



House of Commons  
Justice Committee

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# **Women offenders: after the Corston Report**

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**Second Report of Session 2013–14**



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Second Report of Session  
2013–14

*Volume I: Report, together with formal  
minutes, oral and written evidence*

*Additional written evidence is contained in  
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## The Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

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The Reports of the Committee, the formal minutes relating to that report, oral evidence taken and some or all written evidence are available in a printed volume. Additional written evidence may be published on the internet only.

### Committee staff

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### Contacts

Correspondence should be addressed to the Clerk of the Justice Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 8196 and the email address is [justicecom@parliament.uk](mailto:justicecom@parliament.uk)

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## Summary

Baroness Corston's report *A review of women with particular vulnerabilities in the criminal justice system* made a series of recommendations to bring about improvements in the women's criminal justice system. Now, six years after her report, we found that it is well recognised that women face very different hurdles from men in their journey towards a law abiding life, and that responding appropriately and effectively to the problems that women bring into the criminal justice system requires a distinct approach. Our examination of developments in policy and practice over this period indicates that in the first two years of the Coalition Government there was a hiatus in efforts to make headway on implementing such an approach. We welcome the fact that, after we announced our inquiry, the Secretary of State recognised the importance of these issues, and assigned particular Ministerial responsibility for women offenders. We consider that clear leadership and a high level of support from other Ministers will be essential in restoring lost momentum. The Minister has set out four strategic priorities, which we support, and has created a new Advisory Board to work across Government and with key stakeholders in order to further these priorities. We would like to see these commitments, which appear to have been produced in haste, given greater substance and accompanied by measures of success.

A key lesson still to be learnt is that tackling women's offending is not just a matter for the justice system. We believe that there must be much more explicit recognition, including by the Parliamentary Under Secretary for Justice, Women and Equalities, of the need to focus as much on those women and girls at the periphery as those who are already involved in the system. We welcome the commitment to generate a 'whole system' approach to these issues but there is little to signal a radical shift in thinking about what this means. We suggest some additional safeguards to broaden cross-departmental accountability including extending full representation on the newly created Advisory Board to other relevant Government Departments and the inclusion of matters relating to women's offending as a standing item on the agenda for the Inter-Ministerial Group on Equalities. We recommend that, once adopted, these governance arrangements are subsequently reviewed to consider whether responsibility for the overall strategic approach should transfer to the Department for Communities and Local Government.

There is little evidence that the equality duty, and its forerunner the gender equality duty, have had the desired impact on systematically encouraging local mainstream commissioners to provide services tackling the underlying causes of women's offending, or on consistently informing broader policy initiatives within the Ministry of Justice and the National Offender Management Service (NOMS). Both struggle to reflect fully the distinct needs of female offenders. We are extremely disappointed that there is still not sufficient evidence about what those needs are, or how best to address them. There have been improvements in the provision for women, notably the development of a network of women's community projects. We believe these projects must be maintained as they are central to providing a distinct approach to the treatment of women offenders, as well as playing an integral role in supporting women at risk of criminality.

We urge NOMS to consider gender as a matter of course, rather than seeking to reduce any detrimental impact on women of their general approach after the event. The most striking

incidence of this is the likely impact of the Transforming Rehabilitation reforms which have clearly been designed with male offenders in mind. We welcome the Government's extension of "through the gate" support to prisoners sentenced to less than 12 months, which should benefit many women offenders. The concentration on reducing reoffending seems likely to reinforce the loss of generic funding for women's community centres that has occurred since NOMS gained oversight of their funding. It is also uncertain whether there will be sufficiently strong data about what is effective for women offenders to enable new providers to make sensible commissioning decisions. We consider that there is a compelling case for commissioning services for women offenders separately and for applying other incentive mechanisms that would also encourage the diversion of women from crime.

We make a series of recommendations about the Government's review of the female custodial estate, which we welcome. Taking the size of the women's prison population as a given when recent legislative changes may create some headroom represents a missed opportunity to address wider concerns, including that: the women's prison population has not fallen sufficiently fast; over half of women continue to receive ineffective short-custodial sentences; and appropriate community provision which would arrest the use of custody, such as mental health and substance misuse treatment, remains unavailable to the courts in sufficient volume. We propose that the custodial estate review should examine in particular: the impact of recent, and planned cost savings and staff headcount reductions; means of encouraging women to take more responsibility; support for the development and sustainability of family ties; resettlement support for foreign national prisoners; staff training and competencies; and alternative forms of community-based residential provision for women who have committed offences of lesser seriousness but who might benefit from constructive regimes and support.

Prison is an expensive and ineffective way of dealing with many women offenders who do not pose a significant risk of harm to public safety. We revisited Baroness Corston's suggestion that those women who have committed serious offences should be held in smaller, more dispersed, custodial units. Having considered this carefully we recommend a gradual reconfiguration of the female custodial estate, coupled with a significant increase in the use of residential alternatives to custody as well as the maintenance of the network of women's centres, as these are likely to be more effective, and cheaper in the long-run, than short custodial sentences.

In this Report recommendations are set out in **bold text** and conclusions are set out in *bold italics*

# 1 Introduction

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## Our inquiry

1. Five years after the March 2007 publication of Baroness Corston's report *A review of women with particular vulnerabilities in the criminal justice system* (hereafter "the Corston Report"), which made a series of recommendations to drive improvement in the women's criminal justice agenda, we decided to hold an inquiry to review progress and examine current strategy and practice with respect to female offenders and those at risk of offending. In particular we sought to explore:

- The nature and effectiveness of the Ministry of Justice's strategy for women offenders and those at risk of offending;
- The nature and effectiveness of Ministry of Justice governance structures for women's offending;
- The extent to which work to address the multiple and complex needs of women offenders is integrated across Government;
- The extent to which the gender equality duty has become a lever for mainstream service commissioners —outside of the criminal justice system— to provide services which tackle the underlying causes of female offending;
- The suitability of the women's custodial estate and prison regimes;
- The volume, range, quality, and sustainability of community provision for female offenders, including approved premises;
- The availability of appropriate provision for different groups of women offenders, including: under 18s, women with children, foreign nationals and black, asian and minority ethnic women, and those with mental health problems.

2. We are grateful for the evidence we have received from a wide range of witnesses, including from Baroness Corston herself, women who were involved in the criminal justice system, the Ministry of Justice, Her Majesty's Prison and Probation Inspectorates, probation trusts and prisons, women's community projects, and other service providers.

3. We begin our Report by revisiting the Corston Report and examining how its recommendations have influenced developments in policy and practice. We then consider the Ministry of Justice's approach to the issues that the Corston Report highlights, including their governance arrangements and strategic priorities, before finally making some observations about how progress can be made afresh in the context of the Government's broader priorities in criminal justice and beyond.

## Overview of the Corston Report

4. In 2006 Baroness Corston was commissioned by the Home Office to examine what could be done to avoid women with particular vulnerabilities ending up in prison,

prompted by the deaths of six women at HMP Styal.<sup>1</sup> Her report identified three categories of vulnerabilities for women related to:

- domestic circumstances and problems such as domestic violence, childcare issues, being a single parent;
- personal circumstances such as mental illness, low self-esteem, eating disorders, substance misuse;
- socio-economic factors such as poverty, isolation and employment.<sup>2</sup>

5. The Corston Report made 43 recommendations, the key themes of which included:

- improvements to high level governance and cross-departmental working for women offenders and those at risk of offending, including the establishment of an Inter-Ministerial Group to govern a new Commission for women who offend or are at risk of offending;
- the reservation of custodial sentences and remand for serious and violent women offenders and the use of small local custodial centres for such offenders within 10 years;
- improvements to prison conditions, including sanitation arrangements and a reduction of strip-searching in women's prisons;
- community sentences used as the norm and the development of a wider network of one-stop-shop community provision for women offenders and those at risk of offending; and
- improvements in health services and support for women offenders.

6. Juliet Lyon, Director of the Prison Reform Trust, and herself a member of the Corston review team, explained that the Corston Report added weight to previous inquiries, including reviews by Dorothy Wedderburn, the Fawcett Society, the Cabinet Office and a joint prison and probation inspectorates report, which had all drawn similar conclusions:

“There were a number of reviews, all of which said pretty much the same thing, that it would be perfectly possible in relation to public safety to reduce the number of women going to prison, that the emphasis should be on proportionality, sentencing and fairness and there should be options in the community, bearing in mind that most women were nonviolent, petty persistent offenders in the main and that many had primary care responsibilities for their children.”<sup>3</sup>

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1 The Home Office Minister, Baroness Scotland, made a Statement on 17 November 2005 about developments at Styal prison following these deaths between August 2002 and August 2003 and further work planned relating to women offenders. The Minister noted the need to take stock of the work being done and to look again at the measures in place to address the needs of these vulnerable and damaged women, and subsequently commissioned Baroness Corston to undertake the review. HL Deb, 17 November 2005, cols W599–101.

2 Home Office, *The Corston Report: A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the criminal justice system*, March 2007

3 Q 138. See *Justice for Women: The Need for Reform* detailing the findings and recommendations of the independent Committee on Women's Imprisonment, chaired by Professor Dorothy Wedderburn.

## The Government's response

7. The then Government's response to the Corston Report, which accepted 41 of the 43 recommendations and set out how each of these would be addressed, was published nine months later. At the same time the Government announced that Maria Eagle MP would become Ministerial Champion for Women and Criminal Justice and a cross-departmental Women's Policy Unit was created within the Home Office to drive the reforms. Much of the evidence we received claimed that the current Government had accorded less priority to fulfilling the Corston agenda, having dismantled this governance infrastructure. In this Report we inevitably address this question, but we do so in the constructive spirit of wishing to reinvigorate improvements in the criminal justice system for women. We also examine a number of relevant developments which have occurred since we announced our inquiry, including the Government's appointment of a Ministerial champion; announcement of a review of the female custodial estate; publication of its strategic priorities for women offenders; and embarkation upon an extensive overhaul of the provision of offender management and rehabilitative services.

## Trends in women's offending and sentencing

8. The Government is required to publish data to determine whether there is any discrimination in how the criminal justice system treats people based on their gender.<sup>4</sup> The Ministry of Justice produces annual statistics on women in the criminal justice system, the most recent of which relate to 2011.<sup>5</sup> Key findings include:

- women have accounted for around 15% of offenders under supervision in the community as a result of community and suspended sentence orders, and five per cent of the total prison population, in each of the last five years.
- women tend to be subject to shorter community orders than men: of the 12,925 women supervised under a community order that year, 14% were supervised for less than one year compared to 7% of men.
- women are less likely to be sentenced to custody than men: 3% of females were sentenced to immediate custody, compared to 10% of males.
- women also tend to serve shorter custodial sentences than men: a greater proportion of women in prison under immediate custodial sentence were serving sentences of twelve months or less than men (21% and 10%, respectively), and similarly for sentences of six months or less (15% and 7% respectively).<sup>6</sup>

9. The fact that short sentences account for a greater proportion of women being in prison is thought likely to be attributable to a range of factors including differences in the offence types committed by men and women, with women tending to have committed offences of

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4 Under section 95 of the Criminal Justice Act 1991

5 Ministry of Justice, *Women and the criminal justice system*, November 2012

6 The average custodial sentence length given to women in magistrates' courts was 2.3 months, compared to 2.6 months for men, and for such sentences given in Crown Court, the average was 19.9 months, compared to 25.1 months for men. The only crime for which women tend to receive longer custodial sentences than men is criminal damage.

lesser seriousness. In the 12 months to June 2012, 81% of women entering custody under sentence had committed non-violent offences, compared with 71% of men.<sup>7</sup> For example, over half (52%) of women sentenced had committed petty offences related to theft and the handling of stolen goods, compared with one-third (33%) of men. In addition, over a quarter (26%) of women sentenced to imprisonment had no previous convictions, more than double the figure for men (12%). Among those serving sentences of less than 12 months the disparity is greater: 29% of women, compared to 12% of men, have no previous convictions.<sup>8</sup>

10. Between 2000 and 2007 the annual average women's prison population increased by 31%.<sup>9</sup> Following Baroness Corston's report the population continued to increase and fluctuate, but there are encouraging signs that it is beginning to reduce. Between 2007 and 2012 the average annual female prison population has fallen by 5%, against a rise in the total average annual prison population of almost 9%.<sup>10</sup> A total of 9,832 women were received into prison in 2012, representing a 3% fall on the previous year, but a 17% fall since 2007.<sup>11</sup> The number of women remanded in custody in 2012 was also lower, falling by 9% since 2011 and by 28% since 2007. Nevertheless, women continue to account for a similar proportion (9%) of prison receptions as, since their average length of sentence is shorter to that of men, both from magistrates' courts and the Crown Court, their turnover is higher.

