



The work of the Prison Reform Trust is aimed at creating a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government, and criminal justice officials.

## **Acknowledgments**

Fiona Cannon, Chair of the Women's Justice Taskforce

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# Reforming Women's Justice

Final report of the Women's Justice Taskforce

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## Foreword

Fifteen years ago, there were some 1,800 women in custody. Today there are over 4,000. During one year more than 11,000 women are imprisoned and almost 18,000 children are separated from their mothers. Most women are held on remand or serve short sentences for non-violent crimes. Many have themselves been victims of serious crime and sustained abuse.

Instead of a punishment of last resort, women's prisons appear to have become stopgap providers of drug detox services, social care, mental health assessment and treatment and temporary housing - a refuge for those who have slipped through the net of local services.

When women are sentenced to custody it has a profound impact on family life. While only a minority of children are taken into local authority care, most are farmed out to relatives and friends, just 5% stay in their own homes when their mother goes to prison. Imprisonment will cause a third of women prisoners to lose their homes, reducing future chances of employment and shattering family ties. Half will reoffend within a year of release.

Coming to the issue fresh, I was struck by the waste of lives, time and money behind the cold statistics and the evidence we heard. The Women's Justice Taskforce was established in 2010 on a time-limited basis by the Prison Reform Trust, kindly supported by the Bromley Trust, to consider the needs of women in the criminal justice system and what additional activity could be undertaken to maximise the benefit of work already underway in this area. The problem of women's justice has been well mapped by other reviews and the Taskforce has drawn considerably on their analysis and indeed on previous recommendations.

Custody not only proves ineffective in many cases, it is also expensive. The Taskforce heard that the average cost of a women's prison place is £56,415 per annum. By contrast, an intensive community order that commands the confidence of the police and the courts could cost in the region of £10,000 - £15,000. With this report, we are presenting an assessment of the costs and benefits of women's imprisonment, community penalties and women's centres. If work to reduce women's offending were better integrated across government and more strategic, it could pay dividends - not only by getting vulnerable women out of trouble but also by tackling costly inter-generational crime.

The current economic climate and the government's proposed overhaul of the justice system, provide us with a timely opportunity to look again at how women's justice might be authoritatively led and framed within the broader programme of reform. It should be possible to reform women's justice so that, with improved national and local coordination, better accountability and reinvestment of resources, the government can achieve a measurable reduction both in offending by women and the women's prison population.

Fiona Cannon OBE  
Chair of the Women's Justice Taskforce  
Diversity and Inclusion Director, Lloyd's Banking Group



**PART ONE:**

**Reforming women's justice: findings and recommendations**



## Reforming women's justice: summary

Over the last 15 years, there has been a 114% increase in women's prison numbers<sup>1</sup>. Most women serve short sentences for non-violent crime and for those serving less than 12 months, almost two thirds are reconvicted within a year of release. This approach has led to pressure on budgets and ignores the social impact of women's imprisonment. There are, therefore, sound social and economic reasons to reform women's justice.

The Women's Justice Taskforce was established in 2010 on a time-limited basis by the Prison Reform Trust, supported by the Bromley Trust, to consider the needs of women in the criminal justice system and what additional activity could be undertaken to maximise the benefit of work already underway in this area. The problem of women's justice has been well mapped by other reviews and the Taskforce has drawn considerably on their analysis and indeed on previous recommendations.

The government's proposed reform for the criminal justice system, outlined in the recent green paper *Breaking the Cycle*, provides a timely opportunity to look again at how women's justice might be framed within the broader criminal justice reforms.

Whilst there has been an increase in women's prison numbers, women still only represent 5% of the prison population. With such small numbers, some may question the validity of looking at this population in isolation. The evidence presented to the Taskforce suggests there are clear reasons why a focus on women is helpful:

- The average cost of a women's prison place is £56,415 per annum<sup>2</sup>. An intensive community order could cost up to £10,000 - £15,000. 54% of women leaving prison are reconvicted within one year – for those serving sentences of less than 12 months this increases to 64%. Evidence from Anawim Women's Centre, demonstrated that only 3% of women using its services went on to commit further offences and 7% breached their community order. Whilst only one example, this would suggest that there may be more cost-effective ways of dealing with women's offending, which could be explored further.
- Many women offenders have children or are the primary carer for disabled or elderly dependents. An estimated 17,700 children are separated from their mothers by imprisonment and only 5% of them remain in their own home whilst their mother is in custody. The impact on these children is profound. Research suggests that children with a parent in prison are “three times more likely to have mental health problems or to engage in anti-social behaviour than their peers. Nearly two thirds of boys who have a parent in prison will go on to commit some kind of crime themselves.”<sup>3</sup> Appropriate alternatives to custody which support a move away from intergenerational offending would again be more cost effective in the long term. A recent ICM poll showed that 80% of those surveyed strongly agreed that local women's centres where women address the root causes of their crime and do compulsory work in the community to payback should be available.<sup>4</sup>

- Very many women in prison are perpetrators of relatively petty crime, such as theft and handling stolen goods, and victims of serious crime such as domestic violence or sexual abuse. They have multiple and therefore more complex problems related to their offending, high rates of poly-drug use and poor mental health. These problems are best addressed through community provision tailored to the specific needs of women offenders. Whilst there are women in prison who have committed serious and violent crime, the majority are there for very short periods. A prison sentence has a more traumatic impact on women, with a higher incidence of self harm than for men.

The Taskforce believes that those who commit crime should be punished. Any punishment, however, needs to be appropriate, proportional and support rehabilitation. For many of these women, dealing with their offending in the community, or finding ways to divert them from crime in the first instance, would be a more effective way of meeting those criteria.

It is true that many women end up in prison for low level crime as a result of repeat offending and a failure to respond to non-custodial alternatives. Better national provision of women-focussed community disposals could result in more successful completion of community orders, lower rates of reoffending and fewer women being sent to prison. In particular, women's centres, which enable women to address the causes of their offending and at the same time maintain responsibility for their children, should be employed more widely as part of the coalition government's strategy to reduce reoffending and intergenerational crime.

This brief report looks at how structure and accountability, and the reinvestment of resources, could be used to support reform of women's

justice. It goes on to consider early intervention, and how the government can reduce the risk of offending at the earliest possible stages.

Opportunities for diversion are then examined with a discussion of how women who should not be in the criminal justice system can be diverted into appropriate treatment and social care. The report looks at entry to the criminal justice system and the use of effective community measures. The role of women's centres and community provision is examined in further detail in the next section. Reference is then made to rehabilitation and resettlement.

We welcome the proposed changes to the criminal justice system outlined by the government. We believe, however, that there are some areas which merit further consideration. In particular, the proposed reforms could be more effective if there was clear leadership and accountability at a national level for women's justice in the same way as there has been for youth justice. The Taskforce's main recommendations, drawn from the full list of recommendations included in the report, are:

- **A cross-government strategy to be developed to divert women from crime and reduce the women's prison population, which includes measures of success and a clear monitoring framework. Responsibility for implementation to lie with a designated minister and accountability for the strategy to be built into relevant roles within government departments and local authorities.**
- **Reform of the women's justice system to reflect planned changes to the governance and oversight of youth justice. This may include the appointment of a director of women's justice and the establishment of a women's justice agency.**

- **The planned closure of women's prisons to be accelerated and the money reinvested to support women's centres and other effective services for women offenders and vulnerable women in the community.**
- **The new national network of mental health and learning disability diversion schemes in police stations and courts to take account of the particular needs of women.**
- **Professional training for staff in criminal justice agencies including police, probation, Parole Board, judiciary and court services, to include specific material on women's offending and effective ways to reduce it.**
- **The National Audit Office to produce a regular audit of provision for women offenders and its effectiveness.**

