

Prison as a place of safety for women with complex mental health needs

Tamara Pattinson
Research Paper 2015/01

www.thegriffinsociety.org

Abstract

The main purpose of this study was to examine whether prison is being used as a 'place of safety' for women who have complex mental health needs and deemed in need of 'protection' from themselves. The research is based on interviews with police, court and prison staff. The researcher was also able to examine a number of warrants received from the courts to establish the reason for disposal into custody with specific emphasis on those cases where 'own protection' was the primary factor.

Findings

- The interviews, particularly with the prison staff, indicate that it is the case that prisons are being used as a place of safety for women with complex mental health needs.
- A number of the court warrants examined showed that courts were using the concept of 'own protection' as per the Bail Act in the belief that prison would provide a place of safety for vulnerable women.
- All interview groups reported a lack of training in mental health awareness; and a lack of confidence in dealing with mental health issues.
- Police reported being under pressure to not use police cells as a place of safety. Police had limited training about mental health issues. In most cases the custody sergeant will charge a woman for the offence and then it is up to them (with limited training), or the woman herself, to request an assessment to be identified as having mental health needs.
- Court staff reported that they receive little information in relation to those presented before them. Equally, prison staff reported a lack of information received from the courts and police in relation to the mental health of prisoners.
- Many members of court staff reported that they had not visited a prison in many years. There was a lack of awareness about prisons and alternative options available.
- Court staff reported delays in accessing mental health assessments.

Recommendations

- Parliament should review the Bail Act 1976. This legislation is in need of review and/or clarification.
- The Law Commission should publish guidance for court staff regarding the use of and meaning of 'own protection' in the Bail Act.
- The Ministry of Justice (MOJ) should conduct a review and honest assessment of the implementation of the recommendations contained in the reports by Lord Bradley and Baroness Corston.
- All women taken into police custody should have a full mental health assessment carried out by a qualified and competent practitioner.
- All women taken into police custody should be given legal representation even if they do not request it.
- The Home Office should ensure police custody teams have mental health awareness training.
- The MOJ should raise awareness of prison and what it can offer (and, crucially, what it cannot) to those operating in courts, particularly considering the use of 'own protection' within the Bail Act. This should include regular visits to prisons. Mandatory mental health awareness training should also be provided.
- The National Offender Management Service (NOMS) should provide mental health training to staff working within prisons and make it a mandatory requirement to repeat this training regularly. There should also be a requirement ensuring adequate support is provided for staff working in this environment.