

Mental Health Services in the Female Estate

Taking Liberties



Farah Damji

A personal account of the lack of provision of Mental Health Services in the female prison estate in England in 2017

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Terms of Reference for the Public Accounts Committee's Inquiry into health services in Prisons.

People were setting ambitious objectives for promising mental health services to prisoners yet HMPPS does not know how many people in prison have mental illnesses or how much is being spent on treating them according to a recent (July 17) NAO (national Audit Office) Report. NAO estimates money spent on prisoners healthcare across England is in excess of £400m included treatment for 7 917 mental health patients (of a population of almost 90 000).

However surveys conducted by Her Majesty's Inspectorate of Prisons found that 31 328 prisoners reported mental health issues.

Self-inflicted deaths are increasing with 120 deaths, so far reported in 2016 the highest on record. HMPPS reckons that 70% of prisoners who ended their own lives between 2012 – 2014 had mental health needs.

Clinical care is considered good however identification is not consistent. Prisoners are screened on arrival however staff have no access to GP records. With 30% reductions in staff between 2009 to the present it is harder to detect changes in prisoners' health but in private prisons HMPPS does not monitor the quality of healthcare provided.

The Public Accounts Committee will ask NHS England, HMPPS (The Agency of the Ministry of Justice formerly NOMS that runs prison and probation services in England and Wales) and the MOJ about how they are working together to secure reliable data, why this data does not exist now and how at a time of budgetary pressure they will ensure that healthcare provision is available to those who need it.

Letters from Inside Time November 2017

Judges join the real world!

Jason Edward Adams – HMP Isle of Wight

Across Europe Judges see it as part of their role to fully engage with the public. They have thousands of social media followers, post updates on court proceedings and take part in television debates.

“Sadly, however it is traditional in England and Wales for judges to hide behind a wall of utter silence.”

Our judiciary needs to wake up and join the rest of the world in the 21st century or they will lose all public confidence and all authority. They need to re-evaluate their traditional secretive stance.

It is time our judges spoke out and offered us clarity on issues involving court cases. Judges need to develop the extent to which they can and are willing to engage with the community. We seek transparency, clarity and democratic fairness.

Who is deluding who?

Grant Stanley BSc (Hons) HMP Wharton

Despite overwhelming and indisputable research that the core SOTP creates more victims that it prevents, the Governor and psychologists here continue to dance like marionettes on the strings provided by HMPPS.

It would be laughable were it not for the simple fact that the Parole Board “heed” the advice of these “professionals” (and I use that word loosely), For those that had Core SOTP on their sentence plans, post SARN, they find additional recommendations to undertake the new Kaizan programme.

Anyone that challenged the psychologists about this gross negligence is deemed as anti-authority or aggressive and warrants additional risk factors. There is no accountability, a minimisation of culpability and denial of all the facts, all of the characteristics of a psychotic episode. These psychologists have lost contact with external reality and continue to prescribe untested and fundamentally flawed treatment programmes.

“Whilst I agree that the majority of prisoners here need serious help, the trainee psychologists are woefully under qualified and are guided by superiors that refuse to be undermined (in their opinion) research data.”

These delusions of importance do not bode well for all those prisoners who genuinely seek rehabilitation. The desultory absence of direction and qualified intervention speaks volumes about HMPPS as a whole. Has any consideration been given to all the prison officers who for years have supported the rehabilitative efforts and now find themselves feeling disrespected, undermined and at a loss as to how to support their designated charges? They should not be forced to undermine the research or apologise for the actions of misguided psychologists and governors, they are already stretched breaking point thanks to the staff cuts.

How about an apology from all concerned for psychologically damaging us, exposing us to unnecessary harm and potentially making some prisoners worse? I can never un-hear or un-see some of the things I’ve experienced at HMP Wharton, and in light of this data I will never trust a prison psychologist again. Is this anti-authoritarian or common sense?

Call for release of short term prisoners by Andrea Albutt, President of the Prison Governors’ Association

Andrew Albutt the President of the PGA has told their annual conference that prisons are at bursting point when violence, suicide and self-harm “the worst we have ever seen.” She said that decisions made on safety and reform by “generalist civil servants with little or no understanding of the very complex nature of prisons and their inhabitants.” She said “Currently our prisons are full to bursting. The government must be brave and reduce the prison population and don’t worry about votes. Don’t dabble, just do it – because morally it is the right thing to do,” She describes a sentence of less than a year as “pointless” – as has been recognised in Scotland.

She says: “Executive Release is possible. We have prisoners on IPP (Imprisonment for Public Protection) sentences years past their tariff but still in prison. Jails are holding “old and infirm” inmates who are no longer a danger to society, as well as far too many mentally ill people where prison is absolutely the worst place for them.”

Although the government is trying to replace many of the staff lost under the Grayling era, she warns that the shortage of staff at most prisons means they cannot provide any meaningful rehabilitation.

Punishment for Profit?

The Legal Aid cuts have massacred the concept of fair representation for defendants – more on that later. These cuts affect defendants with mental health disorders disproportionately. The Ministry of Justice has acknowledged this unfairness and the rise of litigants in person due to the denial of legal aid or bad representation. Similarly mental health services in prisons have been privatised or outsourced to private contractors or NHS firms.

HMPPS has successively salami sliced profitable parts of the service provision and delivery aspects of the prison service. Now, major global corporates such as Geo (runs Guantanamo Bay), Carillion (construction and facilities management), G4S (Theresa May's husband Philip is a major private shareholder), Bidvest (contract tendering to frozen food) and Serco (traffic lights to nuclear defence systems) are all hungry for a piece of the punishment for profit pie. Private healthcare providers such as Care UK and Virgin are all on the game. When did a free market economy ever serve the most damaged and vulnerable in society?