### **Characteristics of women who offend and those at risk of offending**

11. Baroness Corston's tripartite categorisation of the vulnerabilities of women who end up in prison illustrates the multiple and complex problems that many female offenders face. Our witnesses generally endorsed her findings that the extent of need is frequently greater than amongst male offenders and vulnerabilities are more widespread. Women's offence profiles and distinct needs were borne out in the caseloads described to us by individual probation trusts, women's community projects and others working in the sector.<sup>12</sup> The Nelson Trust, for example, described to us its service users as:

“...women already at the margins of criminal behaviour who have not yet been arrested: binge-drinking, antisocial behaviour, sex working, abusive relationships, crack and heroin use, rough sleeping, personality disorders and unaddressed mental health problems all correlate highly with a drift towards offending behaviour even though none of these, except drug possession, are offences themselves”.<sup>13</sup>

12. Ministry of Justice statistics gathered from women's community projects data show that almost half of the women referred to the projects have needs in more than four areas:

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7 Ministry of Justice, *Criminal Justice Statistics*, June 2012. See also Ev w32 [Note: references to 'Ev wXX' are references to written evidence in the volume of additional written evidence published on the Committee's website]

8 *Ibid.*

9 Ministry of Justice, *Offender management caseload statistics 2012: annual average prison population table*, May 2012

10 *Ibid.*

11 Ministry of Justice, *Offender management caseload statistics 2012: first receptions table*, May 2012

12 See for example Ev w7, Ev 103, Ev 66, Ev w45, Ev 114, Ev w57, Ev w63, Ev w70, Ev 74, Ev 82, Ev w109

13 Ev w32

48% have drug or alcohol problems, 40% have experienced domestic violence, sexual abuse or rape and 8% of women are involved in prostitution. 52% of the women engaging with projects have children.<sup>14</sup>

### ***A distinct approach***

13. Baroness Corston's vision was for her report to initiate the creation of a "distinct, radically different, visibly-led, strategic, proportionate, holistic, woman-centred, integrated approach".<sup>15</sup> Women's Breakout believed that it is now agreed that the case has been well made that: i) the majority of women imprisoned should not be; ii) to prevent and reduce crime committed by women gender specific approaches delivered in women only community based organisations work best; and iii) to achieve equitable outcomes for the majority of women, they need to receive different interventions to the majority of men.<sup>16</sup> The Probation Chiefs' Association, Prison Governors' Association and Michael Spurr of NOMS agreed that the Corston Report had given a huge impetus to improving awareness that women require a different and distinct approach.<sup>17</sup> As we noted above, there was certainly a significant consensus about the distinct needs of women in the evidence we received.

14. There are voices which reject that consensus. In a Westminster Hall debate on 16th October, Philip Davies MP described the women offenders agenda as "one of the starkest examples of how politically correct this country has become" and stated that "all the hysteria surrounding women in the justice system is completely without foundation".<sup>18</sup> He suggested the agenda was pinned on a series of myths, including that: i) women are very likely to be sent to prison and are more likely than men to be given a custodial sentence; ii) women are imprisoned for short sentences and not very serious offences; iii) women are remanded in custody but not subsequently sentenced to custody; iv) prison separates mothers from their children, which unfairly punishes them; and v) women are treated more harshly than men in the criminal justice system.<sup>19</sup>

15. In his evidence to us he cites a range of official statistics in support of some of these arguments which showed, for example, that: a higher proportion of men are given immediate custody than women; these men receive higher average sentence lengths than women; women are imprisoned for a range of offences, including violent offences; men are more likely to be remanded in custody; the number of women in prison has fallen as a percentage of the total prison population; a large number of children are separated from their fathers as a result of imprisonment; and many women are not looking after their children at the time they are sentenced.<sup>20</sup> This evidence does not take into account the statistics cited above that indicate that within categories of offence women tend to commit

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14 All Party Parliamentary Group on Women in the penal system, *Women in the penal system: Second report on women with particular vulnerabilities in the criminal justice system*, London, 2011

15 *The Corston Report*, cover page

16 Ev 69

17 Q 226 [Mr McLennan Murray], Q 273 [Mr Spurr], Ev 120

18 Ev w101

19 HC Deb, 16 Oct 2012, Col 32WHff

20 Ev w135

offences of lesser seriousness than men, or other factors that might be taken into account in sentencing including previous offending history and relevant mitigating factors. For example, Helen Grant MP, Parliamentary Under-Secretary of State for Justice, Women and Equalities, acknowledged in her evidence to us that women offenders are a “highly vulnerable group”; she recognised that they often commit crime because of their vulnerability, for example, as a result of domestic violence, sexual abuse and mental health problems, and because of “earlier failures to protect and support them”, and that they are more likely to be primary carers when sentenced.<sup>21</sup>

***16. In our view there is general agreement that the majority of women offenders pose little risk to public safety and that imprisonment is frequently an ineffective response. It is also now well recognised that it is not permissible for women offenders to be dealt with in the same way as men within a criminal justice system designed for the majority of offenders. This is not about treating women more favourably or implying that they are less culpable. Rather it is about recognising that women face very different hurdles from men in their journey towards a law abiding life, responding appropriately to the kinds of problems that women in the criminal justice system bring into it, and taking the requisite action to be effective in addressing their offending behaviour.***

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21 Qq 253, 257

## 2 Progress since the Corston Report

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### Overview of progress

17. Baroness Corston’s report was widely commended by our witnesses.<sup>22</sup> For example, Women’s Breakout described it as a “thoughtful and realistic” vision to improve outcomes for women in the criminal justice system and those at risk of offending, and both Juliet Lyon, of the Prison Reform Trust and the Corston Independent Funders Coalition saw it as a “blueprint for reform”.<sup>23</sup> We asked our witnesses for their assessments of the progress that had been made in implementing the Corston Report’s recommendations. Baroness Corston herself told us she felt “particularly proud and pleased” about the then Government’s abolition of routine strip-searching. She also praised the fact that dedicated funding had been made available to establish community based women’s centres, open not just to women offenders who could be diverted to them by courts, but also to women at risk of offending, including through self-referral, which she considered a “sea change” in thinking.<sup>24</sup>

18. The main disappointment for her was “the failure to accept the argument that [she] advanced for small custodial units for women”.<sup>25</sup> This recommendation had stemmed from her observations of the female prison estate, the types of offences that the women held there had committed, the long distances that they were held away from their homes, the impact this had on their families, and visits to alternative forms of provision in small secure units such as the Dóchas Centre in Dublin and 218 Centre in Glasgow. We discuss these issues further in chapter 5.

19. Baroness Corston was also critical of the slow response of the Department of Health to her recommendations, which included providing 24 hour access to mental health workers in custody suites.<sup>26</sup> Several months after the publication of her report, Lord Bradley was asked to undertake an independent review of offenders with mental health problems and learning disabilities and the extent to which they could be diverted from the criminal justice system. His report, published in April 2009, recommended the creation of liaison and diversion schemes at police stations and courts, which he defined as:

“a process whereby people are assessed and their needs identified as early as possible in the offender pathway (including prevention and early intervention), thus informing subsequent decisions about where an individual is best placed to receive treatment, taking into account public safety, safety of the individual and punishment of an offence.”<sup>27</sup>

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22 Ev w1, Ev 65, Ev 103, Ev w21, Ev 69, Ev w45, Ev 114, Ev 88, Ev w57, Ev 74, Ev w82, Ev w86, Ev w109, Q 77 [Ms Russell] Q 81 [Ms Spurling], Q 138 [Ms Lyon]

23 Ev 69, Ev 88, Q 138

24 Q 1

25 Q 4

26 Q 5

27 Lord Bradley, *The Bradley Report: Review of people with mental health problems or learning disabilities in the criminal justice system*, 2009

The Government subsequently made a commitment to develop these nationwide by 2014.<sup>28</sup>

20. Our other witnesses shared similar views of key areas of importance in terms of post-Corston Report successes and disappointments, though opinions differed regarding the extent to which they felt that sufficient progress had been made in these areas.<sup>29</sup> We consider these developments in greater detail in the following chapters. We now examine the governance arrangements that have been put into place to effect Baroness Corston's recommendations, the strategic approach that has been taken, and other drivers that have influenced their implementation.

### Governance arrangements and other drivers to implement the agenda

21. In her report Baroness Corston recommended the creation of “a strategic top level cross-departmental commission” to be headed by a senior civil servant, supported by sufficient staff from the various departments and agencies involved and governed by a new inter-departmental ministerial group encompassing all relevant government departments. She warned: “Without the safeguard of strong, visible direction of issues relating to women in the criminal justice system, provision for women is likely to continue to be inconsistent and to depend on the level of priority and strength of leadership afforded locally and the depth of local understanding about women’s needs.”<sup>30</sup>

22. She reiterated to us the need for a strategic national body overseeing the system.<sup>31</sup> For example, she attributed the positive developments described in the early part of this chapter to the “critical mass of women Ministers [...] who instinctively understood what this was about”, as well as the support from the cross-departmental group of civil servants. Liz Hogarth, the former head of this group, who previously had worked in women’s policy at the Home Office, described the shift in the profile of the women offenders agenda that stemmed from this:

However hard we worked with civil servants, the general response at that time was, “Women are only 5% of the prison population; we must focus on the larger numbers.” It was a real battle to get attention. The sea change that came with the joined-up work and the cross-departmental team was huge. It was a very exciting, vibrant way of working, because what we had was Maria Eagle [the Ministerial Champion], with an inter-ministerial group, and all those Ministers from across the piece—the Home Office, the DWP, Communities and Local Government, Health—all sitting round a table. That meant that their officials were suddenly required to be there and to make change happen. It was a huge difference.<sup>32</sup>

23. Many of our witnesses drew attention to a perceived weakening in governance arrangements for further progressing the Corston agenda and an apparent shift in the

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28 Subject to a business case. See Ev 96.

29 Q 77 [Mr Kilgarriff], Q 138 [Ms Crook] [Ms Lyon], Q 165 [Ms Halford], Q 193 [Ms Castell]

30 *The Corston Report*, p 6

31 Q 13

32 Q 2

strategic commitment of the Government towards it since the change in Government in 2010.<sup>33</sup> The Inter-Ministerial Group on Reducing Re-offending was disbanded post-election, as was its sub-group on women offenders, followed by the cross-departmental women’s team which ceased to exist in March 2011 and was replaced by a criminal justice-specific Women and Equalities Group based in NOMS. In addition, no specific, cross-departmental, ministerial champion was appointed until September 2012, when Helen Grant MP was made Parliamentary Under-Secretary of State for Justice, Women and Equalities, with responsibility for women in the justice system, and to provide support on the cross-government work of the Minister for Women and Equalities.<sup>34</sup>

24. The consensus of our witnesses was that despite initial “flurries of activity” progress appeared to have stalled under this Government.<sup>35</sup> The Chief Inspector of Prisons, Probation Trusts, voluntary and community sector (VCS) organisations and HM Inspectorate of Prisons alike observed that there was a lack of visible governance—described by Clive Martin of Clinks as a “yawning gap in leadership”<sup>36</sup>—coupled with a lack of clarity about the strategic approach the Government intended to take. The view of the Elizabeth Fry charity was typical:

“While the nature of the needs of women offenders has been recognised, there has been a weakness in the organisational capability and capacity to commission services which meet them. We think the most effective means of commissioning services for women offenders requires more than the sincere intention, well-crafted specifications of services, and rigorously monitored objectives: it requires organisational change.”<sup>37</sup>

25. The loss of governance arrangements had led to frustration and practical difficulties, for example, in identifying the correct contacts to correspond with.<sup>38</sup> Nick Hardwick described the dismantling of the cross-departmental women’s team as a “significant problem”.<sup>39</sup> The Prison Governors Association and HMP Eastwood Park noted a loss of impetus within NOMS for governors of the female estate, who used to have regular meetings driven by an operational lead.<sup>40</sup> Bedfordshire Probation Trust said that senior staff relied on word of mouth from colleagues to communicate changes in structure, governance and points of contact for central discussion regarding women’s offending.<sup>41</sup>

26. For some, the absence of leadership was thought to reflect a lack of political will.<sup>42</sup> For example, Corston Independent Funders Coalition (CIFC) noted that it was:

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33 Q 8 [Ms Hogarth], Q 77 [Mr Kilgarriff, Ms Russell], Q 138 [Ms Crook, Ms Lyon, Mr Martin]

