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MEDIA RELEASE

Supreme Court rules the provision of approved premises for women discriminatory

The distribution of approved premises (APs) discriminates against women, the Supreme Court ruled today (Wednesday 24 May) in a landmark case in which the Howard League for Penal Reform intervened and submitted expert evidence.

Living in APs may be made a condition of release on licence for certain prisoners. They are all single-sex establishments. There are 94 APs for men, located throughout England and Wales, with several in London. There are only six for women, in Bedford, Birmingham, Leeds, Liverpool, Preston and Reading, and none in London or in Wales.

This means that women are much more likely than men to be placed in APs that are far from their homes and families. They may suffer long-term disadvantages in terms of accommodation, rehabilitation and employment, as well as in re-establishing their relationships in their community after release.

The issue in this appeal was whether the current distribution of APs constitutes unlawful sex discrimination against women. The case was brought against the Secretary of State for Justice by Ms Coll, the appellant, a woman from London, who upon release from prison was forced to relocate to Bedford and resettle in Milton Keynes as a result of the lack of any APs for women in London.

The Howard League applied to intervene in the case and was granted permission to provide evidence and make written legal submissions to assist the Supreme Court.

In ruling for the appellant, Lady Hale found the question of direct discrimination in this case a simple one, stating that “being required to live in an AP a long way away from home is a detriment. A woman is much more likely to suffer this detriment than is a man, because of the geographical distribution of the small number of APs available for women. This is treating her less favourably than a man because of her sex.”

The Supreme Court noted that the Ministry of Justice has never properly addressed the problem of providing sufficient and suitable places in APs for women which achieve, so far as practicable, the policy of placing them as close to home as possible.

In the absence of any attempt by the Ministry of Justice to address the possible impact upon women, assess whether there is a disadvantage, how significant it is and what might be done to mitigate it or to meet the particular circumstances of women, the Supreme Court found that the discrimination in the present system had not been justified.

The ruling comes 10 years after a ground-breaking report that recommended major reform of the criminal justice system to better meet the needs of women. The author of the report, Baroness Corston, found that women had been “marginalised within a system largely designed by men for men for far too long”.

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: “A decade has passed since Baroness Corston presented, with cross-party support, important proposals for an entirely different approach to supporting women in trouble with the law. In the intervening period, successive governments have done little to give effect to those recommendations.

“This judgment sends a strong message to the next government. It shows that if the criminal justice system continues to fail to assess, identify and meet the needs of women, our courts may rule this unlawful.”

In a witness statement, Frances Crook told the Supreme Court: “Women are a minority at every stage of the justice system. Women in conflict with the law have completely different needs from men. The combination of the small number of women and their strikingly different needs means they are routinely and severely disadvantaged throughout their experience in the criminal justice system, including their safe resettlement.”

A thematic inspection report, published last year by Her Majesty’s Inspectorate of Probation, found: “The small number of women’s approved premises has implications and challenges for effective resettlement. Women are more likely to be placed further away from their home areas than men, and those with caring responsibilities are likely to struggle to maintain links with their children and other family connections.”

Notes to editors

1. The Howard League for Penal Reform is the oldest penal reform charity in the world. It is a national charity working for less crime, safer communities and fewer people in prison.
2. The Howard League’s evidence in the case can be read on the charity’s website at: <http://howardleague.org/legal-work/supreme-court-intervention-on-women/>
3. The Howard League was represented by Henrietta Hill QC and Ruth Brander of Doughty Street Chambers and Sally Ireland of Garden Court Chambers, instructed by Clifford Chance LLP. Ms Coll was represented by Dinah Rose QC and Iain Steele of Blackstone Chambers, instructed by Lound, Mulrenan and Jefferies Solicitors.
4. The Howard League for Penal Reform provides administrative assistance to the All Party Parliamentary Group (APPG) for Women in the Justice System, co-chaired by Baroness Corston. More information about the APPG’s work

can be found at: <http://howardleague.org/what-you-can-do/women-in-the-penal-system/>

5. Her Majesty's Inspectorate of Probation's report, *A thematic inspection of the provision and quality of services in the community for women who offend*, can be read online at:
<https://www.justiceinspectors.gov.uk/hmiprobation/inspections/women2016/>

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