Background

I am sentenced to five years for offences under the S4(a) Protection from Harassment Act. I have maintained my innocence throughout. I have been diagnosed with severe depression and anxiety and very high Post Traumatic Stress Disorder. I am appealing the safety of these convictions in the Court of Appeal now finally the Metropolitan Police admit they conducted no investigation into the texts and emails that constituted a course of conduct amounting to harassment, which were screenshots and forwarded emails. These were sent by the victim whose IP address and that of his sister was found in my Gmail address and the one purportedly stalking him to the Investigating Officer. With the perfect storm of lacerating legal aid cuts that have destroyed our justice system, lazy lawyers (Tuckers - who helped Grayling to decimate the legal aid service, while ensuring Tuckers received the largest legal aid contract in England) and unsympathetic white, male pale and stale counsel with whom I particularly did not get along – Simon Connelly of 3 Temple Gardens, the scene was set for a court room and a verdict straight from Alice in Wonderland.

The victim was a married churchwarden and alternative energy entrepreneur with whom I became involved and when the relationship became abusive and I felt choked and alienated from who I am, (I called it Stereo Dan, with the constant incoming of texts, emails to find where I was what I was doing etc,) I ended it. He had told me that he had rape fantasies about his then 5 year old daughter and then an allegation of rape of a 19 year old surfaced and I complained to the Diocese of Southwark about it. I had previously told the police that I had been a victim of domestic violence at the hands of this man. I told him if he didn't stand down as a churchwarden, a position that gave him access to the local women's refuge, I would report him to the Church, St Mike's in Southfields, his wife and the Diocese of Southwark. Other women he was fooling around with were also getting tired of his constant invasions into their lives and contacted the *Mail on Sunday* to expose him.

The Metropolitan Police's narrative and the story they put out that was picked up and published in *the Mirror*, *the Daily Mail*, *the Wandsworth Guardian* and the *Evening Standard* was that I am a crazed socialite stalker who was rejected by him and decided to impugn his character. What had happened was the breakdown of a deep and loving – at times – relationship that led to denial and lies because he couldn't admit to his wife and his mother in law that we had been having an affair. I am said to have harassed him because I dared to report him to the Church authorities about the rape and predatory behaviour. I underestimated the anger of the cuckolded wife who is the daughter of a retired police inspector, Nigel Hill and before I knew it the Diocese and the Metropolitan Police went into overdrive to protect their own. A Senior Commander at the Metropolitan Police Simon Bray attends the same church as the delinquent churchwarden.

The whole process has been immensely traumatising – no one believed that I would be found guilty – the Crown was not relying on IP evidence – how could it? The victim's IP address showed up in my Gmail account after we had broken up hundreds of times and the one purportedly sending him harassing emails, on days when the harassing email messages were sent to him. It was clearly a case of stalking by proxy. A telephone bug found in my phone and

identified to Tuckers was not allowed as evidence. A forensic download of my phone was not allowed although the Crown was allowed to dump evidence during the trial and even call witnesses that we had not been notified of previously.

The trial was distressing. It took three years to come to court and lasted almost 6 weeks. I had to listen to him describing what I had supposedly said about how I let my three worlds intertwine, the private, the personal and the professional. These were the exact words he had said to me to describe how he loved me in the same way he loved his wife and how he could never hurt me. He then, in a cruel and deceitful manipulation lied to the court and pretended that I had said these words. Sitting in the dock and watching the ease with which the lies tripped from his mouth, my gut twisted and I felt physically sick. What had I ever seen in this fat, Oxbridge, lying creep who would go to such lengths and drag innocent people into this mess to lie for him? Not one of these people had been told about the truth of the relationship between us – a lie perpetrated on them with the collusion of the courts and the police.

When my barrister asked his wife if she knew he had stayed over at my house in Camden, she looked visibly shocked and whispered so I could barely hear her, no – she did not know that and she hadn't known that we shared an on line presence until he had admitted it to her recently. That would have been a dating profile from which he stalked women begging for threesomes, when clearly they were not interested in him. I felt fragmented, as if I was living in another reality and I felt very unsafe. Yet he was being presented as the victim when he had been a dangerous predator and I was in the dock for telling the truth about him.

That feeling has stayed with me and now comes back at 3 in the morning to shake me out of my dreams and remind me that I am living out a nightmare. He wanted to silence me, to cause me social death and to drive me mad with anger and grief. This is the worst type of coercive control – he has had the policeman spy on me in prison and intercept my legal post so I don't even feel safe in here, where literally no one can get to me. But he still does.

Because of my previous notoriety (*The Evening Standard* has previously described my book as the Confessions of London's Most Dangerous Woman in 2009); the court treated me exceptionally and unfairly. This continues in the Court of Appeal and the Registrar's Office.

Prisons are not appropriate duping grounds for vulnerable women or in the words of Ross Kemp, "people who annoy us." The Judge was clearly annoyed at me during the trial – he saw much of himself in the fragrant victim – how dare this mouthy woman, an immigrant no less, dare to drag this poor man and his wife into court? One minute he would threaten me with taking away my bail and the next he would tell me I was behaving impeccably. I found this false familiarity undermining and fracturing. He was vile and abusive to my defence team, threatening lead defence a barrister of 30 years call with sanctions if he did not run the trial like a civil trial. This judge, Timothy Lamb QC is renowned for running out of time because he likes to hear the sound of his own voice and allows the Crown to ruminate so the Crown case did not finish for four weeks and four days into a five week trial slot. I felt pressured into not being able to give evidence simply because there was no time and I could not face a retrial. Dr Belda, the forensic psychologist who prepared a report in 2015 had said I would find the scenario difficult but no one cared, and no one listened. He also suggested measures for vulnerable defendants be put in place.