34 She is also Minister for Victims and the Courts.

35 Q 14 [Baroness Corston], Q 138, Q 152 [Mr Martin], Q 165 [Ms Halford], Q 195 [Ms Rijnenberg], Q 227 [Mr Hardwick], Ev 65, Ev w7, Ev 103, Ev w32, Ev 88, Ev w51, Ev w70, Ev 120

36 Ev 89

37 Ev w1

38 Ev w12, Ev w14, Ev w16, Ev w27, Ev 89

39 Q 227

40 *Ibid.*

41 Ev w16

42 Ev w51, Q 135 [Ms Russell], Q 138 [Ms Crook]

“dismayed to have drawn the conclusion, despite Ministers’ assertions to the contrary, that over the last three years the impetus for real change appears to have been lost and progress has been stalled”.<sup>43</sup>

Juliet Lyon contrasted the situation in England and Wales with that in Scotland in the wake of Dame Elish Angiolini’s Commission on Women Offenders when the Justice Secretary responded immediately and accepted her recommendation for him to provide annual progress reports to the Scottish Parliament.<sup>44</sup>

27. A sense of a loss of opportunity was widely shared and as a result we repeatedly heard concerns that vulnerable women were continuing to be imprisoned unnecessarily and that the positive developments that had been made may not be sustainable.<sup>45</sup> Clive Martin identified three positive developments that he felt were in danger of dissipating: the shared Government and civic society (in the form of CIFIC) commitment to pursuing the Corston agenda; the development of women’s centres as the “best bet” of stemming the flow of women into the criminal justice system; and the recognition of the value of the voluntary sector in engaging and supporting women who have often had a negative experience of statutory services.<sup>46</sup> In their written submission CIFIC expressed disappointment that the Government did not appear to be interested in continuing its collaboration in sustaining the network of women’s community projects:

The unusual and real partnership between the charitable Trusts and Foundations and the statutory authorities represented, in our view, a golden opportunity to do things differently [...] CIFIC continues to meet with officials in the hope of bringing our influence to bear and to share our experience in sponsoring innovation, but it is apparent that our involvement is no longer a priority.<sup>47</sup>

28. Our witnesses proposed a variety of governance mechanisms, including: reinstating the women’s criminal justice policy unit<sup>48</sup>; independent oversight, such as the creation of a Women’s Justice Board to set and monitor policy nationally, or something akin to NHS Commissioning Board Clinical Senate or the Ministerial Board on Deaths in Custody to perform an advisory function<sup>49</sup>; and splitting strategic and commissioning functions in various other ways.<sup>50</sup> Juliet Lyon commended the intensive focus of the Youth Justice Board on reducing numbers of young people in custody, and said there was a need for similarly concerted effort for women offenders: “[...] it would be helped massively if there were such a thing as a women’s justice board and the kind of drive, leadership and focus that that would bring with it [...] Even if Government will not consider a W[omens] J[ustice] B[oard], they need to use some of the elements and success of both of those to make this work.”<sup>51</sup> Baroness Corston was clear that any governance mechanism must focus

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43 Ev 64

44 Q 138

45 See for example Ev 103, Ev 114, Q 138 [Ms Crook, Ms Lyon, Mr Martin]

46 Q 139, See also [Q 165] Ms Halford

47 Ev 88

48 Ev 103

49 See for example Ev 65, Ev 103, Ev 66, Ev 124, Ev w77

50 Ev w1, Ev 89

51 Q 164, Ev 103

as much on offenders as women at risk: “I am sorry to keep banging on about this. Women offenders are obviously an extremely important focus and, in a way, have to be the No. 1 focus, but the very strong No. 2 is women at risk.”<sup>52</sup>

29. Others were more radical in their proposals. For example, PCSU believed there was scope to establish a separate women’s prison service or to give local authorities primary responsibility for women offenders.<sup>53</sup> Frances Crook was less convinced that the answer to changing the way that women who come into contact with the criminal justice system are treated lay in structural alterations; she felt a more subtle response was needed: “a more political and financially driven response”.<sup>54</sup>

### ***The appointment of new Ministerial champion***

30. In September 2012 the Secretary of State for Justice decided to separate responsibility for women in the criminal justice system from that for men, in recognition that there are different issues to address, and appointed Helen Grant as Parliamentary Under Secretary of State for Justice, Women and Equalities. Our witnesses were positive about this appointment, welcoming the recognition of the need for clear leadership in this area, though some were disappointed that they were yet to observe the benefits of it.<sup>55</sup> Helen Grant did not accept the view of most observers that prior to her appointment insufficient attention had been paid to this agenda by the MoJ. She cited a number of areas of progress, though most of these were well under way prior to May 2010.<sup>56</sup> The MoJ explained that the co-location of officials from other government departments was no longer needed as strong relationships have now been forged between relevant policy leads in MoJ and cross-Government colleagues working on specific elements of the women’s policy; according to the MoJ this approach both ensures that the specific needs of female offenders are embedded in policy making across Government and offers cost-effectiveness.<sup>57</sup> We return to the issue of governance arrangements in paragraphs 45 to 50.

### ***A strategy for women offenders***

31. Baroness Corston drew attention to the lack of a written strategy for female offenders in a debate in the House of Lords in March 2012.<sup>58</sup> Ministers responded by stating that a strategic document on the priorities for women would be published ‘in due course’, which was later declared to be expected in December 2012.<sup>59</sup> The appointment of a new ministerial team in September 2012 and the subsequent acceleration of the introduction of payment by results delayed this and until near the end of our inquiry there was no specific strategy for women offenders or those at risk of offending. As we commenced our inquiry the MoJ said that the Government was fully committed to addressing women’s offending

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52 Q 13

53 Ev w57

54 Q 164

55 Q 8 [Ms. Hogarth], Q 29 [Baroness Corston], Q 198 [Ms Rijnenberg], Q 227 [Mr. Hardwick], Qq 124–125 [Mr Kilgarriff]

56 Q 258

57 Ev 96

58 HL Deb, 20 March 2012, c764

59 HC Deb, 3 July 2012, c742

and wanted to align a strategy with its plans for a “rehabilitation revolution”, and therefore would publish its strategic objectives for women offenders in the New Year.<sup>60</sup> These were subsequently published in March, three days before the Minister was due to give evidence to us.

32. Our witnesses were able to identify some ongoing strategic activity.<sup>61</sup> For example, some elements of the Government’s intentions towards women offenders were set out in the revised good practice guidance document *A Distinct Approach: A guide for working with women offenders*, published by NOMS Women and Equalities Group in March 2012. Liz Hogarth observed that while there was no visible strategy—in the sense that nothing had been produced in black and white —progress continued to be made. For example, she believed that there remained a commitment to women’s centres evidenced by the fact that NOMS had continued to fund them. Nevertheless, she felt that in the absence of a stated direction of travel and the framework for achieving it, “people out in the real world, in the field”, including probation trusts, were not clear of the Government’s priorities.<sup>62</sup>

33. This was reflected in comments from the Probation Inspectorate, the Probation Chiefs’ Association and Clinks. The Probation Inspectorate found during their joint inspection in 2011 that the considerable work that was happening strategically was only just beginning to cascade down to an operational level within probation trusts, but that trusts had difficulty in maintaining momentum.<sup>63</sup> Liz Rijnenberg felt that the absence of the national women’s team in NOMS has led to a “standstill in the development of the strategy.”<sup>64</sup> Similarly Clive Martin suggested that strategic direction was important because “unless sentencers are kept aware of issues to do with who they are sentencing, the type of sentences they give and so on, it falls from their agenda. There has been no consistent leadership around this issue for a long time. We do not see it in training programmes for the judiciary, and we do not see community alternatives to custody being promoted in the media.”<sup>65</sup>

34. In their written evidence the MoJ outlined the relevant work that they were doing with other departments including: the piloting of mental health and substance misuse liaison and diversion services; the female offender personality disorder strategy; the development of intensive treatment options in the community for offenders with drug or mental health problems, including women-only services; the piloting of three drug recovery wings for short-sentence, drug and alcohol-dependent prisoners; and funding for women’s community services that can be used as part of, or in conjunction with community sentences.<sup>66</sup> The MoJ was also clear that any benefit to women at risk of offending would be incidental to its primary focus on those women who enter the criminal justice system, with whom they have direct contact.<sup>67</sup>

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60 Ev 96

61 See for example Ev w16, Ev w19, Ev w41, Ev w104, Q 8 [Ms Hogarth]

62 Q 8

63 Q 195, Ev 80

64 Q 195

65 Q 152

66 Ev 96

67 *Ibid.*

## Equality duties

35. The first recommendation of the Corston Report was that “[e]very agency within the criminal justice system must prioritise and accelerate preparations to implement the gender equality duty and radically transform the way they deliver services for women.”<sup>68</sup> We asked our witnesses about the extent to which this had been a helpful driver in transforming the delivery of services. Baroness Corston gave us her view of the value of this duty:

“It gave a legislative backstop for the argument about gender specific services. It led to the *National Service Framework for Women Offenders*; it led to the *Gender Specific Standards for Women Prisoners*. Once again, that was a cross-departmental thing, but Harriet Harman and Barbara Follett in Equalities, and Vera Baird, Patricia Scotland, Maria Eagle and Fiona Mactaggart together provided the impetus for saying, “Okay, we have this legislative framework. Now, the challenge is to make sure that there is an effective implementation.” We all know that it is ever so easy to pass legislation. The difficulty is making sure that it is implemented. The great thing about that critical mass of women was that they had the authority within Government to make sure that the duty itself could be used in this way, so that when I advanced this argument I was not pushing against a locked door.”<sup>69</sup>

36. The gender equality duty has been replaced by a broader Equality Duty, introduced under the Equality Act 2010, which seeks to encourage public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all, and meet different people’s needs. NOMS states in its most recent guidance on women offenders that: “[u]nder the previous public sector equality duties (for race, disability and gender), public bodies occasionally took unnecessary, disproportionate or even counterproductive action in the name of equality. However, with the new Equality Duty this approach has changed so that the focus is on performance and outcomes, not process.”<sup>70</sup> Specifically, it is clear that the new Duty does not require public bodies to treat everyone the same and does not necessarily prevent public bodies providing women or men-only services. Nevertheless, Wish, a national women’s mental health charity, felt that the removal of a specific gender equality duty had been a retrograde step as they believed this has been a factor in the lack of commissioning of gender-specific services in recent years.<sup>71</sup>

37. Our witnesses with expertise in prison and probation indicated that since the *Gender Specific Standards for Women Prisoners* were introduced by NOMS considerable progress had been made in the treatment of, and provision for, women offenders. For example, HM Inspectorate of Prisons (HMIP) noted improvements in: women’s prisons being safer and

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68 *The Corston Report*, p 3. This duty, introduced under the Equality Act 2006, which came into force in April 2007, placed an obligation on public authorities, including prison and probation services, to assess the impact of current and proposed policies and practices on gender equality. It should be noted that judicial decision-making is not covered by the duty.

69 Q 12. NOMS developed a National Service Framework for women offenders, new guidance on working with women offenders and a set of gender specific standards for women’s prisons (PSO 4800).