### Key Facts

- On 6 May 2011 the number of women in prison in England and Wales stood at 4,131.<sup>5</sup> Each year over 11,000 women are received into custody.<sup>6</sup> In the last 15 years there has been a 114% increase in women's prison numbers.<sup>7</sup>
- Most women serve very short sentences. In 2009 two thirds of all women sentenced to custody were serving sentences of six months or less.<sup>8</sup> Over a third are serving sentences for theft and handling stolen goods.<sup>9</sup>
- Over half of women entering custody do so on remand.<sup>10</sup> These women spend on average six weeks in prison and six out of ten of them do not then go on to receive a custodial sentence.<sup>11</sup>
- Each year around 17,700 children are separated from their mother by imprisonment. Just 5% of these children are able to stay in their own homes while their mothers are held in custody.
- Of all the women who are sent to prison, 37% say they have attempted suicide at some time in their life.<sup>12</sup>
- In 2009, there were 24,114 recorded incidents of self harm – with 6,977 prisoners recorded as having self-harmed. Women accounted for 43% of all incidents of self harm despite representing just 5% of the total prison population.<sup>13</sup>
- Around one-third of women prisoners lose their homes, and often their possessions, whilst in prison.<sup>14</sup>
- Women released from custody having served a sentence of less than 12 months are more likely to reoffend than those who received a community order; in 2008 the difference in proven reoffending rates was 8.3%.
- According to figures presented to the Taskforce, the cost of a women's prison place was higher than a man's at an average of £56,415 per annum. By contrast, an intensive community order could cost up to £10,000-£15,000.<sup>15</sup>

## 1. Structure and accountability

*I believe that regional commissioning for women must be directed by strong, visible, effective and strategic national leadership at the highest levels. Direction must be in accordance with a well-planned and resourced national strategy for women in the criminal justice system, which all relevant ministers must sign up to and actively promote.*

Baroness Jean Corston<sup>16</sup>

Effective leadership and accountability at the national and local level are key to ensuring women in the justice system are a priority for government. With clear leadership and the right structure it should be possible to reduce offending by women and to drive down prison numbers. Addressing the multiple and complex needs of women offenders requires close cooperation across government departments and between national and local agencies. It is essential that appropriate arrangements for effective monitoring are in place.

Since 2000, policy change, and some practical reforms, have stemmed from a series of independent and government reviews, all backed by a significant body of research evidence. These include the independent Wedderburn review of women's imprisonment<sup>17</sup>, established by the Prison Reform Trust, a Fawcett Society committee of inquiry<sup>18</sup>, the Home Office commissioned Corston review<sup>19</sup>, following the deaths of six young women at Styal prison, an HM Prisons Inspectorate thematic review<sup>20</sup> and a Cabinet Office report<sup>21</sup>. Without exception these reviews concluded that there is a clear economic and social case for reducing women's imprisonment and for working across national and local government departments

to address the causes of, and to reduce, offending by women. Notwithstanding this considerable work, and with no proportionate increase in offending rates, women's prison numbers continued to climb until 2007 from when they have remained broadly static.

Currently oversight of women's justice across government is unclear. There is no named minister at the Ministry of Justice with designated responsibility for women offenders. Within the department oversight is divided between the Criminal Justice Women's Policy Team, who are responsible for policy development, and the National Offender Management Service Women's Team, which oversees operational matters. The Minister for Women - a post that currently resides with Theresa May, the Home Secretary - has overall responsibility for gender equality across government. However, the involvement of the Minister and that of the Government Equalities Office in monitoring provision for women offenders is not yet clear.

The Taskforce heard evidence from the Local Government Association of leadership by individual local councillors and officials within their cross-agency forums, including Community Safety Partnerships and Local Criminal Justice Boards. Overall, however, services seemed limited and wholly reliant on ad hoc local arrangements. This indicated a need for provision for women offenders to be considered at national and local levels.

A cross-government strategy is required to divert women from crime and reduce the women's prison population, which includes measures of success and a clear monitoring framework. Accountability for the strategy should be built into relevant roles within government departments, including the

Ministry of Justice, Home Office, Cabinet Office, Department of Health, Department for Work and Pensions and Department for Education. This would need to be maintained at the local level through close monitoring and evaluation of agencies according to agreed outcomes set out by commissioners of services.

Baroness Corston recommended the creation of a national women's commission to maintain oversight of provision for women offenders. This echoed an earlier recommendation by Professor Dorothy Wedderburn in which she advocated the establishment of a women's justice board. Although the creation of such a body may not be realistic in the current economic climate, there may be lessons to draw from the experience of the Youth Justice Board, which achieved a substantive drop in first time entrants into the youth justice system, and in child custody.

Overall, women offenders represent a similar proportion in the offender population as under 18 year olds and levels of vulnerability are not dissimilar. Some of the youth justice proposals in the Ministry of Justice's green paper *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*, and plans for either a discreet youth justice unit within the Ministry of Justice or a separate youth justice agency or consideration of some continuing role for the Youth Justice Board itself, may well be applicable to the governance and oversight of work with women offenders.

## Recommendations

**1.1) A cross-government strategy to be developed to divert women from crime and reduce the women's prison population, which includes measures of success and a clear monitoring framework. Responsibility for implementation to lie with a designated minister and accountability for the strategy to be built into relevant roles within government departments and local authorities.**

**1.2) Reform of the women's justice system could reflect planned changes to the governance, oversight and delivery of youth justice. This may include the appointment of a director of women's justice and the establishment of a women's justice agency.**

**1.3) The Inter-Ministerial Group on Equalities should consider women offenders as part of its remit and to facilitate cross-government working.**

**1.4) The government should ensure that the new Health and Wellbeing Boards, probation trusts, local police authorities and forthcoming Police and Crime Commissioners work effectively within national commissioning arrangements to enable a more coordinated, multi-disciplinary approach to working with women who offend, informed by gender equality guidance.**

**1.5) The National Audit Office should produce a regular audit of provision for women offenders and its effectiveness.**

## 2. Finance and resources

*The government wants to reduce the prison population to save money, [but] you're not going to save significant amounts of money unless you close whole prisons. We've got to do that by ensuring that for the short term offenders we have strong, challenging, and viable community programmes that they can respond to.*

John Thornhill, Chairman of the Magistrates' Association

The Taskforce was keen to explore how funding and resources for women's community provision could be placed on a sustainable basis. The contribution of the women's centres to enabling women to turn their lives around and desist from offending has been widely recognised (see section below on Community provision, supervision and support). However, while women's custodial provision is funded centrally through NOMS, many, if not all, of the women's centres rely on a wide range of funding sources to enable them to deliver services for vulnerable women in their area. The Taskforce heard of one centre that was reliant on 37 different funding streams, with a mixture of statutory and non-statutory sources, all with different methods of evaluation and reporting arrangements.

In 2009 the Ministry of Justice announced £15.6 million of new funding over two years to invest in community provision for women offenders, with over £10 million of this awarded to women's centres across the country. In addition, in 2010, the Ministry of Justice and a number of members of the Corston Independent Funders' Coalition (an alliance of charitable trusts and foundations working together to reduce the numbers of non-violent women in prison) each contributed £1 million to a

Women's Diversionary Fund. This fund provided grants to voluntary sector organisations to support further growth in community services for women and contribute to building the confidence of courts in effective alternatives to custody.

The Ministry of Justice announced on 11 May a one-off joint funding package of £3.2m between the National Offender Management Service and the Corston Independent Funders' Coalition to keep centres open for 2011/12. Whilst this is undoubtedly positive news the current situation of regular funding crises and last minute rescues is counter-productive and should be resolved. In its announcement it states "in 2012/13, it is a NOMS commitment to continue funding projects with a proven track record of tackling offending behaviour amongst women." What is currently unclear is the criteria by which projects will be assessed, and the levels of funding that will be available.

Many of the more established women's centres have been successful in attracting funding from agencies in their local area. However, as budgets are reduced, local agencies look to make savings across all areas, including criminal justice. The Taskforce heard of the difficult choices faced by local authorities over the coming years. The Comprehensive Spending Review set out real terms reductions of 28% in local authority budgets over the next four years. Such savings mean that the amount of discretionary spend available is reduced, with a limited number of areas where cuts can be seen to be made easily. In addition to this the Community Safety Fund will see a reduction of 20% in 2011/12. This could provide the spur for more creative and innovative approaches, including use of pooled budgets. The Taskforce was interested to hear enthusiasm for the 16 community budget pilots proposed in the green paper and a desire for

the pilots to be rolled out further and faster. Budget cuts are not the only reason why local authorities may choose not to invest in community provision to tackle offending. There is currently no incentive for investment in projects such as these women's centres as custody costs are resourced from central government budgets. A custodial sentence can therefore be thought of by local authorities as a free good and something which will not impact on their ability to deliver other services to their communities. The green paper proposes gradually to devolve budgets for youth justice and there is scope for this to apply to women too.