I don't believe English Judges are properly trained around mental health or domestic violence or how to catch perpetrators of violence using the machinery of the state to silence and further terrorise their victims. I repeatedly asked for a specialist domestic violence prosecutor but all I got was a barely articulate lazy one whose incompetence surpassed even that of Tuckers, Michael Adebowale. The State becomes their defenders when we are the ones who need protecting. Men have been dragging women through the Family Courts for years to terrorise them and now it is happening more in the Criminal Courts. What better way to completely undermine and pathologise a woman's identity than to criminalise her?

My innermost safest space feels violated and shattered. Two forensic specialists have said I need mental health interventions but I have not received any help or any support at all, in spite of asking for over 3 years for help. I am told I am not a priority, my clothes are clean, my hair is brushed – I am just fine. I am not.

An Enabling Environment

Prisons are not places for the treatment of mental health. If a woman is to engage with a therapeutic service, she can't do it in an environment where she is constantly being traumatised. Prisons are overcrowded, unsafe, loud, violent places of deprivation and punishment. How can healing and self-reckoning happen here when every minute of a therapeutic intervention represents a pound that could be saved and put towards the bottom line? This is the state sponsored, judicially endorsed disposal of the most vulnerable people in society. A leading MP with a human concern for the treatment of prisoners claims it is a national scandal. At a time when HM Government is making so much noise about mental health services being available, parity of esteem for mental health and physical health disabilities and equality in the provision of services for all the Ministry of Justice can't even say how much is spent on mental health services, let alone on services for women. Our Health Minister proudly boasts that he has never visited a prison healthcare service and up until early 2017 admitted he had visited no mental health service. But sentences are handed down by judges who surely look at all the facts of a case, who consider risk, rehabilitation and punishment – what could possibly go wrong?

Richard Branson should stick with planes and trains and spaceships and leave prisoners' mental health alone – Virgin Health Care at HMP Send is the worst I have ever experienced and I have lived in Africa as a child and an adult. CNWL NHS Foundation Trust which has the mental health contract for the London and Surrey cluster of prisons is no better and not provided me with any treatment at all, at HMP Bronzefield or at HMP Send. At HMP Drake Hall I am not considered a priority for treatment by Inclusion the NHS Service that runs mental health and drugs related services here. So, in spite of repeatedly asking for mental health support, I have received precisely no help at all in a five year sentence.

Prison is not a place for mentally disordered people, particularly not for women.

I struggled in the bandit country that is HMP Bronzefield, a privately run prison, managed by a French catering company, Sodexo Justice Services. My complaint about this lack of provision in prison by the contracted provider by Central and North West London NHS Foundation Trust for the treatment of my mental health disorders was rejected by the Parliamentary Health Service Ombudsman in 2015. I persisted and so did my dogmatic MP who is at times helpful, Mark Field. The PHSO decided to look again at my complaint last year after a review of their original decision and finally, two weeks ago, upheld it:

- *“We have identified failings by the Trust both in relation to the rationale given for not providing long term psychotherapy to Ms Dan (using the fact that she was on remand as the main rationale) as well as the failure to explore the possibility of offering alternative psychological therapies and /or interventions to her.*
- *As a result of the failings identified, the Trust has failed to demonstrate that the decision making process followed in Ms Dan's case with regards to the provision of psychological therapy / interventions, was robust and took account of all relevant factors. Ms Dan therefore suffered a loss of opportunity for her request for treatment to be given full and robust consideration. We accept that this is likely to have caused her distress as well as frustration, feeling that her requests for treatment were not being given proper consideration. We therefore uphold this complaint.”*

Further the PHSO made Recommendations:

- *“Remedying an injustice is a key aspect of the Ombudsman's work. Where a service failure results in an injustice, our underlying principle is to ensure that the organisation responsible restores the person affected to the position they would have been in if the failing had not occurred. If that is not possible, the organisation should compensate them appropriately.*
- *The Ombudsman's Principles for remedy say that public organisations should consider fully and seriously all forms of remedy (such as an apology, an explanation, remedial action, or financial compensation), and use the lessons learned from complaints to ensure that poor service is not repeated.*

22. We therefore recommend that the Trust writes to Ms Dan (with a copy to the Ombudsman) within one month of the date of our final report to:

- *Acknowledge and apologise for the failings identified in this report and the impact of these failings on Ms Dan;*
- *Provide an action plan with proposed actions and target dates, to show how the Trust intends to ensure that the failings we have identified in our report so not happen again; and*
- *Make a payment of £XXXX to Ms Dan to recognise that as a result of the Trust's failings, she lost the opportunity of having her request for therapy properly considered and was also caused frustration, feeling that her request for therapy was not being given thorough consideration."*

While of course this doesn't help me, it will help future prisoners under the CNWL contract. Given the content of CNWL's Service Director Offender care, Phillip Bolland, exhibited, I am not hopeful. Clearly he just wants to draw a line under the whole matter and it is clear from the PHSO's investigation that the Trust failed to accept any responsibility during the investigation.

The Ministry of Justice also runs a forensic mental health service. I was promised by an OMU worker at HMP Send that she would prioritise my request for support because I could not progress through my sentence as one-to-one therapy was on my sentence plan, a document that is meant to be updated frequently. Mine has never been updated.. CNWL told me, again that I was not a priority at HMP Send so Selina Foy (OMU) at HMP Send tried the Government Forensic Mental Health Service.