70 National Offender Management Service, *A Distinct Approach: a guide to working with women offenders*, London, 2012.

71 Ev w12

more respectful places; a better focus on promoting purposeful activity and resettlement; the end of routine strip searching of women; better reception and first night arrangements; better physical health care (although with some exceptions); and better treatment and management of women with substance use problems which has “undoubtedly contributed to the drop in self-inflicted deaths.”<sup>72</sup> The Acting HM Chief Inspector of Probation found that the “strong lead given by the MoJ and NOMS” had been “successful in promoting considerable activity” at a regional and local level. For example, Probation Trusts had worked well with NOMS and the MoJ as well as partners and other agencies to develop a “sound strategic framework” for working with women offenders. However, measures to assess the progress made on implementing this framework were generally underdeveloped.<sup>73</sup> Probation Chiefs’ Association found that the *National Service Framework* coupled with updated guidance issued in March 2012, had helped strengthen partnership activity in probation trusts in: developing specific service provision for women; developing a women-centred approach; and promoting a greater understanding of the needs of women offenders.<sup>74</sup> Lancashire Probation Trust described the strategic approach that had been taken to developing provision in the county, which focused on reducing the use of custody and remand, and improving a range of outcomes, including reducing reoffending, as well as health and social outcomes.<sup>75</sup>

38. Nevertheless, there was clearly more to be done. A joint inspection of the use of alternatives to custody by women offenders by HM Inspectorate of Probation, HM Crown Prosecution Service Inspectorate and HM Inspectorate of Prisons in 2011 concluded that despite efforts made to improve the use of gender-specific interventions, some offender managers working with women offenders demonstrated a lack of empathy towards them and insufficient knowledge to work with them effectively.<sup>76</sup> We also encountered numerous examples where it appeared that the Ministry of Justice and NOMS had not given sufficient thought to gender differences. For example, Bedfordshire Probation Trust explained that service specifications fail to take account of the additional support, liaison and crisis management that women offenders require during periods of community supervision. Similarly, while the Trust had received gender awareness training for staff, this had tended to focus on female workers supervising male offenders.<sup>77</sup> HMP Eastwood Park felt that various recent initiatives including the benchmarking programme, development of prison industries and integrated offenders management schemes have not been approached in a gendered way.<sup>78</sup> Nicola Padfield of the University of Cambridge observed that women remain “remarkably invisible” in some Ministry of Justice statistics, for example, the Parole Board publishes statistics by ethnicity, and not by gender.<sup>79</sup> The Lucy Faithfull Foundation had seen limited impact of the gender equality duty on

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72 Ev 66

73 Ev 80

74 Ev 120. See *A Distinct Approach*

75 Ev w101

76 Ev 80

77 Ev w16

78 Ev w94. See also Q 227 [Mr Hardwick]

79 Ev w36

provision for the small minority of women offenders who represent a higher risk to the public.<sup>80</sup>

39. Women in Prison felt that where good practice in commissioning is found, it is led by personalities championing the need for gender specific services, rather than any particular impetus from the equality duty.<sup>81</sup> Liz Rijnenberg, Chief Executive of Wiltshire Probation Trust, representing the Probation Chiefs' Association (PCA), saw the existence of the statutory duty as significant as it meant provision must be made for women despite them representing a small proportion of offenders.<sup>82</sup> The Acting HM Chief Inspector of Probation proposed that central champions can help agencies, including probation trusts and their partners, to navigate the range of statutory duties which they are required to met, but which can be conflicting.<sup>83</sup> For example, when undertaking joint local strategic assessments, Trusts are able to raise women's equality as an issue, along with the other protected characteristics of individuals.<sup>84</sup> Wales Probation Trust holds a quarterly 'women in criminal justice' meeting and HMP Eastwood Park had found that the duty provided leverage in healthcare and substance misuse commissioning.<sup>85</sup> On the other hand, in the experience of the Together Women Programme and West Mercia Probation Trust mainstream service commissioners had shown little compliance with the duty in relation to the provision of services that tackle the underlying causes of female offending.<sup>86</sup>

***40. It is regrettable that the Coalition Government appears not to have learnt from the experience of its predecessor that strong ministerial leadership across departmental boundaries is essential to continue to make progress, with the result that in its first two years there was a hiatus in efforts to make headway on implementing the important recommendations made by Baroness Corston in 2007. It is clear that the matter of female offending too easily fails to get priority in the face of other competing issues. The lack of central drive has resulted in outsiders having difficulty determining Ministry of Justice policy and direction, and insiders detecting a dampening in mood and enthusiasm, leaving an impression that for this Government it was not a sufficiently high priority. We were particularly struck by Baroness Corston's evidence that under the previous Government it was not until a group of women Ministers worked together to take issues forward that significant progress was made in this area. We welcome the fact that, after we announced our inquiry, the Secretary of State for Justice assigned particular Ministerial responsibility for women offenders. Clear leadership and a high level of support from other Ministers will be essential in restoring lost momentum.***

***41. There is little evidence that the equality duty—in so far as it relates to gender—has been used robustly to hold providers to account. In particular, the duty does not appear to have had the desired impact on systematically encouraging local mainstream commissioners to provide gender specific services tackling the underlying causes of***

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80 Q 167 [Ms Ashfield]

81 Ev 74

82 Q 208

83 Q 205

84 Q 208 [Ms Rijnenberg]

85 Ev w94, Ev w41

86 Ev w51, Ev w99

*women's offending, or on consistently informing broader policy initiatives within MoJ and NOMS. For too long, while the needs of female offenders have been recognised as different from those of males, the criminal justice system generally and the National Offender Management Service in particular have struggled to reflect these differences fully in the services it provides. A key lesson still to be learnt is that tackling women's offending is not just a matter for the justice system.*

### Subsequent reports

42. Efforts have been made to maintain the prominence of the needs of women offenders and to advance the Corston Report's recommendations in subsequent reports. In particular, an All Party Parliamentary Group on Women in the Penal System (the APPG) was established in 2009, chaired by Baroness Corston, which published a follow-up report *Women in the penal system: Second report on Women with particular vulnerabilities in the criminal justice system* in 2011 and recently produced two briefing papers on Girls in the Penal System, a group not explicitly considered in the original report.<sup>87</sup> The Prison Reform Trust has also revisited the issues several times, including through the independent Women's Justice Taskforce, which reported in 2011, and the recent establishment of a three year strategic programme to reduce women's imprisonment.<sup>88</sup>

43. This Committee's predecessor made the following assessment of the previous Government's progress in January 2010:

"We are disappointed with the Government's slow progress in implementing Baroness Corston's recommendations for vulnerable women offenders, which it accepted in December 2007. We are concerned that the limited additional funding that has been committed to implementing the recommendations has been partially diverted to existing projects which have been unable to find sustainable funding. This is symptomatic of fundamental problems in funding initiatives which would reduce the use of prison."<sup>89</sup>

The Government responded that it had made "substantial progress" in implementing the recommendations and rejected the assertion that progress had been slow, citing an 'already' promising reduction in the women's prison population and an ongoing commitment to reducing the women's prison estate by 400 places by March 2012.<sup>90</sup>

### The Government's strategic priorities

44. On 22nd March 2013 the Ministry of Justice published its *Strategic objectives for female offenders*, which stated the following four key priorities:

1. Ensuring the provision of credible, robust sentencing options in the community that will enable female offenders to be punished and rehabilitated in the community where appropriate. We are committed to ensuring all community

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87 Ev 114

88 Ev 103

89 Justice Committee, First Report of Session 2009–10, *Cutting crime: the case for justice reinvestment*, HC 94–I para 159

90 Ministry of Justice, *Government response to the Justice Committee's First Report of Session 2009–10, Cutting crime: the case for justice reinvestment*, Cm 7819, para 24

orders include a punitive element. Other options such as tagging and curfews can also be used to provide greater monitoring and structure to offenders' lives.

2. Ensuring the provision of services in the community that recognise and address the specific needs of female offenders, where these are different from those of male offenders.
3. Tailoring the women's custodial estate and regimes so that they reform and rehabilitate offenders effectively, punish properly, protect the public fully, and meet gender specific standards, and locate women in prisons as near to their families as possible; and
4. Through the transforming rehabilitation programme, supporting better life management by female offenders ensuring all criminal justice system partners work together to enable women to stop reoffending.

The document to a large extent restated existing priorities but also announced the creation of a new Advisory Board for female offenders to be chaired by Helen Grant MP. This Board will provide expert advice and work across Government and with key stakeholders on: i) enhancing provision in the community; ii) designing the system for implementing the transforming rehabilitation proposals; iii) reviewing the women's prison estate; and iv) developing a 'whole system' approach, within and outside the criminal justice system. **We welcome the production of a set of strategic priorities for women offenders but they need to be given substance, and we believe that the recommendations we make in this Report should be the basis for taking the priorities forward.**

### ***New governance arrangements***

45. We now consider whether the Advisory Board, and other mechanisms for cross-departmental oversight, constitutes the clear governance structure that our witnesses called for. Helen Grant initially proposed that the Board would include other Government Ministers—which she believed would “pull all the levers we need to pull right across Whitehall to get the job done”—but subsequently clarified that cross-departmental members would be at official level.<sup>91</sup> She explained why this decision had been taken:

We believe that the work streams on which the Board will focus will benefit from the direct engagement of officials, who will bring to the table a detailed knowledge of their policy areas and how they impact on female offenders and those women at risk of entering the justice system. There is, of course, a clear expectation that these officials will engage with their Ministers on specific issues, where necessary. I may also invite Ministerial colleagues to attend a particular meeting of the Board, or otherwise to be engaged in its work, where this would be helpful.<sup>92</sup>

She envisaged that the Advisory Board would build on existing inter-departmental work with: the Department of Health on liaison and diversion services from police custody and from court, and on pilots for intensive treatment-based alternatives to custody; the Home

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91 Q 259

92 Ev 128

Office on the violence against women and girls strategy; and with the Department for Communities and Local Government on its troubled families strategy and trying to stop intergenerational criminal behaviour.<sup>93</sup>

46. At Ministerial level, Helen Grant represents the Ministry of Justice on the inter-ministerial groups (IMG) on human trafficking and violence against women and girls; another Justice Minister sits on the IMG on homelessness. Helen Grant felt that her dual role—as the Justice Minister with responsibility for women in the criminal justice system and as one of the Ministers for women and equalities—was “very beneficial”.<sup>94</sup> Despite her dual role, however, she did not see responsibility for women at risk of offending as directly falling within her remit, but rather as being “on the fringe” of her role, for example, through women’s centres which provided opportunities to “catch and divert” such women, who she believed were the responsibility of “a number of other Government departments”.<sup>95</sup>

47. Our evidence suggests that the Ministry of Justice did not engage with other stakeholders in drawing up its strategic priorities.<sup>96</sup> Clinks (the national umbrella body supporting VCS organisations working with offenders and their families) and the Reducing Reoffending Third Sector Advisory Group (RR3) were asked by Crispin Blunt to review the existing approach to women offenders but subsequently received no response to their report.<sup>97</sup> Clive Martin told us that RR3, ostensibly a ministerial advisory group, was used as a retrospective consultation mechanism, for example, on the Transforming Rehabilitation proposals.<sup>98</sup>

48. Several of our witnesses called for clear measures of success and a monitoring framework to ensure that progress against priorities was sustained.<sup>99</sup> For example, Liz Rijnenberg called for cross-departmental targets for outcomes for women offenders to drive adherence to the Equality Act by ensuring that their needs are more prominent and that tangible outcomes are driven forward.<sup>100</sup> There are currently no targets or obvious outcomes related to each priority, although the Government states in the document that its goal is to see: “fewer women offending; fewer women serving short-custodial sentences; and fewer women re-offending.” The Criminal Justice Alliance feared that if commitments such as reducing the use of custody and diverting women away from crime and the criminal justice system were not explicitly articulated and pursued, little progress would be made in generating better outcomes for women involved in offending.<sup>101</sup> Some witnesses wished to see a Government commitment to regular reporting against strategic objectives as a mechanism to maintain momentum.<sup>102</sup> Baroness Corston told us she believed that

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93 Q 259

94 Q 259

95 Qq 260–261

96 Qq 85–86

97 Q 152 [Mr Martin]

98 Q 156

99 See for example Ev 63, Ev 103, Ev w70

100 Q 207

101 Ev w70

102 See for example Ev 63, Ev 103, Ev w51, Ev 74

regular reporting to Parliament had been crucial to the progress that had been made under the previous Government.<sup>103</sup> The Prison Reform Trust specifically called for us to review progress on an annual basis.<sup>104</sup> Helen Grant agreed to keep us informed of the recommendations of the Advisory Board.<sup>105</sup>

**49. *We do not consider that the Advisory Board without wider ministerial involvement will constitute a sufficient mechanism for high level cross-departmental governance arrangements of the sort that Baroness Corston initially proposed, and advocated by many of our witnesses. It is not likely to have the authority to bring about integrated strategy and co-ordinated service provision.*** Most Government departments have a contribution to make to the work of the new Advisory Board, but we consider that at a minimum there must be representation from the Department of Health, Department of Communities and Local Government, Home Office, the Department for Education and the Department of Work and Pensions. We welcome the fact that the first three of these are full members of the Board but as poverty is an important dimension in women's offending we consider that the Department for Work and Pensions should also be required to participate as a matter of course rather than on an ad hoc basis. The same status should be afforded to the Department for Education, which does not at present have even a peripheral role, in order to address the question of effectively identifying girls at risk of offending. It is only with robust high-level support that collaboration between departmental officials on the Advisory Board will be effective. We would like to see women offenders, and those at risk of offending, become a standing item on the agenda of the Inter-Ministerial Group on Equality as an additional means of facilitating collective responsibility for these matters.