The Taskforce welcomes an exploration of the principle of payment by results as proposed in the Ministry of Justice green paper. The effectiveness of women's centres, which can be shown to reduce crime, break addictions, get women out of debt and into training and work, enhance parenting skills, secure safe housing and enable vulnerable women to take responsibility for their lives and their children, could provide a template for payment by results models. The Taskforce asks that the Ministry of Justice takes account of the particular needs and characteristics of women as it develops its model. Payment by results places an onus directly on organisations to prove that they work and that they are delivering services which contribute to the Ministry of Justice's aims. There is the possibility that women's centres, the majority of which are run by small voluntary agencies, may struggle financially to succeed due to problems of small cash reserves.

The Taskforce has noted with interest the Youth Justice Reinvestment Pathfinder Initiative currently being developed by the Youth Justice Board and Ministry of Justice. This involves a portion of the central youth custody budget being invested in a

consortia of local authorities, or a single authority where custody volume is sufficiently high, to commission and deliver their own responses to reduce levels of youth custody and youth reoffending in their area. Pathfinders share the financial risks if the custody rate increases, and keep the funding if custody numbers are kept low. Whilst this is still at an early stage, and schemes not due to be fully operational until October, encouraging local areas to support initiatives to prevent offending, reoffending and reduce custody is a positive step and something which the government should consider as part of its plans for cutting women's offending.

This approach could be piloted in three high custody areas, London, Greater Manchester and West Midlands. Whilst these areas have all had significant investment through the Ministry of Justice's £15.6 million funding project, the Taskforce was informed that they still suffer from poor levels of community provision for women, particularly London, as a result of community fragmentation. This approach could enable further provision to be developed and incentivise local areas to take responsibility for reducing women's offending.

The Taskforce acknowledges that there are some women whose offending is so serious that there is no option but custody. The women's prison estate should be reviewed to determine the best geographical spread and service. Following a successful reduction in the number of women in custody the government should examine the scope for selected closure of women's prisons. The money released from prison closure should be reinvested into effective community based services for women offenders.

## Recommendations

2.1) Community-based services for women offenders should be funded through a mainstream National Offender Management Service commissioning round for women, integrated with health and local authority support. This would place provision on a sustainable basis and enable services to secure the confidence of sentencers as viable alternatives to custody.

2.2) As with youth justice, the government should explore giving an additional freedom to local authorities to oversee pooled criminal justice and community safety budgets for women offenders, including the cost of commissioning prison places.

2.3) The Ministry of Justice should take account of the particular needs and characteristics of women as it develops the payment by results model.

2.4) The Ministry of Justice should expand the Justice Reinvestment Pathfinder Initiative pilots to include adult women. These should be piloted in three high custody areas, London, Greater Manchester and West Midlands.

2.5) Based on a review of the women's prison estate, the closure of a women's prison should be accelerated and the money reinvested to support services for women offenders and vulnerable women in the community.

### 3. Early intervention

*The absence of services does often put us in a position where we have no choice and I think the courts would say the same. So the key thing here is how do we get funding for services that we could use or we could draw on prior to charge, which would stop them [women] coming into the criminal justice system, stop them getting a criminal record, stop them getting more of a criminal record that then leads to prison.*

Stephen Otter, Chief Constable, Devon and Cornwall Constabulary

Tackling problems at an early stage in order to prevent women being drawn into the criminal justice system is a practical and economical solution to reducing the number of women in custody. Early intervention means intervening at an early stage, not necessarily at an early age. Whilst the children of offenders are more likely to go on to commit crime some women may not start offending until much older due to a change in circumstances. Becoming involved in an abusive relationship, for example, may lead to self-medication as a means of escape and the subsequent development of drug and/or alcohol addiction. If the woman has a job then she may lose it as a result of her addiction and turn to crime, such as minor theft or prostitution, to continue supporting it.

There are particular groups of vulnerable women who are at greater risk of committing crime. These include women who have been abused, victims of domestic violence, those with drug and alcohol addictions, members of gangs or affiliates, young women who have been, or are, in the care of their local authorities, and women with mental health

problems. A wide number of agencies have contact with these women before the criminal justice system. Ensuring that they are able to identify and deal with these problems before women are drawn into offending is essential. For example, by providing support and safe housing for victims of sexual abuse, rape and domestic violence.

With the new health and wellbeing boards, and proposed local commissioning arrangements such as GP commissioning, it is important that the needs of vulnerable women are assessed at a local level. These should be considered for inclusion as a specific cohort within joint strategic needs assessments.

Although women are a small minority of prison and probation caseloads, many are mothers and carers with responsibilities for vulnerable children and adults. Dealing effectively with them could have far wider social and economic benefits.

Early intervention is crucial if the problem of intergenerational crime is to be addressed. Mechanisms across statutory services should be reviewed to ensure that relevant agencies involved in supporting children, young mothers and families are working together. Sure Start, family nurse partnerships, GPs and local voluntary groups could further develop work with hard to reach families and support the roll out of parenting classes through schools, faith groups and community centres.

Teachers and support workers in schools need clear referral routes to mental health, drug and alcohol services for young people, and family services. Preventative work and behaviour programmes in schools, support for excluded pupils and their families and youth inclusion projects, should take a whole family approach wherever possible.

Each year it is estimated that more than 17,700 children are separated from their mother by imprisonment.<sup>22</sup> Only 9% of children whose mothers are in prison are cared for by their fathers in their mothers' absence and only 5% remain in their own homes while their mother is in custody. Children with a parent in prison are "three times more likely to have mental health problems or to engage in anti-social behaviour than their peers, and nearly two thirds of boys who have a parent in prison will go on to commit some kind of crime themselves."<sup>23</sup>

The Taskforce heard evidence that the status of women offenders as parents and primary carers was not always taken into account, leading both to unequal treatment of female offenders and considerable disadvantage to their children and family. This has implications for safeguarding vulnerable children and increases the risk of intergenerational crime. It is disproportionate to impose a short custodial sentence on a parent where this will lead to the loss of a home and possible custody of children, in addition to the punishment imposed by the court for the offence. Whilst we recognise that there are many male offenders who may be the primary carers for dependent children, the proportion of women offenders who have this role are considerably higher. Our recommendations therefore apply both to women and men in the criminal justice system, but will have a disproportionate impact on women.

## Recommendations

**3.1) To safeguard children, a proper record of parental status and responsibilities should be taken on first contact with the criminal justice system.**

**3.2) Probation and prison authorities should be required to notify local safeguarding children boards when a primary carer is sentenced to prison. Local health and wellbeing boards and children's trusts should recognise the children of offenders as a particularly vulnerable group and develop responses to their needs. Their policies, practice and practitioner training should reflect this.**

**3.3) For women in prison, identification of those with children or other caring responsibilities should be routinely monitored to assist prison staff in providing appropriate services for women with dependent children and ensure safeguarding.**

**3.4) Girls and young women at risk should be identified and supported by schools, specialist youth services, GP practices and the new health and wellbeing boards.**

**3.5) Commissioners of services should take account of the contribution local voluntary organisations make to supporting vulnerable women and their role in reducing the risk of offending and safeguarding children.**

## 4. Diversion into treatment and social care

*I went into prison as someone with no mental health issues and I certainly became someone with issues. They put me on various drugs some of them anti-psychotic drugs just basically I think to keep me calm and keep me quiet because I was literally bouncing off walls. I became someone that began to self harm and it wasn't attention seeking, I'd never consider myself to be someone like that but the pain inside me from being separated from my daughter was so intense that the only way that I could stop that would be to bang my head on the wall and to cut to give myself physical pain to stop that in my tummy.*

Former prisoner

The Taskforce welcomes the government's proposals for a national network of liaison and diversion schemes at police stations and courts by 2014. The partnership between the Department of Health, the Home Office and the Ministry of Justice should ensure that many of those with mental health needs and learning disabilities are diverted from the criminal justice system into treatment and care, with the two-fold benefit of improving health and reducing crime.