It is written by an inexperienced and obtuse probation officer from the National Probation Service who met me for an hour and a half and compiled my OASYS report from Google, extracts from the Mail online and Wikipedia. When I objected, eventually, she was removed from my case and I was promised a fresh OASYS would be written with the parts where Rebecca Price had tried to diagnose my mental health without having the necessary clinical qualifications would be rewritten within 3 months and I was allocated another Probation Officer. This woman has failed to rewrite the disputed parts of the report, which are acknowledged as Rebecca Price's failings so I am in limbo, unsuitable for recategorisation, unable to access day releases for rehabilitation or care for my children. Finally, after a second complaint to the National Probation Service, I am told by a leading clinical negligence QC that there is a case against the Secretary of State for failing to provide a parity of services that I could access in the community as are available to me in the prison environment and for not providing routes for rehabilitation on my sentence plan, which the prison is meant to provide.

When I arrived at HMP Drake Hall hundreds of miles from home because I dared to complain about HMP Send and its useless Governor Carlene Dixon, I was told that coming here is part of my sentence plan. But it wasn't, the new NPS Probation Officer knew nothing of the move, it was just a spiteful move meant to undermine and cause inconvenience. Selina's request for services from the Government Forensic Service was made in January 2017 and meant to commence in March 2017. In May she was told it was too late to start any meaningful therapy.

The month before I was ghosted from HMP Send, three women in the Therapeutic Community at HMP Send barricaded themselves in and cut themselves and each other and smeared blood and faeces on the walls. They were so desperate to leave and this was the only way to get shipped out. The Tornado Team (Riot Squad) were called and they were eventually dispersed. The month before, a male officer from the TC has been marched to the gate and arrested for having sex with two of the women in the TC, where the most vulnerable women are housed. Last month, another officer, Stacey was arrested and charged with corruption offences and is currently awaiting trial for bringing in a mobile phone and other contraband for the prisoner with whom she was having an affair. Earlier this year another officer, Farron was arrested and charged with corruption offences and for having an affair with a prisoner. This is not consensual sex between consenting adults, this is an abuse of power and rape, in the care of the State.

When I arrived at HMP Drake Hall I was allocated a temporary OMU Byron Morgan who was working a lucrative contract as a part time probation officer having left the NPS under Grayling's massacre of the probation service. He was unhelpful and said he had prioritised my request for mental health support. He had not, what he had done was

ask the forensic psychologist at HMP Foston Hall to undertake a risk assessment to assess current risk. This was meant to be concluded by July 2017. She wrote to me to say that she would conclude this in October at which point I told her not to bother, this was not to help me but to help the prison system to pathologise me. I had stopped trusting HMPPS completely, a long time ago. She insisted that the meetings would be helpful (she had booked 12 over 6 weeks) and asked if I would meet her. I agreed to tick the box and to stop accusations being levelled at me about how I hate authority. I don't – I despise the abuse of power.

At the meeting her inexperience came out and she admitted when asked directly, that she had no experience at all of undertaking these specialised risk assessment, she had started 2 but never completed one. She was also insisting that she could have permission to use my records for further training or education purposes and wanted me to sign a disclosure agreement that would have allowed her and her forensic mates at HMP Foston Hall free and unfettered access to my psychological records. She also said she wanted to record the meetings. I was horrified and left.

This assessment would have been to assess the possibility that I might reoffend although the scientific data crunched (OGSR) had given me a very low risk of reoffending. The subjective assessment of an inexperienced and eager psychologist or non-clinical professional keen to make her mark can be dangerous and block a prisoner's progress to open conditions with the imposition of more and more courses and restrictions when we are eventually released. This risk assessment was solely for HMPPS to identify how I felt about my crimes. However for someone who is maintaining her innocence, 4 years later, this is futile and enervating. I have no faith in the MOJ's ability to keep my data safe, after someone else's data was disclosed to me in a Subject Access Request filled with another woman's hearings in the Admin Court concerning her extradition. There was no way I was going to allow a printed version of this assessment to be left to inexperienced and untrained baby doctors who want to play with vulnerable people's minds as part of their learning journey.

HMP Drake Hall is meant to operate a much vaunted Enabling Environment, mark of quality from the Royal College of Psychiatrists and the NHS. When it used to be a place women wanted to come to and had to be on enhanced level to be able to access, it might have operated such a standard. Today, it is ruthless, cruel and unjust in spite of the best efforts of the Governor, Carl Hardwick. His staff is demoralised, unhappy about the lack of pay increases and frankly abusive. There is a core group of older ones who are actually verbally abusive and call prisoners names and scream for no reason. I was late to report for the evening check because I had been speaking to a Governor and was screamed at, loudly in front of 18 other women called a "fucking dick" by Officer S Kelly who was making spiralling gestures with her fingers at her temples (a derogatory sign representing mentally ill people). Her excuse is that she comes from Stoke.

This kind of behaviour is not acceptable but we have to accept as a society that when we pay prison officers so little money and when working conditions are so low, we are just not going to attract the best and the brightest. Recruitment remains impossible and at HMP Drake Hall where over 50% of women are BME there is not a single BME officer or governor grade. Staff do not have the tools or the training to undertake proper rehabilitative interventions let alone sit and talk to the six or seven women under their "care." They work nights and odd shifts and this myth that a prisoner can go to her personal officer must be dispelled. It is dangerous and the MOJ wants to build on it. It is simply not possible for a prison officer to manage 6 women in the way that HMPPS imagine will help, there is no capacity to accommodate this.

There are some truly caring and kind Governors and Custodial Managers and Senior Officers at HMP Drake Hall and there are people I feel I can go to when I feel low. However I feel that control and punishment are used to legislate against mental health issues and disorders which is perverse. The number of adjudications is unacceptably high even though it is high all across the women's prison estate, the prison estate wants to punish women more and harder once we are in the system (see attached *Economist* article). Extra days are handed out like candy by the Senior District Judge who comes into HMP Drake Hall for serious adjudications and every day at 6pm the roll call of women being called to the Care and Support Unit (or segregation unit) is endless. Cellular confinement – being left in the Segregation unit is given too often and is the equivalent of isolation – no TV, no radio, in a concrete floored and walled cell. When a woman wants a shower, she is locked into a small and dangerous shower cubicle.

