mediation for families, where appropriate.**

3. PREGNANCY & MATERNITY

Pregnant women and new mothers in custody

In March, the government published guidance on social distancing which placed pregnant women in the 'vulnerable group' due to altering the way the body handles severe viral infections³⁹. Subsequently, the Justice Secretary announced that pregnant women in custody who do not pose a high risk to the public would be granted temporary release from prison 'within days' to protect them from coronavirus⁴⁰. Similarly, prisoners in Mother and Baby Units meeting the same risk assessment were also expected to be released with their children. Unfortunately, since the initial statement over four weeks ago only 19 of the 70 eligible women have been released. Ministers have argued that delays have been caused by the need to find suitable accommodation as well as ensuring that support is in

³⁵ Emergency funding figure as calculated by [Women's Aid](#).

³⁶ Thiara, R., and Roy, S. (2020) Loc. Cit.

³⁷ The Criminal Justice Alliance & The Ministry of Justice. (2019) [Policy forum on BAME victims of crime](#).

³⁸ Thiara, R., and Roy, S. (2020) [Reclaiming voice: Minoritised women and sexual violence](#), Imkaan.

³⁹ Public Health England (2020) [Social distancing](#)

⁴⁰ Ministry of Justice (2020) Pregnant prisoners to be temporarily released from custody

place for each of these women. Whilst we agree this is vital, the glacial pace with which these women are being released shines a light on the lack of co-ordinated multi-agency work happening to arrange support more urgently. **The Ministry of Justice must move further and faster to release the remaining pregnant women and new mothers from prison.** This also highlights a greater long-term issue about why pregnant women and new mothers, who pose a low risk of harm to the public, are in prison at all and are not instead receiving community sentences as set out in the Female Offender Strategy⁴¹.

4. RACE & RELIGION

Disproportionate policing

We are concerned that the new emergency police powers will have a disparate impact on BAME communities who have historically been the target of over policing under stop and search powers. In England and Wales, Black and Asian people were stopped at a rate 8 and 2 times higher (respectively) than their white counterparts⁴². Ambiguity and the lack of clear formal police guidance risks deteriorating already fragile police community relations. We welcome the NPCC calling for uniformity in implementing enforcement only as 'a last resort' however, without unified understanding and adoption of formal guidance across police forces, enforcement measures remain open to misinterpretation and misuse. It is only through scrutiny of data that these emergency powers can be monitored.

Transparency is key to building trust and ensuring these powers are not being misapplied or used disproportionately against some cohorts, in particular, people of colour. It is currently unclear how the use of police powers granted under Schedule 21 of the Coronavirus Act 2020 are being recorded, collected and most importantly, analysed and shared with community scrutiny groups (inc. Independent Advisory Groups and stop and search monitoring groups) and with the public. Although the first publication of data relating to fines showed that 60 per cent of fines have been issued to those self-identifying as white. The National Police Chiefs Council (NPCC) confirmed that fines to those of Asian ethnicity stood at 10 per cent, Black at 4 per cent, and Mixed Race at 2 per cent. They concluded that 'this is a proportionate distribution in relation to ethnicity data held by the ONS⁴³, although almost a quarter (23 per cent) of fines were issued to individuals who did not self-identify their ethnicity. Police forces should collect demographic data collected in a uniform way and collate it centrally, so the Home Office can regularly analyse if the powers are being deployed with parity across communities and if not, follow the principle of 'explain or reform.' **The Home Office should publish regular data, with demographic breakdown, on those arrested, detailed and/or fined under the Coronavirus Act. This data should also be provided to and discussed with local community scrutiny groups. These groups should be able to scrutinise policing under the Act by viewing Body Worn Video footage and relevant paperwork.**

Detention under the Mental Health Act

In response to the unprecedented challenge presented by COVID-19 the government has made emergency changes to the Mental Health Act. In ordinary times, under section 135-136 of the Act, police have the powers to detain an individual in a place of safety such as a police station, if they are concerned about their safety or the safety of others and believe that the person has a mental health disorder. Temporary changes mean the initial period people can be held under this power will increase from 24 hours to 36 hours.ⁱ We are concerned that the temporary relaxation of this Act will have a disproportionate impact on those from BAME backgrounds who are far more likely to be detained by police under the

⁴¹ Ministry of Justice (2018) [Female Offender Strategy](#)

⁴² Shiner, M., Carre, Z., Delsol., and Eastwood, N. (2018) [The colour of injustice: Race, drugs and law enforcement in England and Wales](#), StopWatch, London School of Economics and Release.