A disproportionate number of women in prison suffer from mental health problems. A University of Oxford report showed that women in custody are five times more likely to have a mental health problem than women in the general population, with 78% exhibiting some level of psychological disturbance when measured on reception to prison, compared with a figure of 15% for the general adult female population.<sup>24</sup>

Lord Bradley's review of people with mental health problems or learning disabilities in the criminal justice system profiles good practice and sets the direction for effective liaison and diversion schemes. The Taskforce was impressed by some of the examples of good practice we heard about, and would urge government to pay attention to these in designing and commissioning the national scheme.

For women, the successful project run by Together (Working for Wellbeing) out of Thames Magistrates' court, staffed by women practitioners, is a model that could be considered for extension nationally. For children and young people, the national pilots currently being undertaken by the Centre for Mental Health, and early evaluation findings, could be drawn upon. Information gathered by local Women's Institute members as part of the National Federation of Women's Institutes 'Care not Custody' campaign could also be used to inform the programme.<sup>25</sup> All liaison and diversion schemes should explicitly include women with learning disabilities.

### **Together (Working for Wellbeing): Women's Court Liaison and Outreach Project**

Together (Working for Wellbeing), a national mental health charity, is funded by London Probation Trust, Primary Care Trusts, local authorities and charitable trusts to offer specialist expertise to offenders with mental health and multiple needs. They deliver a women's project based at Thames Magistrates court, staffed by a female practitioner. It offers a 5 day a week court liaison service to vulnerable women appearing at the court; screening, identifying and offering assessment to every woman who comes through the court on remand. The practitioner liaises with agencies, provides reports

and recommendations to the court and makes referrals to appropriate services. Establishing a close working relationship with sentencers and inviting them to refer to the Together service, including women on bail, the practitioner 'triages' requests by the court for psychiatric assessment. The initial mental health assessment identifies whether further psychiatric assessment is required, with the aim to avoid unnecessary requests for such reports and use of remand. The project also supports probation at the pre-sentence report stage to ensure that any community sentence addresses both offending behaviour and the woman's health needs through the creation of a joined-up sentence plan.

During the first year of operation (June 2009 to May 2010) 112 women were assessed, with 57 women either bailed, released, given a community disposal or hospital order following the recommendation of the Together practitioner. The reducing reoffending team in Tower Hamlets estimated that there had been a 40% reduction in the number of women from Tower Hamlets being received into HMP Holloway during the same time period. Whilst it is not possible to attribute this solely to Together, it would suggest that the services being offered by the women's project had a significant impact. The cost of this service is £55,000.

The Taskforce was told of the Ministry of Justice's plans to provide treatment based alternatives to custody and, in some cases, access to residential settings for people with more challenging sets of conditions. It is essential to have somewhere to divert people to and the Taskforce heard that local health and care services would need to be more responsive despite the current pressures on resources. Better treatment for drug addiction in the community, properly resourced and implemented, could also benefit the high numbers of women whose offending is driven by a drug dependency. High rates of alcohol misuse by women, often in

conjunction with existing drug use, indicate the need to take a distinct approach to tackling hazardous drinking. The Taskforce believes that, wherever possible, treatment should be provided in a safe, women-only environment with facilities for childcare. This is important for the high proportion of women offenders who have been victims of domestic violence and sexual abuse.

## Recommendations

**4.1) The Taskforce welcomes the government's commitment to roll out a national diversion and liaison scheme to every police station and court by 2014. Given their particular needs and vulnerabilities, women should be a designated group in all diversion and liaison schemes, with a specific response required as part of national standards.**

**4.2) The Taskforce welcomes the government's plan to commission drug treatment services for women, and also recommends the development of a national strategy to tackle alcohol abuse amongst women in contact with the criminal justice system.**

**4.3) National standards for liaison and diversion schemes should be developed in consultation with professionals and practitioners from criminal justice, health and social care, local services such as housing, and those working with women with mental health problems and learning disabilities.**

**4.4) Wherever possible, treatment needs to be provided in a safe, women only environment with facilities for childcare and all round integrated support.**

## 5. Entering the criminal justice system

*My daughter was so brave but the impact [of prison] is permanent and when people used to say to me it's okay she'll always be your daughter, you'll always be her mum, you won't lose her, it's not true. You never get that time back and for both of you it does something that's permanent.*

Former prisoner

The Taskforce was keen to examine what steps could be taken once a woman has entered the criminal justice system. As the first point of contact, there are a number of ways in which the police can assist women to get out of trouble. Helping women gain access to support services in their area could enable them to tackle the underlying causes of their offending and take responsibility for their lives. The Taskforce was informed that the police do not have a specific approach to dealing with women who offend. Designated leads for women within the police, and leadership from the Home Office, would improve police understanding of what causes women to offend and produce better outcomes.

The Taskforce thinks that basic training should be amended to provide trainee police officers with information on women's offending and services within their area to which they are able to refer vulnerable women.

Relationships between existing women's centres and police forces are often reliant on a handful of neighbourhood officers within the area maintaining contact. Connecting neighbourhood policing to women's centres at a local level and formalising this relationship would provide a firmer foundation for future cooperation. It would allow police to refer

women to projects where they can utilise a range of services to tackle their offending. Such an approach would enable police to deal with minor offending by women in a constructive way without drawing them into the criminal justice system.

High numbers of women in the justice system have been victims of domestic abuse. Many foreign national women have been trafficked into sex work or committed drug importation offences. The Taskforce was unsure why more women do not raise the defence of duress. The relationship between domestic violence and duress in respect of abused women coerced into committing crimes has been well documented.<sup>26</sup> Possibly the presence of duress underlying women's offending was not widely understood by officers. Furthermore, crown prosecutors, solicitors and women themselves may not be sufficiently aware of this type of defence.

The government proposes making greater use of restorative interventions, in particular for those at a pre-sentence stage or for people who would currently receive a caution. Restorative disposals can be particularly effective for women. The Home Office recognises that a history of abuse contributes to the risk of offending, along with mental illness, drug dependence and self-harm.<sup>27</sup> Restorative justice processes take prior victimisation into account, accepting it as part of the explanation for the offending behaviour. Nonetheless they hold the offender responsible for making amends for the harm she has caused, whilst providing a means of diversion from custody.

Over half of women entering custody each year do so on remand.<sup>28</sup> These women spend an average of four to six weeks in prison and nearly 60% do not go on to receive a custodial sentence.<sup>29</sup> The government has proposed to remove the option of

remand for defendants who would be unlikely to be given a custodial sentence if they were convicted. If implemented, this could reduce the large numbers of women received into custody pending trial for comparatively low level acquisitive crime, and those remanded in order primarily to ensure the preparation of a psychiatric assessment. Remand can have a devastating impact on women’s lives and those of their children. The Taskforce recommends the provision of suitable bail accommodation as a viable alternative to remands in custody in all cases the courts consider appropriate.