**50. *There was limited external input into the Government's development of its strategic priorities. It is regrettable that this was the case and this, together with the uncertainty about the membership of the Advisory Board, adds to the appearance that the priorities were produced in haste with insufficient thought. This is manifested in the absence of any detail about how the Government intends to measure success towards meeting its strategic priorities.*** The Advisory Board should devise appropriate measures of success in relation to each of the strategic priorities and publish regularly progress against them, alongside an account of its own work in furthering the priorities. Accountability should lie not just with the Minister with responsibility for women offenders but should be built into relevant roles within other government departments and local authorities. It is not possible for the Ministry of Justice alone to address the wide range of problems that contribute to female offending. There must be much more explicit recognition, including by the Minister herself, of the need to focus as much on those women and girls on the periphery as those who are already involved in the system.

51. Over the next four chapters we consider the substance of the Government's strategic priorities. It should be noted that all our written and oral evidence on these matters, with the exception of the oral evidence session with Helen Grant and her officials, was taken prior to the publication of the Government's strategic priorities.

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103 Q 9

104 Ev 103

105 Qq 263–264

## 3 Enhancing provision in the community

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### The sentencing framework and sentencing practice

52. Baroness Corston did not recommend a separate sentencing framework for women but believed that the question should be re-considered in the light of early experience of the gender equality duty. The existing sentencing framework is gender-neutral, but allows courts to take into account individual circumstances which may reflect gender roles or characteristics. For example, being the sole or primary carer for dependent relatives, or having a high level of mental health needs, are personal mitigating factors in some sentencing guidelines. The Corston Report did conclude however that more was needed by way of alternative sanctions and disposals for women offenders.

53. Baroness Corston expressed in her report a wish to see “fundamental re-thinking” about the way vulnerable women are treated in the criminal justice system. She advocated a woman-centred approach, believing that vulnerable women must be supported by society to establish themselves in the community, and concluded that more should be done to address issues connected with women’s offending before imprisonment becomes a serious option, including through the provision of mental health and substance misuse services. Consequently, one of our terms of reference was to examine the volume, range, quality and sustainability of community provision for female offenders. The Government wishes the new Advisory Board to “take a creative, innovative look at the scope, within existing financial constraints, for improved sentencing options that combine a sufficiently punitive element with rehabilitative support [...] as an alternative to the use of short custodial sentences, [...] [and to explore] how we could use current community options, such as Approved Premises, more effectively”.<sup>106</sup>

### Use of custody for women

54. Baroness Corston believed that the majority of women who received custodial sentences could be dealt with more effectively in the community. She explained to us the prolonged damage that could be caused during such sentences, which she considered futile:

“[...] for the generality of women and their children, it teaches them nothing because there is not the time with these short sentences. A 28-day sentence is kind of a norm. That is long enough to lose your home and your children.”<sup>107</sup>

55. There are some recent indications that the overall female population has begun to fall, and that there has been a sizeable decrease in the volume of female receptions into custody, but witnesses were frustrated at the pace of change. It should also be noted that the proportion of women sentenced to custody that were given a sentence of 12 months or less has risen slightly from 51% in 2007 to 54% in 2012.<sup>108</sup>

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106 Ministry of Justice, *Strategic objectives for female offenders*, March 2005, p 5

107 Q 17

108 Ministry of Justice, *Offender management statistics*, prison receptions table 5

56. The PCA reported that NOMS decided to take a targeted approach to achieve reductions in the use of custody and focused resources on three larger probation areas where it was considered most effect could be gained in closing a women's prison. The aim of this work was to: raise the profile of women offenders with local criminal justice boards; promote the understanding of magistrates and sentencers of the complex needs of women; and draw their attention to the sentencing options open to them.<sup>109</sup> The PCA believed that this would have been more effective had Trusts been better consulted and engaged in this endeavour.

57. Val Castell of the Magistrates' Association told us that magistrates were approaching the sentencing of women differently, particularly in areas with intensive alternative to custody schemes, but in the absence of such schemes there remained limited options:

“We tend to approach sentencing in quite a linear way, and our sentencing guidelines tend to lead us down this route. It's low-level risk; it's final discharge; it's medium-level; it's community sentence; it's over the custody threshold. If you have come to the point in the sentencing guidelines where it says, "This offence is so serious, you're over the custody threshold," then, when looking for community alternatives, you tend to be looking for something that is more robust than a standard community option. By and large, even where women's sentences exist, if all they are offering is a standard community option, that still does not really give us all the options that we need to look at custodial alternatives.”<sup>110</sup>

Frances Crook suggested that magistrates sometimes over-sentence women to very onerous conditions in community sentences in an effort to help sort out their lives.<sup>111</sup> When we questioned the Acting HM Chief Inspector of Probation, Liz Calderbank, about whether there was any evidence to support this she did not believe that there was. She explained: “in all the cases that we looked at where we thought that the sentence appeared on the face of it to be somewhat harsh, when we explored the case back...we found very good reasons for why the sentence had been imposed.”<sup>112</sup> Nevertheless, we heard examples of women being sent to prison for minor crimes including not paying council tax and not sending children to school; another troubling example was of a self-harmer for whom there was no alternative to custody as the local authority was unable to find suitable, safe, accommodation for her.<sup>113</sup>

58. Helen Grant described it as a “widely held perception” that many women in prison are there for breach of a probation order or a licence for relatively minor offences, but she noted that in 2009 13% of women received into prison on immediate custodial sentences were there for breach of a court order, compared with 12% of men.<sup>114</sup> Nevertheless, the PCA and individual trusts believed that too many women still end up in custody as a result of breach action, for offences that would not, of themselves, have attracted a custodial

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109 Ev 120

110 Q 199

111 Q 151

112 Q 210

113 Ev w94, Ev w96

114 Q 294

sentence.<sup>115</sup> The Acting HM Chief Inspector of Probation supported this: “If you look at the bulk of the women offenders subject to probation, although their level of breach is similar to that of their male counterparts, they will generally have committed a much lower level of offence than the men. You would not expect them to be receiving the same level of custodial sentence on breach or sentences being breached at the same rate.”<sup>116</sup> A significant proportion (60%) of women on remand do not subsequently receive a custodial sentence, and a further proportion are sentenced to fewer than six months.<sup>117</sup>

59. Nick Hardwick, HM Chief Inspector of Prisons, considered that the central strategic criticisms made in the Corston Report remained valid: “The fundamental things that Corston talked about, it seems to me, are that you have women in prison who probably should not be there in the first place, and that those who are there are in prisons that are too big and in the wrong place, and that is because there has not been the drive from the centre to sort that out.”<sup>118</sup> Clinks, which supports, represents and campaigns for voluntary and community sector organisations working with offenders, agreed that many of the “damaging effects” identified by Corston—for example, the disproportionately harmful impact of prison on women and their children and the futility of short custodial sentences—remain ingrained in the system.<sup>119</sup>

60. Baroness Corston was of the view that public sentiment might be supportive of fewer women in prison, as indicated by a SmartJustice poll regarding best practice with women who had committed low level offences and the response to a BBC programme on HMP Styal.<sup>120</sup> The likelihood of widespread support for reducing the use of custody was apparent in our evidence. We heard that the National Council of Women recently passed a unanimous resolution calling on the Government to introduce a rigorous strategy to reform women’s justice, prioritising community based solutions. In December 2011 the Soroptimist International UK Programme Action Committee took the decision to lobby to reduce women’s imprisonment. The Women’s Institute leads a campaign to promote the diversion into appropriate treatment of people with mental health problems and learning disabilities in the criminal justice system. These sentiments were echoed in evidence we received from two groups of Quakers and the Penal Affairs Panel of the Unitarians.<sup>121</sup> 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>122</sup> Professor Gelsthorpe proposed that a public opinion survey should inform the development of strategic priorities.<sup>123</sup>

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115 Ev 129, Ev w99, Ev w101

116 Q 210

117 Ev w101, Ev w57

118 Q 226. See also Ev 66

119 Ev 89, Ev 80

120 Q 18

121 Ev w4, Ev w60, Ev w77. See also Ev w70

122 Ev 103

123 Ev w104

### *The development of a network of women's centres*

61. In the course of her review Baroness Corston visited three women's community centres: Calderdale, in Halifax, Asha in Worcester, and 218 in Glasgow. All had different emphases and funding arrangements, but they were united, in the words of her Report, in:

[...] their broad approach which is to treat each woman as an individual with her own set of needs and problems. They recognise the impact that victimisation and isolation by disadvantage can have on a woman's circumstances and behaviour; the shame and stigma that many women feel by a number of life experiences, not just being convicted of an offence but also mental illness or being a single parent. Perceptions of being judged as a failure serve to reinforce disadvantage, isolation and social exclusion. These women tend to concentrate their resources on their home and children. To lose these as a result of a prison sentence does enormous damage. These centres seek to provide constructive and humane responses to many women who need a whole range of support from community-based services including both psychological therapy to aid personal development and practical assistance to help them develop economic prospects. They are primarily "women" not "offenders".<sup>124</sup>

The Corston Report subsequently made a number of recommendations that put such centres at the heart of a programme of community support for women who offend or are at risk of offending. In particular it called for the development of a larger network of community centres in accordance with a centrally coordinated strategic national plan. Baroness Corston envisaged that women's centres should be used as referral centres for women who offend or are at risk of offending; as a means of diverting women from court and police stations; as part of a package of measures for community sentences; and for the delivery of probation and other programmes to provide a "real alternative to prison".

62. The Government accepted this recommendation and provided financial support for the initial development of such a network. A range of models emerged and at the time we began our inquiry there were over 30 projects. We heard from a number of women's community projects themselves, as well as from Women's Breakout, and we visited the Inspire project in Northern Ireland.<sup>125</sup> Each project has developed a distinct approach tailored to local circumstances; yet, they also have much in common in serving a diversity of functions.

63. We took oral evidence from two equally impressive women's community projects: Anawim and the Swan Project. We were struck by the range of services that were provided at Anawim in Birmingham, both to punish—including: probation; community payback; courses designed to address offending behaviour, anger management, domestic violence and drug awareness—and to support women who have offended, including: housing; issues with children and parenting courses; social services; and a crèche. It also provides prison in-reach services. Joy Doal described the rationale behind the one-stop-shop nature of the project and the impact this can have on compliance:

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124 *The Corston Report*, para 6.10

125 See for example Ev w32, Ev 69, Ev w51, Ev w63, Ev w74, Ev 74, Ev w80, Ev w82, Ev 86, Ev w90

“We saw that in the first 48 hours when women came out of prison they had so many appointments to go to. They would be running across the city to go to different appointments—their probation appointment, and going to this and going to that. That was when the idea arose to put everything in one place. The woman has everything pretty much in one place and she can attend everything. Women were failing in those first 48 hours just because of having to manage the appointments.”<sup>126</sup>

64. We also heard from the Swan Project about the innovative approaches that have been adopted in Northumberland—a large county, with a dispersed, predominantly rural, population—where a virtual women’s centre was created to provide a range of support to women in their home communities.<sup>127</sup> Sharon Spurling, director of the project, explained the broader range of provision that was made possible through the funding that was made available for women’s community projects:

The Corston report helped us move away from looking pretty much only at enforcement [of community orders]. We were able to do much more of the wrap-around stuff, looking at people’s accommodation, their families and their relationships. We were able to build quite strong partnerships across the public sector, in social services, probation and health, as well as working with GPs. One of the things we welcomed was the additional suggestion of working with women on domestic violence issues and prostitution [...] There is a danger that early intervention and looking at the wider issues that affect women and lead to women offending could be lost, because we are going back to being very insular and looking just at offending, and not the other issues that are going on.<sup>128</sup>

65. Women’s centres can provide a suitably challenging environment in which to serve a community order or period of probation supervision having been released from custody. Baroness Corston recounted a discussion she had with a 41 year old women who had been in and out of prison since the age of 15:

“I said, “What difference has it made?” She said, “It has been much more difficult than being in prison. When I was in prison there was always someone to blame: if my mother had protected me; if my stepdad hadn’t done that to me; if I hadn’t been coerced into drugs; if I hadn’t been poor; if I hadn’t been pimped; if I hadn’t had to become a sex worker; if I hadn’t got pregnant when I did and the way I did.” Someone else was always to blame. She said, “Coming here, I have been forced to acknowledge what my role was in that happening to me.” She said, “It has been much more difficult than being in prison and it has involved me.””<sup>129</sup>

We had similar conversations ourselves when we visited the Inspire Centre in Belfast. The women we met there were overwhelmingly positive about the support they had received, in particular: access to out of hours telephone support; a dedicated consistent team; a network of support; help with all issues; the ability to confide in staff; increased self-confidence and self-esteem; and support from the other women using services. One described it as “a big