Women on CC are rarely given outside exercise or allowed in the library. It is degrading and cruel punishment often for the smallest of infractions and the prison service fails to realise that all the disorder is directly due to the fact that mental health issues are not being addressed, women are frustrated, staff can't cope and are not trained to deliver mental health interventions or counselling and receive no support or supervision when they have to witness violence and degradation on a daily basis.

More and more prisoners are becoming disillusioned and disgruntled with the lack of mental health provision in prisons and it will take the Government being sued for their dereliction of duty to provide rehabilitation and mental health services for the Government to realise that prison is not a dumping ground for vulnerable people – not when a leading prison governor admits this.

Endless reports most recently the Corston report of 2007 have described the prison system as unfit for purpose when it comes to women offenders. The Bangkok Rules describe the most human and compassionate ways to deal with women in prison and their children. The UK is a signatory and in spite of endless promises and genuflections at the shrine of purposeful rehabilitation, 10 years on, nothing has changed and if anything, conditions in women's prisons are even worse.

This will never change until the driver is purposefully reset, by a mature western democracy which has re-evaluated, consciously and with humanity, what we expect from our prison service. It is failing prisoners, worse still, it is failing victims and society and costs in excess of £13bn a year.

Here are some ideas for change for HMPPS

- Force all prisons to keep up to date PSOs and PSIs in the library and make this responsibility subject to inspection and review by HM Inspectorate of Prisons. Until people know the rules and they are accessible, a power inequality exists.
- Make the complaints system electronic, at present too many complaints go missing or remain unanswered. Disband the unit at HMPPS responsible for auditing prison performance and outsource this function to a regulator or an auditor. The Prison and Probation Ombudsman's Office takes far too long to look at complaints and regularly and routinely refuses to look at complaints by prisoners regarding the loss or damage of their property by HMPPS
- Proper pay and training for prison officers regarding mental health awareness
- Prison officers to have a minimum of degree level qualifications and to be encouraged to continue to access education and access courses in employment
- Women only staff on house blocks
- Whistleblowing should be actively encouraged – a lot of staff are truly decent people. They hate what they see and the rate of attrition is so high because they get burnt out. If there was a visible and confidential way they could voice their concerns there would necessarily be less incidents of self-harm and suicide.
- Mandatory training concerning suicide and self-harm, recognising depression and triggers for all front line staff, regularly updated. Much more needs to be done at the ground level. Reconstitute the Women's Unit at the MOJ with specialists in gender issues and interventions designed by and for women
- Make recommendations of HMIP and the PPO binding on the prison service within a finite period
- Retrain probation officers so they are aware of what they are tasked to do – NOT make diagnosis when they are not qualified to do so
- Better use of creative arts and art therapy in the prison estate

Vulnerable Defendants and Suitable Representation

There are extensive guidelines in place to ensure vulnerable defendants have adequate representation and measures are put in place to help make the processes less nerve wracking and difficult for us. The Prosecutor has a duty to help the Defendant as does the Judge but in the adversarial, gloves off arena of the Crown court during a trial all semblance of pretending to adhere to rules and guidelines gives way to securing convictions. This duty of care is supposed to start in the Police Station and is covered in PACE. In the courtroom it is meant to be that the adversarial practises of trial must be adapted to the needs of vulnerable witnesses and defendants, whether called by prosecution or defence (see B [2010] EWCA Crim 4 at [42] and CPD I para 3D.2).

The Equal Treatment Bench Book 2013 emphasises that the Equality Act 2010 demands substantive equality for every person appearing in court to ensure their full participation and that the court has safeguarding responsibilities in respect of children or vulnerable adults, often discharged through judicial discretion. Judge Lamb made every effort to make the process as intolerable as possible, showing his contempt for my legal team, telling them that it was the worst prepared trial he had ever seen, condescending when he didn't know how to rule on a point and point scoring in a childish and petulant fashion. Once he threw his books off the bench and stormed off, refusing to come back until Simon Connelly apologised. The Equal Treatment Bench Book has comprehensive chapters on child, vulnerable and disabled witnesses. Barely any advocates read it; mental health is not regarded as a disability even in today's enlightened times and with mental illness bearing the Royal Warrant of Approval. Special measures are supposed to be available to all vulnerable witnesses including defendants with mental disabilities or "vulnerable witnesses who are affected by a mental or physical impairment."

The YJCA 1999 expressly excluded defendants from access to special measures but this created a disparity in Youth Courts between child defendants and other witnesses. Parliament moved to give limited access to special measures to child and vulnerable adult defendants including access to intermediaries for their testimony in the Crown Court and Magistrates Courts.

CPD I paras 3G.1 to 3G.14 govern the treatment of vulnerable defendants in the Crown Court and magistrates Courts, adopting procedures analogous to those in youth courts. Its overriding principle states in part that all possible steps be taken to assist vulnerable defendants to understand and participate in the proceedings adapting the ordinary trial process as necessary. Defence advocates should be fully familiar with CPS 1 paras 3A.1 to 3A.15 and CPS V paras 29A.1 and 29a.2 to enable them to fully assist the court in fulfilling its obligations to a child defendant or to a defendant who is otherwise vulnerable. Eligibility for live link and an intermediary allow the court discretion to allow these tools to assist a vulnerable defendant's evidence and participation.