The UK has signed up to the Bangkok Rules<sup>30</sup> which state that a woman’s current childcare responsibilities should be a consideration as part of the sentencing decision by courts. Guidance issued by the Home Office and former Sentencing Advisory Panel state that primary responsibility for the care of children and dependants should be a mitigating factor inclining the court against imposing a custodial sentence.<sup>31</sup> This principle has been re-established by the Sentencing Council in its new assault guidelines.<sup>32</sup>

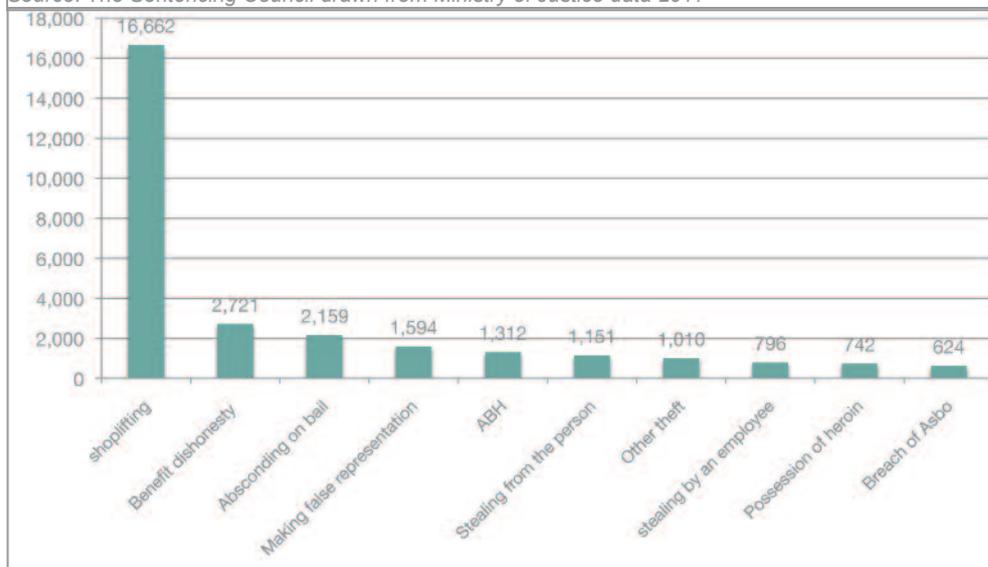
The Taskforce received evidence that the vast majority of women sentenced in court were convicted of low level offences. As Table 1 shows, 58% of women sentenced in all courts in 2009 for the 10 most common indictable offences were for shoplifting. Fines, followed by community penalties, are the most common disposals in matters coming to court, both of which are higher in percentage terms than men. In cases where probation recommends immediate custody, a greater proportion of women than men persuade the court to impose a non-custodial disposal instead.

For women found guilty of committing low level offences, the Taskforce believes that robust community sentences, which provide support for women to tackle the underlying causes of their offending, should be the norm. The Taskforce heard of the value and efficacy of the Intensive Alternatives to Custody pilots.

Many women’s centres have probation staff co-located within the project to allow women to meet their offender manager and gain access to the centre’s services at the same time. This can contribute to improvements in compliance and a reduction in the breach of community orders.

**Table 1: Number of women, aged 18+, sentenced in all courts in 2009 for indictable offences\*, 10 most common offences**

Source: The Sentencing Council drawn from Ministry of Justice data 2011



\*indictable offences include indictable only offences and triable either way offences

A recent public opinion poll conducted by ICM for the Corston Independent Funders Coalition showed that 80% of over 1,000 people surveyed strongly agreed that local community centres should be available as an alternative to custody.<sup>33</sup> This supports earlier findings conducted on behalf of SmartJustice and the *Mirror* in March 2007, where 86% agreed. These results should give confidence to ministers that diversion from custody has public backing.

## Recommendations

**5.1) Professional training for staff in criminal justice agencies including police, probation, prison, Parole Board, judiciary and court services, to include specific material on women's offending and effective ways to reduce it. The Taskforce welcomes proposals from the Association of Chief Police Officers (ACPO) and the Magistrates Association that staff training needs assessments should cover women's offending and local referral services.**

**5.2) Protocols should be developed for referring vulnerable women who are likely to offend to voluntary or statutory support services. Local Community Safety Partnerships should have oversight and commissioning responsibility for these services.**

**5.3) A formal connection should be made between the whole range of policing, probation services and local women's centres and other provision for vulnerable women to facilitate appropriate referral into a range of services to tackle their offending.**

**5.4) The provision of suitable bail accommodation should be expanded as a viable alternative to remands in custody in all cases the courts consider appropriate.**

**5.5) The government should develop and introduce a well informed national strategy for the management of foreign national women in the justice system, paying particular attention to those who may have been trafficked into offending.**

## 6. Community provision, supervision and support

*When you take into account the high levels of sexual abuse, domestic abuse, violence, rape, sexual exploitation, prostitution, and gender discrimination that many of the women accessing our services face, it makes sense that rehabilitating women it is always done in a women only environment*

Women's Centre Manager, Birmingham

The Taskforce was keen to explore what alternatives to custody currently exist that enable women to tackle the causes of their offending. The Cabinet Office's Social Exclusion Taskforce, the Ministry of Justice and the Corston review have all highlighted the positive work of voluntary sector run women's centres. These provide access for vulnerable women, regardless of whether they have offended or not, to a wide range of services to help them to address their problems. While the centres have evolved organically to meet the needs of their local clients, many provide access to similar services across all of nine pathways to resettlement identified by the National Offender Management Service. These include access to drug and alcohol treatment and mental health care, childcare and housing advice, financial information, education and training, and domestic violence support.

The Taskforce welcomes the Ministry of Justice's plans to tackle offending through the greater use of community disposals. Women's centres can play an important part in achieving this aim. There is now a growing number of evaluations and studies of women's centres that highlight the positive impact which individual projects, supported by the Ministry of Justice, have had in enabling women to turn their

lives around and desist from offending.<sup>34</sup> Many centres are already well established in their communities, have a history of working directly with women offenders and good links with their local probation trust and prison.

The Taskforce heard of Women's Breakout (formerly the Women's Centre Forum), an embryonic national body supporting women's projects working with women in the criminal justice system. It is in the process of developing a set of guidelines and accreditation to ensure consistency and quality in standards between projects nationally. Minimum standards should help to ensure that current best practice is promoted and contributes to improving the confidence of commissioners and the courts. Monitoring and evaluation will help to maintain a consistent, evidence-based approach.

The Ministry of Justice and Corston Independent Funders Coalition funding has been vital in establishing a wider network of provision for women. The Taskforce believes that this now needs to be developed beyond the 45 voluntary organisations that were originally supported to improve availability of services across the country. We were told that London, Greater Manchester, and West Midlands in particular suffer with poor levels of community provision, despite receiving significant investment during the grants programmes.

The government's new proposed payment by results pilots offer an opportunity to embed women's services into mainstream commissioning arrangements. These should require providers to develop interventions tailored to the needs of vulnerable women and ensure particular outcomes.

Providers will need to demonstrate that they are aware of the factors relating to women's offending and how they would ensure that they were addressed as part of service delivery. This could involve sub-contracting some women's services to organisations with an established track record.

## **Recommendations**

**6.1) Women's community provision should be developed beyond the 45 voluntary organisations that were originally supported to improve availability across the country. New services should be prioritised for London, Greater Manchester, and West Midlands given the current limited provision in these areas.**

**6.2) Women's services should be an integral part of all future reducing reoffending contracts. Providers should develop interventions tailored to the needs of vulnerable women, either directly or through the sub-contracting of specific women's services.**

**6.3) Community services for vulnerable women should be integrated within wider commissioning arrangements for mainstream local services.**

**6.4) Further research needs to be undertaken on the effectiveness of women's community provision. Voluntary and statutory research funders should seek proposals to evaluate the impact and cost-effectiveness of the different models of work with women in the community.**

**6.5) The Ministry of Justice should develop a clear set of evaluation tools to enable women's centres to demonstrate outcomes.**

## 7. Rehabilitation and resettlement

*“When I was working in Holloway we had situations where women would knock on the door to come back into prison because they had nowhere to go...and they would be at reception begging to come back in. Some of those women would go on to offend that very afternoon to ensure that they were back in custody.”*

Former staff member

Having a stable home and job to go to, and proper provision for childcare, are some of the most important factors in the successful rehabilitation and resettlement of women released from prison. According to a survey by the Ministry of Justice, prisoners who have problems with both employment and accommodation on release from prison had a reoffending rate of 74% during the year after custody, compared to 43% for those with no such problems<sup>35</sup>.

