

BMA's Patient Liaison Group: Evidence Submission

1. Background to the Patient Liaison Group (PLG)

The PLG are an internal reference group that provides the BMA with an informed, independent patient and public perspective on matters of interest to the medical profession and to patients.

It also highlights areas of patient concern to the BMA and works alongside BMA committees on behalf of patients. PLG members come from a range of backgrounds and draw on their knowledge and experience as patients, carers and professionals working in a range of health-related fields.

This submission reflects the specific perspectives of PLG, given the PLG's remit of representing patient interests and the group's previous work on the health of women in the criminal justice system (detailed below), the discussions and views captured in this document.

2. 2023 PLG Symposium

Avoiding the harm of imprisonment, Health and social equity in the criminal justice system (CJS): A focus on women

In 2023, the BMA's Patient Liaison Group hosted a symposium on health and social equity issues affecting women in the criminal justice system (CJS). The event brought together a diverse group of speakers and delegates, including individuals with lived experience.

The perspectives shared at the symposium are highly relevant to Theme 7: Individual needs of victims and offenders. Key areas of discussion from the symposium are set out below and the symposium report is available [here](#).

The impact of inadequate reintegration programs

- A significant driver of harm and health inequalities within the CJS is the lack of effective reintegration programs for female inmates. [A review of health and social care in women's prisons led by NHS England](#) found that nearly 40% of women experienced a decline in their mental health upon release. Struggles with rebuilding relationships, access to medication, and the stigma and impact of imprisonment were found to contribute to poor emotional wellbeing.
- While some positive examples exist, such as shared housing and community employment initiatives, these remain limited and not widely available.
- Stronger linkages between probation services and temporary accommodation or housing solutions are crucial.

Lack of support for acute mental health needs

- The majority of those in prison suffer from poor mental health. [The Centre for Mental Health reports](#) that nine out of ten prisoners have been found to have “at least one mental health or substance misuse problem”.
- Individuals with severe mental health problems are frequently detained in prisons due to insufficient capacity in secure hospitals. Those awaiting remand often experience significant distress due to limited access to quality healthcare.
- Confidentiality and privacy issues hinder their ability to effectively communicate their health needs.
- In Scotland and Wales, a concerning number of suicides have been attributed to the detention of individuals with mental health problems.
- Wendy Sinclair-Gieben, HM Chief Inspector of Prisons for Scotland, stressed that inadequate prison staff training coupled with a lack of access to secure inpatient mental healthcare in Scotland further affected women prisoners’ health.
- Intervention points throughout the CJS process should be identified to better assist individuals with mental health needs.

Healthy prison environments and alternative pathways

- Dr Alan Mitchell from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and past Forensic and Secure Environments Committee chair, noted a need to create a healthier prison environment which entailed single cells, no degradation and up to eight hours of recreational, purposeful activity to support re-integration upon release.
- Police and courts should be encouraged to carefully assess the need for incarceration and explore alternative sentencing pathways and models.

Unique needs of vulnerable populations

- [Birth Companions](#) actively campaigns to prevent the imprisonment of pregnant women and mothers with children under two years old. At the symposium, Naomi Delap, CEO, highlighted that prisons are never safe and appropriate environments for pregnant women or mothers of young children. Incarceration during pregnancy and early motherhood can exacerbate existing mental health challenges, particularly when mothers are separated from their babies shortly after birth.
- In a positive development, the Sentencing Council announced in March 2024 that pregnancy, birth, and the postnatal period would be considered as mitigating factors in sentencing decisions.

- Similarly, [Hibiscus Initiatives](#) advocates for an end to intersectional discrimination and inequality for Black, Asian, and other minoritised and migrant women within the CJS. Ghadah Alnasseri, Head of Policy and Public Affairs, discussed the obstacles marginalised migrant women face navigating the criminal justice system noting many women in the criminal justice system are themselves victims of gender-based violence or abuse.
- Hibiscus Initiative's Tackling Double Disadvantage 10-point Action Plan set out recommendations to achieve equal treatment and outcomes for racially minoritised and migrant women in contact with the CJS.
- These are both examples of groups that require specialised support and services within the criminal justice system. This includes access to appropriate healthcare, mental health support, and culturally sensitive services to address their unique needs.

3. Further comments from PLG members

Views from PLG members as to the individual needs of victims and offenders are also set out below in areas to consider in Theme 7.

Victim rights and transparency in sentencing

- Victims should have the right to provide Victim Impact Statements in court and should receive clear and concise explanations of sentencing decisions, including how sentencing guidelines were applied, consideration of aggravating and mitigating factors, and the starting point for the sentence.
- The lack of transparency in sentencing and lack of knowledge as to how the sentencing process functions contributes to public misunderstanding as to how sentences are determined.
- A PLG member noted that media sensationalism can hinder public understanding and informed discourse on sentencing.

Sentencing for offences against women and girls

- While serious sexual assaults require severe consequences, the primary focus should be on improving conviction rates and addressing the underreporting of such crimes. Some PLG members noted that the fear of stigma and humiliation often prevents both women and men from reporting sexual assault.

Tailoring sentences to specific groups

- The focus should be on the severity of the crime and the individual circumstances of the offender.

Sentencing and management of prolific offenders

- Focus should be on effective rehabilitation programs for prolific offenders rather than simply increasing prison sentences.
- [The latest official data](#) shows that adults released from custodial sentences of less than 12 months had a proven re-offending rate of 56%.
- Investing in effective probation services and community-based programs is crucial to reduce recidivism.
- There should be consideration of implementing sentences that include conditions to seek out appropriate support or engagement in programs while in prison.
- Incorporating lived experience, including the voices of formerly incarcerated individuals and victims, is vital to policy discussions on sentencing and offender management, so we welcome that the sentencing review is seeking these as part of this review.