In my case there was no discussion of agreed ground rules, any vulnerability or any precautions that should be taken to ensure my participation. I found the whole process so wearing and difficult I took to taking my sketch book and watercolour paints into the dock where the Serco jailer happily let me get on with flower studies. I was barely present – it was too hard to relive the trauma so I vacated myself, mentally from the physical space.

My legal team was frightened of my mental health issues in my case. Men can't voice women's trauma and the domestic violence in the case inflicted by the "victim" on me that came out in cross examination was too difficult to articulate. Yet over two thirds of women going through the criminal justice system have at least 2 diagnosed mental health conditions. They said they were worried that the jury would think I was crazy and therefore dangerous and guilty. Barristers get little or no training in how to deal with vulnerable defendants, dealing with trauma or how to let us speak through their voice or how to hold our pain and stay grounded in what can be harrowing proceedings. Over 80% of women in prison self-report as having been victims of domestic violence in the year before they came to prison.

My legal team, in particular the trial barrister Simon Connelly glossed over the mental health issues in court in front of the jury although he appeared to derive perverse pleasure from discussing me in the third person, when I was there and speaking about my "presentation" as "wild and manic." It was not, but it scared him because I was reliving old traumas and had to sit and listen to the victim pretending that words he had said, word for word about how he

justified his predatory behaviour and serial infidelity towards his long suffering wife, to describe things he pretended I had said.

My barrister said he didn't want the jury to think I was mad because then they would think that I was guilty. This domestic violence suffered at the hands of the victim by me was confirmed by Mike Turner QC the former chairman of the Criminal Bar Association who used to be a close friend of mine. It was difficult for him to speak about but he did yet Simon Connelly at trial did not bring out the circumstances that lead to the allegations of stalking and harassment which was my statutory defence. I did what I did to protect myself and others.

I went to Jonathan Goldberg QC who so admirably helped Marine A who murdered an insurgent in cold blood and in breach of the Geneva Convention and whose sentence was reduced when the conviction was changed to manslaughter to reflect the post-traumatic stress disorder he was said to be suffering at the time. Goldberg QC palmed me off onto Jeffrey Israel his junior at 5 Kings bench Walk and so, yet again, I found myself having to deal with a stubborn, pale, male and stale barrister who was again, unsympathetic and couldn't hear me. He wanted a fresh forensic expert's report and suggested someone he rated – another male, white, Trust consultant moonlighting on legal Service Commission ordered funded reports. I asked for a female forensic expert – he said he didn't know any. He rudely asked me if the only qualification had to be that she was female. I said no, it would help if she was a forensic expert too. When I found two leading experts willing to help, suddenly he decided that he didn't want to put a new report before the Court of Appeal for permission to renew the application for leave to appeal the sentences.

On 1st September the learned Appeal Court Judges refused leave to appeal, confirming that their brother judge in the lower court had acted unimpeachably. It didn't help that counsel, Jeffrey Israel of 5 Kings Bench Walk advised them that I could possibly get more time under new sentencing guidelines for the same crimes and ignored mental health issues completely. He is currently being investigated by his chambers for derogatory remarks he has written to me, after I questioned his excessive fee which did nothing and if anything worsened the situation.

Mental Health was not an issue – the Court of Appeal Judges said so, so it must be true. At the time I was sentenced this was the longest sentence for a stalking offence ever handed down. Dealing with appeals and a conveyor belt of solicitors and barristers, has if anything exacerbated my mental health conditions and I feel low, tearful and constantly on edge. I have pleaded for mental health support for 3 years and received – precisely nothing. The Court of Appeal judgement uses the same language, manipulative, deceitful and so on – how do they know and what do they know about mental health and applicants?

Mental Health and the Courts

Our legal system is endemically misogynistic and biased. Women are daily defiled, abused and subjected to vile abuses of power by men in frocks or wigs because they can. Sexual harassment and verbal abuse that is now being exposed throughout all levels of class and working cultures in England are the worst in the criminal justice system because of the old boy network and connections. Judges in European Court and American Courts do not behave like this. Women who come before the criminal justice system are fair game – judges are allowed to use language against us that would lead to defamation claims in the real world, but not in the dark corridors of power and systemic abuse that the criminal courts, the Appeal Courts and the Supreme Court embody in the UK.

Why does a judge feel free to use words to describe women defendants such as manipulative, deceitful, vile – how do they possibly know enough about the woman to make such judgements? Words are powerful spells and can create, or exacerbate existing mental health conditions, some judges positively revel in giving horrible, abusive sentencing speeches. For what reason and what does it serve? We stopped burning witches a long time ago. This is just another abuse of women by the State, in a situation where power is being misused against her. The Judge's function is to sentence to rehabilitate and to punish, not to scar and pathologise.

This issue of poisonous sentencing speeches is very disturbing. At present Judges receive exactly half day training on mental health issues. They learn how to order forensic reports for sentencing which is meant to be taken into account for sentencing purposes, not ignored as did my learned judge. HHJ Timothy Lamb QC. The training in mental health judges receive is woefully inadequate; they receive longer training on internet and email protocols than they do on vulnerable defendants.

English judges appear to remain stuck in feudal times in an anachronistic system. The CPS prosecutes in the name of the Crown and the victim and the defendant's voices go unheard. Judges from other European nations have different processes – they actually get to know a defendant and his or her circumstances, their family, their background. English judges rely only on hurried reports undertaken by forensic specialists riding the gravy train at £2 500 to £10 000 per report and pretending that they are actually providing a service when it is just a box ticking exercise.