Despite this, women prisoners are often inadequately prepared for release. According to the Social Exclusion Unit, only 24% of women with a prior skill had a chance to put their skills into practice through prison work. Just 11% of women received help with housing matters while in prison. Home Office research has found that 41% of women in prison did not have accommodation arranged on release.<sup>36</sup> Only a third of women prisoners who wanted advice about debts and benefits received that advice.

Notwithstanding recent improvements in regimes, prison itself can have a disproportionately negative impact on women and their chances of successful resettlement. Around one-third of women prisoners lose their homes, and often their possessions,

whilst in prison.<sup>37</sup> The greater proportion of single women means that there are fewer partners to maintain housing in their absence. Women are more likely to be held in custody further away from home than men given the dispersal of women’s prisons across England. This makes it harder to maintain good links with housing providers. Many women are also primary carers and losing their home can have a disproportionately greater impact, particularly if their children are taken into care or handed over to family members as a result of a custodial sentence. A vicious cycle can develop with women not being able to regain custody of their children because they don’t have stable accommodation, and not being able to get stable accommodation because they don’t have their children.

The small number of women’s prisons, the increased distance from the home, and the lack of coordinated resettlement services for women means that it is all too easy for women to slip back into former habits and continue to offend. The vast majority of women in prison are serving sentences of under 12 months and are not subject to probation supervision on release.

The national network of women’s centres could play an important role in coordinating resettlement services and ensuring women receive proper support for housing, benefits, education and training. Many local women’s centres already provide in-reach services in prison, linking women up with the support they will need on release. Prison resettlement workers should have close links with their local services. Where women are serving prison sentences a long way from home, resettlement workers should have access to information on services provided nationally to link women up with services in their local communities.

## The Re-Unite Project (London)

The Re-Unite project stems from a partnership between Commonweal Housing, Housing for Women and Women in Prison. The aim of the Re-Unite project is to provide housing and support for women and their children who might otherwise be homeless upon the mothers' release from prison. Women who were selected for the Re-Unite project during the first two years of its existence came from a range of prisons. They were provided with accommodation for up to two years (with supplementary help to find accommodation beyond this period). What is distinctive about Re-Unite is the focus on the women service users and their children, and the intensity and practical nature of the support. There is help in moving belongings to the provided accommodation, advocacy with accommodation service providers (electricity companies and the like), help with money management or facilitated access to debt counselling, and tangible personalised advice and support.

**The total net cost of Re-Unite for 2 years is £32,206 per service user (and her children). Of this £14,825 was for guidance and support.**

Whilst evaluators made a strong caveat that the actual difference made by the Re-Unite project can only be speculative in the absence of a robust comparison group, they estimate that **the average financial saving per service user through a reduction in offending rates is £279,248.**<sup>38</sup>

## Recommendations

**7.1) The release of women from custody and the availability of resettlement services should be coordinated so that women can gain access to support immediately on the day of their release.**

**7.2) Women should be enabled to make arrangements for the continuation of benefits payments prior to release.**

**7.3) The Taskforce welcomes the government's plans to review the Rehabilitation of Offenders Act (1974) so that convictions are spent after a more proportionate period of time.**



## Part Two:

### Reforming women's justice: the economic case



## Reforming women's justice: the economic case

### Introduction

1 This section of the report sets out an economic approach for identifying the best interventions for dealing with women offenders to reduce crime and reoffending. It outlines the case for, and the nature of, the analysis, the limitations arising from the existing range of evaluation evidence, and draws general conclusions from the extant reviews on the costs and benefits of different options. The Taskforce is grateful to Dr James Robertson, former chief economist at the National Audit Office, for his analysis and preparation of the economic case for reforming women's justice.

### An economic assessment provides a good way of making choices

2 An assessment of the options for dealing with women offenders can be undertaken from a number of perspectives. The most obvious assessment criteria are perhaps those related to the objectives of the criminal justice system. The purposes of sentencing, for example, are defined by legislation to include protection of the public, punishment of offenders and reparation by offenders to those affected by crime, the reduction and deterrence of crime, and rehabilitation of offenders.<sup>39</sup> Other indicators related to departmental strategic objectives might be whether the criminal justice system is "effective, transparent and responsive for victims and the public"<sup>40</sup> or, in the context of this report, indicators of whether provision deals with the distinct needs of women as identified, for example, in the Corston Review.<sup>41</sup>

3 Such indicators are a useful description of what society expects from the criminal justice system, but they are not specific indicators of value for money, VFM. An economic assessment of VFM, either for offenders as a whole, or for a group such as women offenders, needs to capture the relationship between the extent and quality of outputs/outcomes achieved and the cost of achieving them. Typically a benefit cost assessment of this type would look at the savings from reduced crime, including for victims, as well as the impacts on reoffending rates.

4 It would be equally possible to take a wider perspective. The broadest analysis would encompass society as a whole, taking into account how any particular intervention and sentencing option scored for the public at large. The economic benefit cost assessment would be a part of the approach, but the assessment overall would be not just in terms of say the impact on reoffending, and at what cost, but for example, be based primarily on attitudes to whether measures are an appropriate way to discharge a debt to society, or whether they affect the perceived risk of being a victim of crime. Another relevant wider factor in measuring effectiveness is maintaining the credibility of the courts. Offenders may need to be given a custodial sentence following warnings at previous court appearances, whatever the purely economic case might suggest.<sup>42</sup>

5 In principle, these wider factors could be included in a comparison of benefits and costs. An analysis including such factors is not easily accomplished, however, given both its breadth and the extensive range of stakeholders with

specific interests, who are likely to take contrary positions on particular wider aspects of the analysis. The approach adopted here is instead to look at the cost effectiveness of interventions from the point of view of affecting offending and reoffending rates, and the associated costs.

6 The question to be considered is then whether the evidence points to combinations of sentencing approach (with any associated intervention), which are more cost effective than others in terms of meeting objectives like offending and reoffending rates. This is not at all to say that wider questions of public acceptability, or maintaining confidence in the courts, are unimportant. These issues should be considered as necessary, but this should be done in the light of the results of the cost effectiveness analysis.

7 While an economic assessment is not therefore the widest possible approach in the sense of taking into account every relevant aspect of what society might value, it is nevertheless an important and informative one. An economic assessment:

- indicates how limited and increasingly constrained resources can be used best to affect offending. It may be possible to use the results of the economic analysis to draw up a merit order of interventions and develop a cost effective portfolio
- provides an assessment of future as well as immediate benefits, based on whether interventions change offending rates only temporarily, or in the longer term
- takes account of effects on offenders and the costs of intervention but

- also takes account of a range of wider effects of an intervention, both on the offender (for example, a custodial sentence increasing disconnection from society and making it harder to re-integrate), and on members of society more widely, (for example the children of offenders); and so
- enables the design of joined up interventions and the possibility of realising synergies<sup>43</sup>; and
- is a foundation for a wider debate on how to meet the objectives of the criminal justice system. The greater the cost effectiveness of one alternative over another, the more reliance has to be placed on wider arguments to justify a less cost effective one.

### **Cost and benefits take a number of forms and there are a number of other complexities in making economic assessments of alternatives for offenders**

8 The validity of an economic assessment depends on identifying and quantifying **all** the relevant costs and benefits of interventions and not just financial elements. Which factors are relevant depends partly on policy makers' objectives but the factors listed in Figure 1 are examples of the range of costs and benefits that need to be considered in making an economic assessment, rather than a purely financial one. The advantage of including non-monetary effects is that it helps avoid over dependence on over simplistic measures. Taking account of as many relevant factors as possible also avoids the risk of designing interventions which overemphasise one particular objective.<sup>44</sup>

9 The most obvious financial costs are those associated with providing the intervention, such as the cost of prison places or non-custodial

sentences. In addition, financial monetary costs arise when agencies outside the criminal justice system incur costs, for instance the health service. There are, however, also costs associated with prison and the alternative ways of dealing with offenders which cannot be readily quantified in monetary terms. These non-monetary items include the risk of break up of families or other consequences for children. Wolfe provides a helpful categorisation of the effects consequent on the imprisonment of women.<sup>45</sup> A recent review by the Prison Reform Trust<sup>46</sup> confirms that women offenders have both multiple and complex needs, and that custodial sentences are associated with a wide range of adverse outcomes exacerbated by prison.