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126 Q 108

127 Q 105

128 Q 81

129 Q 19

umbrella shielding you from the rain”. Courses had challenged their thinking, encouraged them to think about victims, and the approach of the staff helped them to see being on probation as an opportunity to change their lives.<sup>130</sup> Inspire, and many other projects provide childcare, to enable women to attend appointments, including with probation to support compliance, but this is not universal.<sup>131</sup>

66. We also heard about the broader value of such projects for women who are at risk of offending, including having already completed their community sentence or period of statutory supervision after leaving prison. Centres can build relationships with women to support them through relapse and crisis that can extend long beyond the time that they are in contact with the criminal justice system.<sup>132</sup> As a woman attending Eden House in Bristol said:

“The sort of women coming here, if they went to prison they would only get a couple of weeks, or a six month sentence and serve half. That’s not enough time to make a difference. They just carry on as they did before. But with Eden House, you get structure, a variety of things to do, and the help and support of staff. These are all things you don’t get inside, like one to one time with a staff member.”<sup>133</sup>

### **Other forms of women’s community provision**

67. In areas where there are no women’s community projects, some probation trusts and local partnerships have developed other forms of provision.<sup>134</sup> For example, in Swindon in Wiltshire, Barnardo’s runs a service at one of the family centres, where women can go and be seen by their probation officer, and other areas had created unpaid work projects exclusively for women, with female supervisors. On the other hand, the Inspectorate was critical of the fact that this was not universal practice.<sup>135</sup> During our *Role of the Probation Service* inquiry, witnesses expressed concerns about the capacity of probation trusts to deliver a differentiated service to women. We concluded:

The probation service’s approach—where resources tend to be directed towards dealing with offenders who present the highest degree of risk—can fail adequately to support women offenders. The approach recommended by Baroness Corston for the provision of holistic services that address all women’s needs is still a long way from being realised, even though this would greatly increase the effectiveness of probation work in diverting women from further offending. Rather than requiring extra resources, it would save public money by reducing the prison population and its associated heavy social costs.<sup>136</sup>

68. We asked the women offenders who gave evidence to us about their experiences of the criminal justice system and about what support they felt had, or would have, made a

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130 See also Q 148

131 Ev w16, Ev w48, Ev w57

132 Ev w28

133 Ev w63

134 Ev w16, Ev w41, Ev w63, Ev w99, Ev w101

135 Ev 80

136 Justice Committee, Eighth Report of Session 2010–12, *The role of the Probation Service*, HC 519–I

difference to them. Their responses varied and included: housing; counselling; mentoring and peer-support; drug treatment; and appropriate mental health provision.<sup>137</sup> Although it should be noted that some of them had experiences of the criminal justice system going back some years, there was a general consensus that, at the time they had needed it, there was a lack of help; they noted some improvements over the duration of their involvement in the system but described on-going difficulties in accessing appropriate help, particularly with resettlement from prison and alcohol treatment.<sup>138</sup> Another woman gave us her perspective of the limitations of probation:

“The emphasis of probation, even today, is still very much on punishing you. It is seen as a curb on your freedom and a requirement upon you. A lot of women have very chaotic, complicated lives. They find making appointments and keeping appointments, when they feel that they are being punished and not rehabilitated through the probation service, very challenging.”<sup>139</sup>

### Limitations on sentencing options

69. The Magistrates’ Association drew attention to inconsistencies in community provision for women offenders: 20 of the 35 probation trusts have no women’s centre projects, and 9 trusts have no female offender specified activity requirement. Where specific provision for women does exist it is recognised both by magistrates and the Inspectorate that these can lead to reductions in breach and re-offending, but doubts about the sustainability of such projects may result in their under-utilisation. HMI Probation suggested that this may also stem from a lack of awareness of sentencers and under-developed relationships between centres and offender managers. As we heard from women offenders themselves, not all women have difficulties with the unisex approach to the delivery of probation services, but magistrates recognise that some women may be reluctant to attend offices or unpaid work placements where male offenders are likely to be present; this may lead to a lack of compliance or lack of engagement. The Magistrates’ Association suggested that the following minimum gender-specific services should be available in all areas: bail accommodation; separate premises/days for probation appointments; unpaid work placements; and rehabilitation programmes. The HMI Probation report on offender management found no significant differences in the way women and male offenders were case managed by probation trusts.

70. There remain significant disparities in the availability to sentencers of gender-specific sanctions. The Magistrates’ Association raised a number of concerns about existing provision including: a drive for localism leading to inconsistency in sentence provision and potentially inadequate provision for sometimes small numbers of women offenders; although separate services for women can lead to reductions in breaches of orders and reoffending, provision of community sentencing specifically for women is very variable and in many places non-existent, potentially leading to injustice; specific sentencing options for women may be under-used because there are doubts about sustainability; and provision for women with mental health issues should be standard as the majority of

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137 Qq 31–37

138 Q 40

139 Q 38

female offenders likely to receive a community or custodial sentence fall into this category.<sup>140</sup> For example, we heard that in Birmingham courts are able to order gender specific activity requirements at Anawim, whereas in Northumberland, no such requirement was available.<sup>141</sup> The lack of availability of treatment programmes for more serious women offenders can also limit sentencers' and pre-sentence report writers' options to give or recommend community sentences where they may be appropriate.<sup>142</sup>

71. Our witnesses called for a more explicit focus on reducing the number of women entering prison. Clinks cited the number of women entering prison for breach as a prime example of the scope for this, by for example, giving "greater discretion to criminal justice practitioners and sentencers alongside a richer understanding of the complex reasons behind breaching and the development of appointment systems and locations that support women's compliance".<sup>143</sup> Juliet Lyon saw further potential to reduce use of custody by giving more attention to remand, mental health and learning disability diversion and through a new commitment by Government.<sup>144</sup>

72. We discussed with the women from Women in Prison, Revolving Doors Agency and Kazuri their views of the robustness of existing community sentences in comparison to prison. They spoke of their experiences of custody in predominantly negative terms: they were introduced to criminals and drug users, rather than being given the opportunity to access drug treatment; there was too little focus on rehabilitation; and a negative impact on mental health problems; it can also be habitual.<sup>145</sup> One woman described it as "warm and safe but not very challenging in terms of taking responsibility", whereas she felt a "lot more demanding community sentence" would have made her face up to her issues, including her addiction, and promote a sense of responsibility: "That would have given me an opportunity to do something about my self-worth, because my self-esteem was rock bottom."<sup>146</sup>

73. Courts do not always have sufficient information about the needs of the women on to base decisions about appropriate sentences. This may stem from the absence of access to timely assessments, for example, for mental health, or learning disabilities.<sup>147</sup> One of the women we spoke to highlighted the reticence of some women to reveal their problems, for example, related to mental health, in the public setting of a courtroom.<sup>148</sup> Val Castell of the Magistrates' Association explained:

"The amount of information that we get in court is very much dependent on what a woman is prepared to divulge to the probation service and the defence solicitor. Some find it very difficult to open up. It is another area where, if you have a women's

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140 Ev 124

141 Q 92, Q 100

142 Q 168. See also Ev w14

143 Ev 89. See also Ev w74

144 Q 164. See also Ev w45

145 Qq 65–66

146 Q 66

147 Ev 103, Ev w51, Ev w57

148 Q 31

centre and they have been working with this woman beforehand, they will have been able to build a relationship with her and get her to divulge information that otherwise she would not. We can only sentence on the information that we have available to us.”<sup>149</sup>

74. Our evidence suggests that existing community orders for women are robust. It can be demonstrated that community sentences are more effective for women than for men. The Criminal Justice Alliance drew our attention to analysis showing that in like-for-like cases, the reconviction rates for women given community orders were between 6% and 13% lower than for similar offenders released from sentences of under 12 months. Women are also more likely than men to comply with, and complete, their community sentence.<sup>150</sup>

75. It is now well known that community sentences are cheaper than custodial ones, but this is particularly the case for females for whom average custodial costs are far higher than men’s. Women’s centres are also demonstrably cheaper than probation in delivering services for women who offend.<sup>151</sup>

76. Helen Grant saw it as a priority to develop “robust, punitive, community options” which would provide credible alternatives to custody for sentencers for women who represent a low risk to the community.<sup>152</sup> Examples of this would include diversionary programmes, gender-specific offending behaviour programmes, specified activities, alongside punitive elements—which, following the Crime and Courts Act 2013, must be included in every community order—like curfews, unpaid work or tagging. Helen Grant defended community sentences as: “[...] not fluffy, easy options [...] they have to challenge the woman to change her life, really to get a grip, to get out of these awful relationships and to get off the drink and the drugs.”<sup>153</sup> Some witnesses expressed concern about the extension of punitive elements to all community sentences. For example, Home Group urged caution in the extended use of electronic monitoring for women offenders as it might impact detrimentally on childcare responsibilities and the risk of domestic violence. Similarly, extending the use of fines might lead to a greater risk of child poverty.<sup>154</sup>

77. Several of our witnesses believed that changes to the sentencing framework were required as part of the solution to reducing the prison population. For example, the Howard League and Women in Prison argued for a reduction of the powers of magistrates to imprison women on short sentences for non-violent offences.<sup>155</sup> The Howard League also proposed changes to the Code for Crown Prosecutors and to sentencing policy and

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149 Q 210

150 Ev w70, See Ministry of Justice, *Statistics on Women and the Criminal Justice System*, 2010. Greater proportions of women than men achieve positive outcomes for both community orders (67% versus 63%) and suspended sentence orders (73% versus 63%).

151 Qq 79–80 [Ms Doal]. See also Ev w16: NOMS guidance on working with women offenders provides interesting cost comparisons for women in the criminal justice system which it suggests provides a business case for working more effectively with them: prison placements accrue costs of approximately £56,415 per year; generic community orders delivered by probation cost £2,800 per year; and a dramatically reduced costing of £1,360 for women supervised via a holistic, women’s centre based approach. NOMS, *A Distinct Approach: guide to working with women offenders*, London, March 2012

152 Q 288

153 Q 289

154 Ev w28

155 Ev 74, Q 153 [Ms Crook]

practice to ensure that more vulnerable women are diverted from the criminal justice system.<sup>156</sup> We heard from two individual magistrates who called both for more flexibility in sentencing guidelines, particularly with regard to the custody threshold, and for better resourced community sentences, including local provision for bail hostels as alternatives to remand, and residential treatment as alternatives to custody.<sup>157</sup> While Helen Grant expressed a commitment to reducing the number of women in prison, she would not be drawn on the scale of reduction she wished to see.<sup>158</sup> She saw the Government's role in reducing the prison population as limited to giving sentencers viable, robust alternatives:

“It also needs to be remembered that who goes to prison is a matter for the independent judiciary. It is not a matter for Helen Grant or for anyone else. That is how it will have to remain. The judge has access to all the circumstances and facts of the case and will have to weigh them up and make a decision. What we want to do for that judge—that sentencer—is to give him or her the maximum number of options possible in terms of where they send a woman.”<sup>159</sup>

### *Segmentation of women offenders*

78. Michael Spurr conceded that “[f]or a long time, [NOMS] did not do anything like sufficient work with women.” He also acknowledged that, despite some progress, NOMS must continue to do more to target interventions to meet the specific needs of women. He admitted that they still needed to get better at understanding the distinct needs of women: “[t]here is still not sufficient evidence about what the specific needs of women are; to be quite frank, there is a frustrating lack of it.”<sup>160</sup>

79. NOMS is in the process of “segmenting the female offender population” i.e. separating out groups in a way which enables providers and commissioners to understand their risks and needs, and target resources accordingly.<sup>161</sup> This exercise identified, for example, that HMP Drake Hall was delivering a thinking skills programme, whilst the needs of the women there—in particular their lower risk levels—demonstrated the need for a different gender-specific programme focused on practical resettlement.<sup>162</sup> The Prison Reform Trust emphasised that there is currently limited support for offenders who span multiple groups within NOMS’ model. They proposed that “commissioners should be aware that many offenders have multiple and complex needs and cannot easily be classified according to separate subgroups. Therefore, the model of segmentation will need to be sophisticated enough to allow offenders to ‘belong’ in multiple categories and to identify services most appropriate to their individual needs.”<sup>163</sup>

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156 Ev 114

157 Ev w11, Ev w12

158 Qq 291–292

159 Q 293

160 Q 255

161 Ev 96

162 Q 297

163 Ev 103

80. *NOMS' segmentation work—which aims to separate out groups of offenders in a way which enables providers and commissioners to understand their risks and needs, and target resources accordingly—is another example where progress has been far too slow. We welcome NOMS' intention to accelerate work on the specific needs of women, but we are extremely disappointed that over six years after the Corston Report there is still not sufficient evidence about what those needs are, or how best to address them. Before embarking on any new policy development, NOMS must consider gender as a matter of course rather than seeking to reduce any detrimental impact on women of the general approach after the event; in many respects efforts to address the distinct needs of women are still lagging behind developments for men.*

### *Sentencing guidelines*

81. Our witnesses identified two areas in which sentencing guidelines had been developed by the Sentencing Council of England and Wales to better address the needs of vulnerable women and their children.