The second forensic expert's report in my case was prepared by psychologist Dr Timothy Green, highly recommended by Tuckers Solicitors. He lied on his CV about his qualifications and employment, he lied about how long he spent with me at HMP Bronzefield, he failed to turn up for follow on interviews, he had someone else's name, diagnosis and symptoms as well as someone else's offending history in my report. The report reached Tuckers very late although it was meant to be with them by 12 August in time for the sentencing hearing of 19.8.16, they received it on 17.8.16 so there was no time to get a hard copy to me in prison. Given the judge's natural predilection against me, I did not want this flawed report to go before him. I asked Tuckers to arrange a corrected report for the hearing in one working day's time.

Without my consent and after he was fired, Connelly forwarded the report to the Judge's personal Hotmail account. The Judge couldn't be bothered to read it and couldn't even download it which is obvious in the transcript of the hearing exhibited of 19.8.2016 (to follow from Waterfords Solicitors), he latched onto one paragraph from Dr Green about how I had attempted to control the process which is impossible because legal advisors, clinicians etc book their own visits at HMP Bronzefield directly with the prison. He finally provided a corrected report to Hodge Jones and Allen in November 2016 who tried to appeal the sentence in the first instance.

What is the point of judges ordering expensive and time delaying mental health reports if they are not going to take them into account? This is an abject waste of the taxpayers' money and also contrary, again to sentencing guidelines that state a Judge must take into account court ordered and professional reports.

Judge must realise that spells are words and that when they describe defendants in horrific terms, they create a reality because that is how the defendant will be treated in prison- the prison service gets a copy of the judge's remarks on sentencing. Of course there is no right of redress and judges often get it wrong getting carried away on the wave of their own flouncing speech-making. What have they to lose with the toothless JCIO and no sanctions, when they are found lacking in professionalism and to have behaved badly. Who cares? Judges are not up for re-election, they behave with a divine right and impunity – because they can.

The time has come to lower the retirement age to 65 for judges and for them to meet minimum legal requirements of training in mental health, equalities, domestic violence and vulnerable witnesses if they wish to continue to sit at the bench.

We are conflicted – perhaps slightly schizophrenic in our approach to what we want as a society from prisons. Until this is resolved and we decide what the driver is – retribution or rehabilitation – nothing will change. Until we know as a society what the parameters are and why we are locking people up, the courts will continue to punish people arbitrarily, and with no proper accountability.

The Trial Judge Timothy Lamb QC pretended he wasn't aware of mental health issues although a GP's letter confirmed that during the time of the indictment in December 2013 – February 2014 I was heavily medicated and suffering a nervous breakdown due to domestic violence. The Judge knew better - he claimed I was not suffering mental health issues – they had not been an issue during the trial, he said. This was when it suited him to ignore sentencing guidelines and the rules concerning the treatment and sending of vulnerable and mentally disordered people. He is now being investigated for his neglect of the Court's Public Sector Equalities Duty to observe the rights

of disabled people. He was well aware that there were court ordered psychiatric reports that he couldn't read because he couldn't be bothered to log into his judicial email address and looked at a 48 page report on his mobile phone. His angry retort was;

"You have had your chance."

He then went on to ask if I had received CBT, which he is not qualified to observe let alone prescribe and I was sentenced as a vulnerable defendant, with no legal representation. I asked for one working day's adjournment and was denied that.

I am appealing the manifestly excessive sentence of 18 months plus 18 months plus 2 years to be served consecutively so a total of five years in the European Court of Human Rights in Strasbourg, having exhausted all domestic remedies available. The panel of 3 Judges including a very senior judge sanctioned the lower court's behaviour, claiming that the judge had behaved impeccably.

One of the main grounds for the appeal in the European Court is the treatment of vulnerable defendants by the English Courts. Mental health is completely disregarded. I should not have been sentenced as a litigant in person with recognised disabilities under the Mental Health Act. The sentence itself is unlawful but Judges close ranks and my case achieved notoriety the more I dared challenge the system. It's like being held in a vice grip and the more I fight for justice, the more recalcitrant and obtuse the judges and the court become.

Two well-known and respected forensic psychiatrists confirmed that prison would make my symptoms worse but the Judge, Timothy Lamb QC was of the view that only a custodial sentence would suffice. He has no knowledge of mental health at all and is not a qualified expert and tried to prescribe that I ought to have availed myself of CBT when CBT doesn't touch the sides to help alleviate the symptoms or get to the root of my conditions.

Two forensic specialists told the court in reports paid for by the public purse costing in excess of £5 000 that I would not be treated within the prison estate but that one of them could see me at his rooms in Harley Street to prescribe and a colleague of his would see me for Dialectical Behavioural Therapy. The Judge ignored that recommendation. What was the point of ordering the reports? A Mental Health Ombudsman sitting independently within the Criminal Justice System could systematically protect the rights of defendants and ensure that proceedings are fair.

Appoint a Mental Health Ombudsman with responsibility for the way that Courts treat vulnerable defendants and witnesses and ensure that their rights are preserved under the Mental health Act, the Equalities Act and the existing guides to best practise and the discharge of the judicial and advocacy functions.

Further, vulnerable women should not be sent to prison for court ordered reports unless she has a history of not turning up for court or for appointments for reports. Sanctions should be imposed against judges who repeatedly demean or ignore a defendant's mental health conditions and sentence contrary to what forensic experts advocate. The Mental Health Ombudsman or a member of the public who is concerned needs to have a route to report this to the Lord Chancellor and the Lord Chief Justice if this continues.

Where a forensic expert's report considers that the custodial setting will not benefit a person and she will not be able to access the recommended treatment this should be mandatory upon the court and a custodial sentence should be removed from the judge's discretion. The Court should ask the forensic experts and probation to find clinical pathways a defendant can access in the community or in a closed setting until she is well enough to be released or to suggest alternative pathways and interventions.

We must begin to appoint judges who have been through real life experiences, not just decanted from Oxbridge to Chambers to the Bench, and judges who had / currently have mental health issues.