10 Some benefits arising from interventions can be measured in more or less direct financial terms. Lower reoffending rates bring direct financial benefits, for example in the form of freed up police time.<sup>58</sup> In the case of drug problem related interventions, there are financial savings both from reduced offending and from lower use of social and health services.<sup>59</sup> Less tangible non-monetary but important benefits are positive effects on families, the extent to which individuals develop more sustaining personal relationships, have enhanced health or become more fully functioning members of society in general. Figure 1 illustrates the various monetary and non-monetary costs and benefits relevant to offenders and society at large.

11 Broadly speaking, an economic analysis has two stages. The first stage identifies the response of offenders to sentencing and intervention options. The second stage involves putting a value on the effects, even where these are non-monetary in nature. The quantification of response effects is uncertain, as is assigning

**Figure 1: Costs associated with offending and reoffending by women and potential benefits of reductions**

### Direct costs

#### monetary

- court and other criminal justice system costs,
- the cost of provision of prison places
- the cost of community based interventions
- loss of employment income, taxes paid
- financial cost of crime to victims

#### non-monetary

- separation of mothers from children<sup>47</sup>
- children moved from family home<sup>48</sup>
- damaging effect on children associated with mothers in prison<sup>49</sup>
- self-harm<sup>50</sup>
- loss of offender's home and possessions<sup>51</sup>
- severance of ties to home and community<sup>52</sup>
- poorer outcomes for alcohol and drug addiction recovery and therefore reduced reoffending.<sup>53</sup>

### Direct benefits

#### monetary

- benefits of reduced reoffending, lower costs associated with crime
- enhancement of learning and skills and job prospects.<sup>54</sup>

#### non-monetary

- reduced physical and psychological harm for victims of crime
- synergy from addressing multiple needs<sup>55</sup>
- confidence and autonomy as a step to rebuilding lives<sup>56</sup>
- potential for integration into main stream society.<sup>57</sup>

*Note: Figure 1 provides examples of effects and is not comprehensive or an assessment of relative scale*

financial values to non-monetary effects. It requires a range of methodologies, which introduces further uncertainties.<sup>60</sup> The objective is then to compare overall costs and benefits expressed in £s. An optimal policy response is the portfolio of measures that collectively has the greatest margin of benefits over costs for the group of offenders in question.

12 Given the uncertainties in economic assessments, a useful way of using the evidence is 'meta-analysis'. This involves reviewing all the evaluation literature, often from different countries, selecting only high quality work, for instance, that is based on control groups, with data drawn from a representative set of individuals. A meta-analysis combines the findings of all the selected work, to obtain a best estimate of effects and cost-effectiveness. The use of collective results minimises the risk of distortion from using the results of just one study, and it also permits results to be presented based on different assumptions. These reflect the range of results in the evaluation work, to see how sensitive conclusions may be. Good practice can involve choosing assumptions towards the conservative end of a range shown by research studies.

13 Meta-analysis has substantial advantages, but there are some caveats which require careful and cautious interpretation of results:

- Bias. This may be introduced by lack of knowledge about available sources (less likely in the age of on-line databases) or if material is restricted say to English language works. Publication bias arises when studies are published because of their findings, rather than because of the quality. The lack of publication of less 'interesting' but well based findings may exaggerate the difference between options obtained in meta-analyses

- Restricted availability of information. Data are typically gathered from a review of individual studies of high enough standard to be reliable, often from different countries. This 'meta-analysis' approach may introduce considerable unreliability if there is only a small number of studies on a particular issue, or on specific individuals. Much work on offenders is of a general nature and information on women offenders in particular is very limited; and
- Lack of transferability of results. Individual studies are rarely completely comparable, either in terms of the ostensibly similar but actually different policy regimes examined, or because limited information means that results from one group have to be applied to another, eg men and women. A further possibility is that valid results from a meta-analysis are applied but in a faulty replica of a policy, thereby reducing cost effectiveness.

### **Comparisons suggest that most but not all community interventions for women offenders offer advantages for the taxpayer and society over custodial sentences**

14 There is a considerable body of work on the attributes and needs of women offenders specifically.<sup>61</sup> Taking account of these and other information, the Cortson review strongly advocated the development of alternatives to custody and alternative forms of custody, on the grounds that offending by women, commonly related to drug addiction, unemployment, unsuitable accommodation and debt, are more likely to be resolved through casework, support and treatment than by being incarcerated in prison.<sup>62</sup>

- 15 There is a variety of evidence on the effects of community interventions for women offenders, from specific studies rather than meta-analysis. A 2010 review by HM Inspectorate of Prisons, examining how effective prisons are in meeting the needs of women, identified a number of broad patterns, including that women fare “much better” in open or semi-open prisons, and that such findings needed to be considered within the wider debate about the appropriateness of prison for women who have not been charged with, or convicted of, violent offences.<sup>63</sup>
- 16 There is a growing number of studies of community based initiatives for women offenders, though some are limited by the numbers of participants covered, lack of information currently available on outcomes, or the absence of control group information on outcomes relative to custodial alternatives. Compared to the average reoffending rate for adults of almost a half within one year, a NACRO evaluation of the Evolve Project suggested that a low number of women participants had reoffended. NACRO drew short of reaching conclusions about the impact on reoffending rates, however.<sup>64</sup> Preliminary evaluation of the Together Women project suggested that women offenders could benefit considerably from the integrated approach to meeting their needs.<sup>65</sup>
- 17 A recent evaluation of the Anawim support programme in Birmingham for women, and their children, who are involved in and around prostitution, offending behaviour, drug abuse and sexual exploitation, showed progress by many women. For example, nearly half of women who were or had been involved in prostitution had exited sex work, and 29% had maintained non-offending status and 59% had reduced offending.<sup>66</sup> The Re-Unite project provides homes for women who would otherwise be homeless and for their children. The unit costs of provision are at least half the cost of a prison place per year and an early development phase evaluation suggests that the initiative offers sizeable net benefits to society. This arises mainly from reductions in reoffending but also from savings on emergency accommodation and through lower unemployment.<sup>67</sup>
- 18 Work at the Department of Health, in response to the recent Ministry of Justice Green Paper *Breaking the Cycle*<sup>68</sup>, is evaluating the net benefits of a range of interventions in the community and in prison for problem drug users. The findings are expected to be available by Summer 2011.
- 19 Revolving Doors has produced a detailed model of how women move through the offending cycle<sup>69</sup>, concluding that there are opportunities for expanding or strengthening the work. This would be useful, as the model used is a way of estimating financial savings from non-custodial interventions for women offenders, possibly of a significant extent, understanding how they would be generated.
- 20 While not conclusive evidence of the net benefits to society of community based programmes over custodial, the evaluations of community based interventions for women demonstrate that they can deliver good outcomes by reducing reoffending and that they successfully address a variety of other important issues. The evaluation work is also suggestive that these results can be obtained at a favourable cost compared to imprisonment, which may also have limited impact on offending behaviour and related problems.