### *Sentencing vulnerable women*

82. The Council's guideline on drug offences which came in to force in February 2012 lowered the starting points for sentencing so-called drug mules—which we supported in our Report on the draft of this guideline—and included the exploitation of an offender's vulnerability as a personal mitigating factor.<sup>164</sup> Jacqueline McKenzie of Female Prisoners Welfare Project (FPWP) Hibiscus regretted that changes to sentencing guidelines had not sufficiently reduced the number of foreign national women receiving what she saw as an inappropriately severe custodial sentences, either for those who have not committed violent offences for example, passport document offences, or for vulnerable women who have been exploited into offending, for example, women who have been coerced into drug trafficking, or have themselves been trafficked; the proportion of female foreign national prisoners comprising the latter is subject to research but it is thought they may represent approximately 15%.<sup>165</sup>

### *Sentencing women with children*

83. Witnesses drew attention to the detrimental long-term impact that imprisonment can have upon women prisoners and their families.<sup>166</sup> Baroness Corston argued that sentencing should take into account the needs and responsibilities of primary carers, both in relation to the immediate practical needs of the family, for example, in ensuring children are collected from school, and in ensuring the longer-term stability of the family unit.<sup>167</sup> She explained: “only 5% of the children of women prisoners are looked after in the family home by the father or by the male of the household. When a man goes to prison, there is usually a woman to keep the home fires burning. If a man wants to switch off from family,

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<sup>164</sup> Sentencing Council for England and Wales, *Drug Offences Definitive Guideline*, London; Justice Committee, Seventh Report of Session 2010–12, *Draft sentencing guidelines: drugs and burglary*, HC 1211

<sup>165</sup> Q 172. See also Ev w23, Q 234 [Mr Hardwick]

<sup>166</sup> Ev w19

<sup>167</sup> Q 21

which he should not when he is in prison, it is possible. But it is not for women; their children are dispersed and reunification is frequently impossible.”<sup>168</sup>

84. We heard several examples which illustrated the profound impact of imprisonment on families.<sup>169</sup> A former woman offender who had been caring for her grandchildren, including a disabled grandson, before being imprisoned, had been unable to get them back from care after her release, and was only able to have monthly contact.<sup>170</sup> Another described observations of her fellow prisoners’ difficulties in making appropriate alternative arrangements for their children:

“It was very unusual to meet a woman in prison who did not have several children, very often with different partners, very often children in care or children about to be placed in care if they didn’t have supporting family. I had one daughter, and my siblings closed ranks around me really and helped with my daughter, but there were a lot of women who didn’t have strong families or had several children.”<sup>171</sup>

85. It is unknown how many children are affected annually by the imprisonment of their mother, but it is estimated to be around 17,000.<sup>172</sup> A higher proportion of women (14%) than men (1%) reported having lived alone with dependent children prior to imprisonment.<sup>173</sup> Although the majority are sent to live with friends or relatives, between 10 and 20% of these children are taken into care; moving home may also mean moving schools.<sup>174</sup> Many women going into prison may not have been their children’s main carer but this does not mean that they did not have regular contact and good relationships with them.<sup>175</sup> According to the Prison Reform Trust, 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>176</sup> Clinks cited research indicating that children with a parent in prison are likely to experience ‘complex health, social and welfare disadvantages, including the impact of poverty, family discord, substance abuse and mental health issues’.<sup>177</sup> Nevertheless the children affected by imprisonment are not systematically identified, neither is there information on where they live or which services they are accessing.<sup>178</sup>

86. The UK has signed up to the UN Bangkok Rules which state that a woman’s current childcare responsibilities should be considered as part of sentencing decisions by courts.

168 Q 27

169 See for example Ev w4, Ev 103, Ev w19, Ev w23, Ev w45, Ev 95

170 Qq 45–48

171 Q 49

172 Ev 103, Ev 95

173 Ministry of Justice, National Offender Management Service, *A Distinct Approach: A guide to working with women offenders*, March 2012, Ev 95

174 Ev w48

175 Ev 95

176 Ev 103. See also Ev 114

177 Ev 89, citing U. Convery and L. Moore. 2011. ‘Children of imprisoned parents and their problems’, in P. Scharff-Smith and L. Gampell, eds. *Children of imprisoned parents*. Denmark: Jes Ellehauge Hansen

178 Ev 95

Guidance issued by the Sentencing Council for some sentences states that primary responsibility for the care of children and dependants should be a mitigating factor inclining the court against imposing a custodial sentence. Frances Crook did not regard this as a sufficient safeguard for child welfare, which she believed was effectively ignored in criminal courts, unlike during proceedings in family courts where a child advocate would be present.<sup>179</sup> We heard of a couple of examples of alternative international approaches to this issue.<sup>180</sup>

**87. We do not consider that substantive changes to the overall sentencing framework would be helpful at this time and recommend that emphasis is placed on ensuring a greater consistency of provision to the courts to enable them to sentence from a range of options specifically appropriate to women, including robust alternatives to custody. More attention must be paid to the potential impact of imprisonment on dependent children both during the sentencing process, and once a parent, whether female or male, has been imprisoned. These issues should be addressed as a priority by the Advisory Board, which could usefully both examine whether lessons can be learnt from international practice on taking child welfare into account during the sentencing process, and ascertain how the children of prisoners could be better identified and relevant services, including schools, subsequently notified. We welcome the Sentencing Council's inclusion of primary child caring responsibilities as a mitigating factor in sentencing guidelines and we would appreciate an update from the Council about the extent to which this factor is taken into account in sentencing decisions. Similarly we would like to be kept informed about the impact on sentencing of introducing the mitigating factor on vulnerability to exploitation in the drug offences guideline.**

**88. *Generic community provision for women offers a route for diverting vulnerable women from crime and tackling the root causes of offending. Significant steps have been taken towards achieving Baroness Corston's vision for a network of such provision, and there are promising signs that this seems to have begun to have a positive impact on trends in women's imprisonment, albeit at a disappointingly slow pace. Over half of those women sentenced to custody still receive short sentences. There appear to be several explanations for this: appropriate community provision remains unavailable; the court perhaps did not know there was adequate provision available; or the court was not confident that the community provision was appropriate or acceptable to wider public opinion. This agenda has not progressed at a sufficiently fast pace since 2007, and we have not found evidence of the systematic change in approach that Baroness Corston advocated. It is not acceptable for ineffective prison sentences or fines to be imposed because of a lack of provision for appropriately challenging community sentences and facilities. Sentencers must be fully informed about the range of community provision available for women, its effectiveness in preventing offending, and the ineffectiveness of short custodial sentences for women who have not committed offences so serious as to require a custodial sentence.***

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179 Q 157

180 See Ev 63 and Ev 114. In the Netherlands women are given 48 hours to make arrangements for their children rather than being sent immediately to custody. In South Africa sentencers are specifically required to consider the welfare of a mother's children before sentencing her to custody.

## Gaps in provision for women offenders

89. Limited attention has been paid to the needs of specific groups of female offenders, in particular, those with learning disabilities, those from black and minority ethnic groups, including foreign nationals, those with personality disorders, or otherwise representing a high risk of harm to the public, and girls.<sup>181</sup> For example, Bedfordshire Probation Trust highlighted that women offenders are largely treated as a homogeneous group in NOMS' commissioning guidance in terms of their risks and needs.<sup>182</sup>

90. Currently publication of data by the Ministry of Justice on ethnicity and gender is separated; this means that examining the experiences of black, asian and minority ethnic women is not routinely possible.<sup>183</sup> As with men, the numbers of black and asian women in the criminal justice system remain disproportionate to the numbers in the population but there is a lack of focus on this specific problem. The Prison Reform Trust drew our attention to several studies that highlight some differentials in the experiences of BAME women in prison.<sup>184</sup> There is also a lack of evaluation to illustrate how effective current community based provision is in meeting the particular needs of women from minority ethnic groups.<sup>185</sup>

91. Part of the problem appears to stem from the fact that female offenders are themselves a minority group, and that sufficient progress has not yet been made in developing a distinct approach to their treatment. Joy Doal of Anawim highlighted the difficulty that women's community projects face in providing appropriately for the needs of sub-groups of women: "Having 31 centres in the country does not allow a lot of room for specialism. The 31 are specialisms themselves because they are specialisms for women."<sup>186</sup> Jackie Russell further explained:

“...it is the fact that the individual is a woman that is very significant; the ethnic background is not so significant. Of course it is important, but when a woman is an offender and needs support around offending, her affiliation, if you like, is to a group of women as opposed to black people. The things that come out that need addressing are more about her gender than her ethnicity, but that does not ignore the fact that there are things about her ethnicity that are very important.”<sup>187</sup>

This had no apparent detrimental impact in terms of a difference in outcomes for minority ethnic women.<sup>188</sup>

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181 See for example Ev 103, Ev w11, Ev w14, Ev 114, Ev w49, Ev w60, Ev w77, Ev w109

182 Ev w16

183 Ev 103

184 *Ibid.*

185 Ev w51. See also Ev w109.

186 Q 118

187 Q 116

188 Qq 117–118

## Girls

92. In respect of girls and young women, our recent inquiry into youth justice is relevant: we received very little evidence on girls; the limited testimony that was provided suggested that the specific needs of girls and young women were neglected in much the same way as those of women have been.<sup>189</sup> The APPG on women in the penal system conducted a year-long investigation into girls and the penal system which established that they accounted for 22 per cent of the young people supervised by youth offending teams and 0.1 per cent of the total prison population.<sup>190</sup> The inquiry focused on policy and practice regarding girls and investigated the decisions that route girls away from or into the criminal justice system. It found a lack of gender specific provision for girls and a lack of understanding about the specific needs of girls in the penal system, which was largely based on the needs of boys. Girls were brought into the penal system because of unaddressed welfare needs including neglect, abuse and poverty.<sup>191</sup>

## Mental health

93. Baroness Corston found that community mental health services were failing to adequately address the mental health needs of women, highlighting in particular: the absence of mechanisms to divert women into suitable healthcare on arrest or from court; the shortage of clinicians to assess mental health needs; and a lack of women-only community day care.<sup>192</sup>

94. Our witnesses highlighted that there remains a high level of unmet mental health need amongst female offenders, and proposed that there would be greater opportunities for diversion from the courts and custody if provision of a sufficient quality and quantity was made.<sup>193</sup> Magistrates believed that mental health support should be available to all women offenders, as the majority of them have mental health issues.<sup>194</sup> The planned proliferation of liaison and diversion schemes at police stations and courts is likely to be particularly beneficial to women, as they are more likely than male offenders to have a learning disability or a mental health need.<sup>195</sup> Yet, four years on from the Bradley Report, it remains the case that women's mental health needs are frequently not picked up in the community, but only once they are imprisoned.<sup>196</sup> Women in Prison raised concerns about the level of gender-specific provision that would be made under diversion and liaison schemes.<sup>197</sup>

95. At the other end of the spectrum the Lucy Faithfull Foundation noted no discernible change in service provision since the introduction of the new strategy for the management

189 Justice Committee, Seventh Report of Session 2012–2013, *Youth Justice*, HC 339

190 A member of this Committee, the Rt Hon Elyn Llwyd MP, was a member of the steering group.

191 Ev 114. See also Ev w51.

192 *The Corston Report*, p 11

193 Ev w12

194 Ev 124

195 Ev 114, Q 158 [Ms Lyon], Q 211 [Ms Rijnenberg], See Ev 103 for a description of the service provided at Thames Magistrates Court which costs £55,000 per year and has contributed to a 40% reduction in women from Tower Hamlets being received into HMP Holloway.

