

# "They're your responsibility, you should have thought about that before you committed the crime": How women with caring responsibilities experience the criminal court system.

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Fellowship 2022/02 - published 2024

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## Abstract

Nearly twenty years since Baroness Corston's review of vulnerable women in the criminal justice system, there has been a growing recognition of the devastating impact that custodial sentences disproportionately have on women and their children. The shift in discourse is welcome progress, though there has been less focus on the distinct challenges women face earlier in their criminal justice journey, particularly in the court system. How an individual is treated by the court process, before a sentence is passed, can have a significant impact on their life, and how they perceive the legitimacy of the criminal justice system. Judicial guidance provides a benchmark for how the court system should be responding to caring responsibilities.

This research explores how women with caring responsibilities experience attending criminal courts in England and Wales, and the extent to which their needs are accommodated "as far as reasonably possible", as required by the Equal Treatment Bench book. The research finds that in reality women with caring responsibilities do not experience necessary accommodations within the court process. The findings of this research show that more is needed than better implementation of the Equal Treatment Bench Book to address these issues. This should be begun at earlier stages of the criminal justice process, from point of arrest, through to court appearances and sentencing.

## Findings

- Women in the research generally experienced a lack of consideration for their caring responsibilities when they attended court. This affected both defendants and witnesses.
- The court system did not adapt the scheduling of court times around participant's caring responsibilities, which made it hard for many to attend and concentrate during proceedings.
- Courts do not have adequate child care facilities.
- The lack of accommodation from the court service, and the fear of being arrested, affected the care and wellbeing of their children.
- Participants in this research linked the inadequacy of provision for women with caring responsibilities with the wider stigma of contact with the criminal justice system.
- When reasonable accommodations are made, they are positively received and promote engagement with the process.

## Recommendations

1. Awareness raising and action needs to be undertaken at all stages of the criminal justice process. Specifically in relation to the court process HM Courts and Tribunal Service should:
2. Include the following information on every summons to court: a copy of the Ministry of Justice leaflet "Before Court: Going to a Criminal Court as a Defendant", with the section providing advice on bringing children to court highlighted.
3. Work with the judicial office to ensure that court listing arrangements are sufficiently responsive to issues regarding caring responsibilities; provide a 72-hour minimum warning before rescheduling a caregiver's hearing; schedule the hearing or trial of a caregiver, which does not involve witnesses, in a court that is closest to their home; schedule witnesses with caring responsibilities to give evidence at a specific date and time during a trial; and enable defendants to attend their hearing, and witnesses to give evidence, virtually using video links.
4. Create child-friendly areas in court waiting rooms, and provide books and toys, such as those available in doctor's surgeries; and
5. Pilot and evaluate a scheme where court hearings and trials are scheduled to begin at a specific time.