- 21 There is a much more limited body of work that comprehensively examines the relative value for money of community and custodial sentences, and a dearth of work specific to women offenders. Bearing in mind the caveats above about meta-analysis, it is necessary to base some conclusions on work for offenders in general. The seminal work to date on the relative costs and benefits of different disposal routes for offenders is that by the New Economics Foundation, NEF<sup>70</sup>, and the Matrix Knowledge Group<sup>71</sup>. Both studies take steps to address the possible problems in carrying out meta-analysis.
- 22 The NEF work uses a Social Return on Investment approach, SROI<sup>72</sup>, and is specific to women offenders. SROI looks at the net benefits for society taking account of the widest set of costs and benefits whether measured in financial terms or not. This avoids making decisions on the basis of “what can be bought and sold”<sup>73</sup>, overlooking important wider considerations. SROI includes, depending on relevance, social, environmental and economic costs and benefits.
- 23 Because of lack of outcomes data and the different costs of different types of community penalty,<sup>74</sup> NEF calculated the fall in the level of reoffending necessary to justify the cost of a non-custodial intervention. The estimates are based on marginal costs, which are lower than average, and more appropriate, for example in estimating the cost of fewer prison places, the scale of which is unlikely to result in a complete closure of a prison. NEF uses many assumptions and proxies, but they are ones taken from authoritative sources such as Home Office and Social Exclusion research.<sup>75</sup>
- 24 NEF estimated that<sup>76</sup>:
- £1 pound invested in ‘support focused alternatives’ to prison yields an additional £14 of social value for women offenders and their children, crime victims and society over ten years, compared to the impact on reoffending of sending women to prison; and
  - The value of these benefits over 10 years is estimated to be in excess of £100 million.<sup>77</sup>
- 25 In addition to the benefits estimated to be foregone as a result of imprisonment, NEF estimated that there were wider social costs attributable to imprisonment of women. These arise from the significantly worse mental health of children of prisoners, (though it is not clear in this case that custodial sentences are the causation), an increased likelihood of prisoners’ children becoming NEET (not in education, employment or training), or becoming problem drug users and/or being involved in crime. The latter aspect may be related, however, to the higher probability of becoming NEET, with the possibility of some double counting. On the other hand, there are additional costs for offenders, their children and society not included, arising from imprisonment of women, consequential on increased insecurity of housing and job tenure.
- 26 The Matrix study distinguishes some sub-groups of offenders but not women and did not present results for them. Nevertheless, the study has the considerable advantage that it explicitly assesses the impact of individual interventions for offenders relative to prison sentences. Results are presented for the impact of interventions on reoffending and the consequent savings for taxpayers and for society as a whole. These savings include

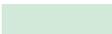
those extrapolated forward in time, on the assumption that any reductions in offending rates will be fully maintained, rather than decline as is likely.

27 The study is a meta-analysis of results drawn from a range of English speaking countries, though with the condition that at least one study for each intervention presented is a UK one. The studies in the Matrix analysis were selected partly on the basis of using high quality methodologies such as randomised control

groups, and questions of publication bias, as above, were addressed. The definition of costs of crime to society, based on the Home Office approach<sup>78</sup> and used by Matrix<sup>79</sup>, are wide but not complete, covering the costs of preventing crime, responding to crime and costs as a consequence of a crime. As with the NEF study, the Matrix estimates do not include a range of other impacts, such as some of those in Figure 1, and so estimates of net benefit may be underestimated.<sup>80</sup> Of particular interest, the Matrix report sets out calculations for individual

**Figure 2: Matrix estimates of the effects, costs and net benefits of interventions for offenders based on meta-analysis of research studies of offenders<sup>1</sup>**

Intervention	Number of studies reviewed/ individuals covered	Cost per offender per year	Estimated impacts on reoffending	Estimated savings to taxpayer compared to standard prison <sup>2</sup>	Estimated savings to society compared to standard prison <sup>3</sup>
Residential adult drug treatment in community	2/786	£5,000	43% less likely to reoffend	£88,000	£203,000
Surveillance via intensive supervision in community (adults)	1/6841	£6,000	31% less likely to reoffend	£57,000	£130,000
Prison with drug treatment	13/4556	£29,000	30% less likely to reoffend after release than comparable offenders with prison sentence only	£32,000	£117,000
Prison with vocational training and employment support	6/7623	£27,000	15% less likely to reoffend after release than comparable offenders with prison sentence only	£19,000	£67,000
Surveillance with drug treatment in community (adults)	2/161	£9,000	14% less likely to reoffend	£41,000	£61,000
Prison with behavioural intervention	1/164	£31,000	5% less likely to reoffend after release than comparable offenders with prison sentence only	£400	£17,000
Other Community Service	1/125	No significant difference compared to standard prison sentence	none	£0	£0

Key: Enhanced prison alternative =  Community alternative = 

**Sources and Notes:**

1. Estimates are based on meta-analysis of English language studies using randomised control groups or quasi-experimental design, carried out in the USA, Europe, Australia, Canada and New Zealand, published since 1996, with at least one UK study. For a fuller description of the methodology used see Matrix Knowledge Group, (November 2007) Technical Appendix, The Economic Case for and Against Prison, <http://www.matrixknowledge.com/wp-content/uploads/technical-appendix.pdf>
2. Figures are based estimated lifetime offending rates post prison release, rounded to nearest £1,000. The estimates quoted for savings to the taxpayer are based on Home Office estimates of the economic cost of crime and include cost of property lost or damaged, criminal justice system costs, and NHS costs, but exclude changes in the cost of crime to victims. The figures shown are means; all estimates have a lower 95% confidence interval above zero, indicating a statistically significant non-zero effect of intervention.
3. Figures are based on estimated lifetime offending rates post prison release, rounded to nearest £1,000. The estimates quoted for savings to society include the costs to the taxpayer (see note 2), and additionally, savings from lower costs of crime for victims. The figures shown are means; all estimates have a lower 95% confidence interval above zero.

interventions on the basis of net benefits to taxpayers and to society as a whole, (albeit not specifically for women offenders), Figure 2.

28 Matrix did not itself rank their results, as its analysis was designed to assess each alternative against prison rather than each other. The interventions in Figure 2 have however been ordered here in terms of net benefit to society, best first. Even allowing for the uncertainty bands around the estimates, both community and enhanced prison interventions show an economic advantage over 'standard' prison, namely incarceration with no adjuvant support. The limitations of incarceration for short periods with little support were set out by the National Audit Office in its report on the management of prisoners on short custodial sentences. Its conclusion on value for money was that there was little evidence to indicate that NOMS was achieving its goal to reduce the risk of short-sentenced prisoners reoffending, beyond the deterrent effect that prison might have for some, and to this extent the delivery of value for money was falling short.<sup>81</sup>

29 The ranking shown in the Matrix results also suggests the need for a subtle consideration of possible alternatives. In respect of drug treatment, Figure 2 indicates that the Residential Community option scores substantially better than Enhanced Prison, but Enhanced Prison scores a greater value to society than the Surveillance in the Community option.

30 It is important to bear in mind that the Matrix evaluation results did not cover women as a separate group, and are likely to apply very largely if not entirely to male offenders. The results may not therefore be transferable to the design of intervention for women offenders.

While there is overlap of needs of women and men offenders, there is evidence that provision designed for men does not necessarily meet some of the needs of women offenders, arising from, for example, poverty, abuse and victimisation, family factors and the propensity to self-injure.<sup>82</sup>

31 Latest Ministry of Justice figures show that female offenders receiving Community Orders (COs) had lower reoffending rates than those given immediate custodial sentences of less than 12 months. In 2008 the difference was 8.3 percentage points.

## Conclusions

32 Making an assessment of the economic business case of different sentencing options is not straightforward. It requires many assumptions, not least about the extent and duration of the benefits associated with any given intervention, such as any associated lower reoffending. But in recognition of the uncertainties, researchers have generally adopted assumptions for both costs and benefits that are likely to underestimate rather than overestimate the net benefits to society. An important caveat is, however, that the work does not value the overall deterrent effect of custodial sentences or the value of punishment in determining the extent of criminality in society.

33 There is a substantial and increasing body of evaluation evidence that points to the effectiveness of community approaches for women offenders. Two major benefit cost studies (by the New Economics Foundation and by the Matrix Knowledge Group), directly compare the costs and benefits of community and custodial intervention and are reliable sources of information.

34 While more research would be helpful in general, and specifically for women offenders, the studies to date support the likelihood of an overall net advantage for society from community based intervention for women offenders, compared to custodial sentences.

35 The Matrix results (for all offenders but looking at specific interventions) suggest two further more detailed findings, consistent with the NEF findings, though subject to confirmation through further evaluation work:

- the specific interventions for women offenders offering the greatest net benefit to society may be community based; but

- both community and enhanced prison alternatives, (custodial sentence with some form of intervention to address underlying offending behaviour), can yield net advantages for society if well designed, taking account of the recommendations of the Corston review<sup>83</sup>. Enhanced prison measures are relevant in particular to those women for whom there are overriding reasons to impose a custodial sentence.

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