⁴³ NPCC (2020) [Demographics of persons issued with notices](#)

Mental Health Act⁴⁴. Evidence shows that BAME groups continue to be over-represented as detained patients in hospitals and police are more likely to be involved in admissions or readmissions⁴⁵. **The changes to detention times should be urgently reviewed. The Department of Health should ensure there is dedicated funding for mental health services working specifically with BAME communities to ensure they receive the support they need and do not have to be taken into police custody for their own safety. The Home Office should publish data on numbers and ethnicity of people detained for this reason and the time held and it should be reviewed regularly.**

Hate crime

Since the COVID-19 outbreak there has been a surge in the number of people from an Asian background experiencing racist abuse⁴⁶. There have been reports of both physical and verbal acts of abuse against members of the Asian community and is much more evident on social media platforms. Hate crime must be adequately addressed by police to ensure that any previous work to break down barriers to get victims to report such crimes is not undone. With a reduction in operational staff, there is a risk that hate crime is not being monitored and responded to adequately both on and offline. Restorative justice can help address the harms caused by hate crime⁴⁷. **Funding for specialist organisations working with victims of hate crime should be supported to adapt and increase their services at this time, including restorative justice services.**

Ramadan within prisons

The proportion of Muslim prisoners over the last decade has doubled – making up 16 percent (13,341) of the prison populations⁴⁸. This year, the holy month of Ramadan began on the 24th April 2020 and many prisoners will be observing fasting from dawn to dusk. Although many prisons are working hard to meet the needs of Muslim prisoners at this time, we are concerned lack of clear provisions put in place for fasting prisoners and lockdown measures will have a disproportionately negative impact on Muslim prisoners. We understand there have been some shortfalls in the number of Ramadan packs compromising of essential resources and materials to help practice their faith, including the Holy Quran and a Ramadan calendar. This is said to be due to depleted stock available. We are also concerned about reports that some governors are not allowing packs into their establishments. **HMPPS should source additional packs from local community organisations and produce clear guidance for governors to ensure those that are observing Ramadan are able to obtain essential packs which will support them to adhere to their religious obligations.** Ramadan is often a time shared with family and socialising but in the era of COVID-19 this will be a particularly challenging period for those with a loved one in prison who will not be able to visit at this time. **HMPPS should work in partnership local media such as Ramadan radio to ensure families of Muslim prisoners are well informed regarding the current situation in prisons.**

5. DISABILITY

Prisoners with a Learning Disability

⁴⁴ Rethink. (2020) [Coronavirus: temporary changes to the Mental Health Act.](#)

⁴⁵ Mind. (2013) [Mental health crisis care: commissioning excellence for Black and minority ethnic groups.](#)

⁴⁶ Campbell, L. (2020) [Chinese in UK report 'shocking' levels of racism after coronavirus outbreak](#), *The Guardian*.

⁴⁷ Why-me. (2018) [Access to justice: Delivering restorative justice for hate crime.](#)

⁴⁸ Maslaha (2020) [Time to end the silence: the experience of Muslims in the prison system.](#)

34 percent of prisoners are understood to have a learning disability or difficulty⁴⁹. 7 percent of people in contact with the criminal justice system have a learning disability⁵⁰. Prisoners with a learning disability will face substantial adversity due to being locked in cells for up to 23 hours a day and will put those with a psychosocial or cognitive disability at greater risk of abuse and bullying from those they share a cell with and reduced access to the support they require. In the community, adjustments have been made for those with a mental health illness, a learning disability and/or autism to be outside more than once a day for exercise in the recognition that this is a fundamental part of their care plan and wellbeing. **The Ministry of Justice should publish guidance on additional support prisons should be providing to people with learning disabilities in prison at this time. HMPPS should work with organisations developing in-cell activity packs to help those with ill mental health engage in meaningful cognitive and physical activity.**

For further information please contact:

Amal Ali, Policy Officer, Criminal Justice Alliance

amal.ali@criminaljusticealliance.org.uk

Registered charity number: 1143038

www.criminaljusticealliance.org

The views expressed in this briefing are not necessarily those of any individual member or funder of the CJA.

⁴⁹ Skills Funding Agency (2018) OLASS English and maths assessments by ethnicity and learners with learning difficulties or disabilities: participation 2014/15 to 2017/18, London: SFA.

⁵⁰ NHS England (2016) Strategic direction for health services in the justice system: 2016–2020, London: NHS England.