Here are some ideas for change

- Enforce mental health training for all senior advocates who prosecute or defend in the Magistrates and Crown Courts
- The Mental Health Ombudsman to oversee all proceedings where mental health has been identified as an issue – s/he will have the right to stay proceedings immediately where there is an abuse of power and to refer them to the Admin Court if a judge is behaving in a way that undermines the rights of mentally disordered people or vulnerable women
- Bind judges, in law to observe the Sentencing Guidelines concerning vulnerable and disabled (by way of mental disorder) defendants
- Retrain all judges on gender issues and the Bangkok Rules concerning the specific rights of mothers and children

Contracting Issues

The Ministry of Justice is not known for its brilliant commissioning of services, its procurement or measurement processes or the transparency of its relationship with its providers. While there is some advantage in the inherent deniable culpability of these relationships (think Serco and G4S and the tagging scandal) , it goes against fairness and accountability towards the people who have to use and also suffer these services.

The Government must be held to account through a 10 year plan of reporting, reviews and audits both planned and unannounced with mandated goals and outcomes and to enforce a system of penalties if progress is not evident and goals are not met. The ultimate aim of this is to reduce the prison population by 50% by 2027. If only 10% of the women in prison are considered dangerous to themselves or others, why are we locking up the other 90%? The time has come to enact Corston and implement the Bangkok Rules or to incorporate them into Sentencing Guidelines and make them binding on Judges and Sentencers.

We need to ring-fence funding for existing women's centres so their future is secure and world class services and work with vulnerable women and mentally disordered patients can continue, without constant worries about funding ending encumbering the progress and future of these establishments.

To form an inventory of all the property assets held by HM Government that could be used as centres for excellence to provide bespoke mental health services so that Judges have alternatives to custody, in the community or in closed conditions but not in the punitive environment of a prison.

Government needs to centralise the subject of rehabilitation, making it an overriding principle across government departments with all departments feeding into policy that is woman centred and will serve success to women caught in the criminal justice system and suffering with mental health issues. The Government must appoint one single person with the responsibility for all women in the CJS who is tasked with providing safe, decent and rehabilitative services. This person – preferably a woman and anyone except Luke Sarjeant the current Director of the Women's Estate to be accountable directly to the PM and the SoS for Justice. She will , within 6 months of her appointment create a cross departmental working group from every government department to facilitate cross departmental working group to create pollination of best practise and joined up thinking. This group will then advise government on the best way forward to create a decent, human, female smaller prison estate and other support services where the needs of vulnerable women particularly those with mental health issues can be dealt with holistically.

The Mystery of Risk vs. Rehabilitation

Three weeks ago, I was physically attacked – repeatedly punched in the head - by a violent prisoner back in prison on recall for attacking her sleeping partner – she repeatedly punched him in the head. Not one prison officer has asked me how I am although I was put on a support plan – the only thing noted was that I was on the phone a lot – yes, to my network because I felt really isolated and scared and realised how unsafe this environment is. Even while I was on the support plan nothing was done to see how I was or how the prison could support me. False information was put on the incident report claiming that I had taunted the woman in education which is why she felt she had to attack me and I have raised this with the governor because it is simply not true. No one in the education department is trained in how to manage these situations or in control and restraint so it took another prisoner to tear this woman off me to prevent serious harm being done to me. The prison is pressing for outside charges but not one person has told me what is going on or what is going to happen. No witness statement has been taken and she walks around asking officers to give statements against me because supposedly “I had it coming.” Nothing has been done to help her deal with her underlying personality disorders and nothing has been put in place for her second parole hearing. Byron Morgan (my former OM) recommended her for parole in July without any psychiatric report or suitable interventions. The Parole Board refused and ordered psychiatric reports.

I have been offered no support at all except by the lovely nursing staff and the GP who is misunderstood (he is the only other brown person in this prison besides Asian women prisoners) and is sympathetic.

Risk is the driver that informs every decision made in HMPPS, women remain high risk even when, as in my case, no intervention is offered and the information that is used to form this assessment is admittedly flawed. It is impossible to progress to low or medium risk because most prison psychotherapy interventions have been discredited and most prisoners will not take part in them. It is also very frightening to think that risk assessments are being undertaken by psychologists who have no experience in undertaking these assessments and have simply completed a training course. Prisoners deserve proper care and support, proper treatment for mental health and physical health conditions not the third world equivalent we are given here, from the cheapest provider who has ~~women~~ ^{women} the race to the bottom in the MOJ's tendering and procurement process.

Here are some ideas for change

Mental Health Services

- Clear and accountable processes to refer women to mental health services, a named person at each prison to refer to the appropriate service
- GP's notes to be immediately made available, in full, not ad hoc (as is the proposal)
- A service user on each commissioning team and on every government procurement team to engage “lived experience”
- Women's patient records to accompany the woman to court and to a new establishment immediately
- Ring fence funding for mental health and to know how much is being spent and how it's being spent; to review all the contracts of all the providers to ensure open book accounting and full transparency, introduce incentives for progression where they are achieving recognised milestones with patients, get away from the tick box and secretive culture that exists in these contracts today
- To bring professional commissioners and contractors and procurement officers in from the private sector to make government contracts more commercial – to allow immediate break clauses and penalties so that if a contractor is not providing a service that it is contracted to provide, that contract can be terminated immediately without penalties paid by HMG
- To introduce an Ombudsman to oversee the delivery, effectiveness of all public service contracts and see that they are commissioned, procured and delivered properly and fairly
- To establish a clear pathway with a timeline for every prisoner who needs mental health support and to establish one named person who is accountable for that person's progress. This might end the status quo of being passed from pillar to post between the primary and the in reach contractor, often competing companies