196 Ev w16, Q 169 [Ms Halford]

197 Ev 74

and treatment of female offenders with personality disorders in August 2011. The experience of women they had come across who had been able to access regional forensic units indicated a disconnect between services for mental health and female offenders, particularly those perceived to present significant levels of risk to the public.<sup>198</sup>

### **High risk women**

96. A very small proportion of women offenders are assessed as representing a high or very high risk of harm to other people: these women constitute 3.2% of the female prison population and 1% of the probation caseload.<sup>199</sup> Women in Prison and the Lucy Faithfull Foundation expressed concerns that the predominant focus seems to be on the provision of community alternatives to custody for women with complex needs and non-violent offences. The Foundation describe the lack of attention given to high risk women as an “inherent flaw in the strategy”, for example, it highlights: a failure to deal appropriately with safeguarding issues, in particular risk to children; a lack of awareness of risk amongst probation staff and others working with women offenders; a lack of appropriate mental health provision, for example, for dealing with personality disorder; and gaps in provision for female sex offenders, including girls.<sup>200</sup> Michael Spurr believed that NOMS had rightly focused on less serious offenders who make up the bulk of the prison population. Nevertheless, he drew our attention to specific work that had been undertaken to provide a broader range of interventions for higher-risk women, including: the development of a programme for women with complex needs who have committed serious violent offences; the opening of a specialist unit for personality disorder and a women-specific therapeutic community; and the development of a personality disorder pathway to enable progression within the prison system and out into an approved premises.<sup>201</sup>

### **Accommodation**

97. The Corston Report concluded that:

“The accommodation pathway is the most in need of speedy, fundamental, gender-specific reform and should be reviewed urgently[...] In particular, more supported accommodation should be provided for women on release to break the cycle of repeat offending and custody and the intentional homelessness criterion for ex-prisoners should be abolished.”<sup>202</sup>

98. Accommodation remains a pressing issue. The lack of access to appropriate accommodation was consistently identified by our witnesses as a particular problem, including in evidence from several social housing providers. This can occur at i) pre-sentence stage, when women may be remanded in custody as a result of a lack of supported accommodation, ii) post-release stage, as many women become homeless on release from prison, and iii) in the longer-term in supporting resettlement.<sup>203</sup> Where accommodation

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198 Ev w14

199 Q 24, Q 220 [Ms Calderbank]

200 Ev w14

201 Q 299

202 *The Corston Report*, p 48

203 Q 186 [Ms Halford], Ev w12, Ev w67

does exist, some options, for example Approved Premises which hold women representing a medium or high risk of harm, mean that women are often not able to have their children living or even visiting them on site, and other options, for example, in the social and private sector, may be unsafe, for example with no locks, or inadequate, for example damp.<sup>204</sup>

99. Success in reducing reoffending will require greater access to housing. Rachel Halford of Women in Prison described accommodation as a “fundamental need for anyone who is going to not reoffend and succeed when reintegrating back into society”<sup>205</sup> Yet, the need to find suitable accommodation for women highlights starkly the resource intensive nature of rehabilitative support.<sup>206</sup> Jacqueline McKenzie from FPWP Hibiscus described to us the case of a shoplifter who had been released from prison without accommodation:

“She was a victim of domestic violence so could not go back to what was her family home. She could not find any accommodation and we spent, I think it was, two to three days literally trying to find her somewhere, which included walking up and down the high street trying to book her into bed and breakfast at our own cost, which we had great difficulty doing because she had no ID because her ID was at the home that she shared with her former partner.”<sup>207</sup>

100. We heard about some examples of good practice, for example, that of Re-Unite, which was developed to help meet the housing and support needs of mothers who would be homeless upon release from prison, so that they can be reunited with their children.<sup>208</sup> It tackles a cruel Catch-22 situation: if a mother leaving prison does not have custody of her children when she applies to her local authority as homeless, she is eligible for nothing larger than a one bedroom property. However, when she has only such a property, she is denied custody of her children. Re-Unite provides larger accommodation to give her the opportunity to seek to regain custody, and works with the family as a whole. Some witnesses welcome the move to outcome-based commissioning and believe it has potential to increase community based accommodation provision, including approved premises and bail accommodation.

101. Rachel Halford feared that recent changes to the housing benefits system had further restricted the availability of private accommodation, which had been providing a partial solution to the problem. She explained that women were faced either with having to leave their accommodation and move somewhere in the outer London boroughs, losing all their contacts, or, if they wished to stay in accommodation with which they were familiar and felt safe, they were not eating, for example, to provide the extra rent.<sup>209</sup>

102. We heard that there was some potential for improved access to housing for some higher risk women through the personality disorder pathway.<sup>210</sup> Yet, Sherry Ashfield of the

204 Ev w1, Ev w12, Ev w67, Ev w104, Ev w132

205 Q 187

206 Q 222 [Ms Calderbank]

207 Q 189

208 Ev w67

209 Q 190

210 Q 187 [Ms Ashfield], Q 211 [Ms Rijnenberg]

Lucy Faithfull Foundation noted that sustainable accommodation is in very short supply, very time limited, and very much geared to specific points in someone's sentence. Longer-term desistance also relies on secure accommodation as trigger points for reoffending can occur during transition from one home to another.<sup>211</sup> Approved Premises similarly reported that they were unable to move residents on to appropriate accommodation: the arrangements they are able to make cannot replicate the full package of services the women need, resulting in a higher risk of them reoffending.<sup>212</sup>

103. HMI Probation concluded in *Equal but Different* that approved premises (APs)—which typically deliver a regime designed to cater for male offenders representing a high risk of harm, although a small number have developed to deal with lower risk women—could provide a viable alternative to custody for women.

104. We visited Adelaide House in Liverpool, one of the six approved premises in the country, where we met a range of women residing there, many with a background of drug use and addiction as well as domestic abuse. We were struck by the support these women were receiving and the effect it appeared to have in their confidence in planning for their futures.

105. Several witnesses believed that there was potential to extend the use of APs, and other forms of supported accommodation, and suggested that these might provide a better solution than women's centres for women with "more manipulative and entrenched behaviours", for example, by providing boundaries, structure and in the short to medium term, "safe, secure and supervised accommodation".<sup>213</sup> For example, the Probation Chiefs' Association identified an "emerging" group of "high need, high cost" women offenders who have the highest likelihood of offending and the most complex needs as those most likely to need a residential alternative to custody, such as an approved premises. The Elizabeth Fry Charity similarly observed: "Many [low-risk] women have issues related to substance misuse, mental health, relationships, sex working and have been victims themselves. There is limited accommodation for these women: they need a safe and secure home-like environment, often where male visitors are not allowed, in order to address the other factors that have influenced their offending. For these women to be released from prison without such accommodation to go to, they are being set up to fail."<sup>214</sup>

106. We further consider the use of approved premises, and other forms of accommodation, further in our consideration of the review of the custodial estate in chapter 5.

**107. *Witnesses painted a picture of large gaps in service provision, particularly in relation to specific groups of women, and in the provision of suitable accommodation, the lynchpin of support. The lessons of the Bradley Report have not filtered through and mental health provision remains remarkably poor despite a widespread need. Liaison and diversion schemes are not yet developed sufficiently to impact systematically on the treatment of women offenders, and the impact of the strategy for the management and***

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211 Q 187

212 Ev w1

213 Ev w7

214 Ev w1

*treatment of female offenders with personality disorders is similarly difficult to discern. These gaps in mental health and accommodation will be costly to overcome. We ask the Government in its response to this report to set out the extent to which existing diversion and liaison schemes are making provision specifically for women; how Ministers intend to ensure that new schemes meet the needs of women; and, why the new strategy for the management of treatment of women offenders with personality disorder does not appear to have made any difference to service provision.*

## Funding for women's community services

108. The Government initially committed funding of £15.9m for two years to develop and expand the network of existing women's centres. Following the close of this funding stream, a unique arrangement developed between the Corston Independent Funders Coalition, a group of 20 independent philanthropic foundations, and the Ministry of Justice to create the Women's Diversionary Fund in an effort to support women's centres through a transitional period as they became mainstreamed. Corston Independent Funders Coalition provided investment of over £5m to sustain the network and to establish Women's Breakout, a national infrastructure organisation to support the network.<sup>215</sup> Latterly, CIFIC provided a "rescue package" to prevent projects from folding when MoJ funding came to an end.<sup>216</sup>

109. Responsibility for funding women's community services moved wholly from MoJ to NOMS and NOMS identified £3.5 million to continue funding the projects from April 2012, effectively covering the funding that had been contributed by the Corston Independent Funders Coalition which had ceased in March. The budget was delegated to the 15 Probation Trusts which were served by one of the existing projects with a requirement that this must be used to re-commission them.

### Funding 2013-2014

110. From April 2013 responsibility for commissioning community based services for women offenders transferred, along with a budget of £3.78m which remained ring-fenced, from NOMS to all probation trusts. An additional £300,000 was provided both for "deepening and strengthening" services at some facilities and for providing new services and facilities where none currently exist.<sup>217</sup> NOMS Commissioning Intentions for this financial year set out an expectation that Probation Trusts would 'ensure that appropriate provision is in place to enable women offenders to complete their sentences and reduce their risk of reoffending.'<sup>218</sup> Probation Trusts were also expected to use their existing resources to develop new interventions and sustain existing provision. As this transition took place we heard concerns that as resources would be spread over whole Trust areas rather than concentrated on specific centres, levels of provision through the centres were likely to deteriorate. A challenge would be providing appropriate services to all women, particularly those located in more rural locations.

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215 Ev 88, Ev 69

216 Ev 69

217 Qq 265–266

218 Ministry of Justice, National Offender Management Service, *NOMS Commissioning Intentions 2013–14*, 2013, p 36

111. Much of the evidence we received was drawn up in the expectation that commissioning for the majority of offender services would be devolved to Probation Trusts permanently in accordance with the Government's declared intentions at that time.<sup>219</sup> In that context it was suggested to us that this decentralised commissioning landscape could undermine progress in developing appropriate community-based provision for women offenders and those at risk of offending. The PCA made the following observations in relation to the new arrangements:

[...] funding for women's community projects [WCPs] remains limited and short term allocated on a year by year basis and this has led to projects having to focus efforts on sustainability rather than impact. The message from NOMS is that in line with their commissioning intentions there will be disinvestment in inefficient [or] ineffective services. At this stage the majority of WCPs are in early development and so this presents something of a challenge for MoJ/NOMS in that longer term funding is needed to enable them to develop and be in a position to monitor and evaluate effectiveness. Overall PCA is concerned that insufficient resources have been committed to the national strategy for women offenders and that continued investment in WCPs is critical.<sup>220</sup>

112. Jackie Russell was critical of the devolution of funding to probation trusts, describing it as an "unmanaged process" in the sense that she felt it was too soon to transfer responsibility to local commissioning, especially at a time when proposals for change are underway and resources are being squeezed, and in view of the lack of contingency planning for existing projects.<sup>221</sup> CIFIC were similarly highly critical of what they described as a "confused jigsaw of what is being planned, without any clarity of vision or on outcomes sought".<sup>222</sup> Joy Doal, CEO of Anawim summarised providers' concerns about the impact of changes in funding arrangements:

"[The money arising from the Corston review] enabled us to work with women who were at risk of falling into the criminal justice system. You could do some early preventative work with those women who had multiple and complex issues but had not yet been caught for an offence, so you could divert them much more cheaply, and also help them move on in their lives without having got a criminal record. It is a lot easier to get somebody into employment who has not got a criminal record. At the other end of the spectrum, women on the cusp of custody, who were getting five days or seven days in prison, could be diverted into the women's centres for community sentences. Both of those ends of the process are now under threat. We won't be able to work with those women at either end next year, which will be a shame."<sup>223</sup>

113. We sought to establish how the devolution of funding to probation trusts had in practice impacted upon on the evenness of provision. We commissioned the National

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219 As set out in the consultation paper Ministry of Justice, *Punishment and Reform: effective probation services*, March 2012

220 Ev 120

221 Ev 69

222 Ev 88. See also Ev 114 and Q 20 [Ms Hogarth]

223 Q 77

Audit Office to determine the extent to which these new arrangements have resulted in: increased gender-specific provision; a shrinking of the network of women's centres; or a narrowing of their criteria for referral to women offenders rather than those at risk of offending. Their report *Funding of women's centres in the community*, published in May 2013, found:

- the data collected from centres up to 2012 is not useful for understanding their effectiveness in terms of reducing reoffending; the majority of centres have used softer "distance travelled" measures of effectiveness, for example, related to health outcome, taking responsibility and other life skills
- the Ministry of Justice does not see itself as responsible for people who have not offended and will no longer fund work with women who are at risk of offending; if centres wish to continue providing a service to women at risk, they will need to find alternative sources of funding
- some existing centres have been able to continue their work with non-offenders by redistributing existing funds, but others have had to start turning such women away.<sup>224</sup>

114. The changes in funding arrangements could potentially alter the whole dynamic of women's centres that do not have diverse sources of funding, which could prove to undermine both their effectiveness in working with women who offend, and their preventive role. Baroness Corston explained her rationale for proposing the widespread extension of generic support:

"The great thing about the structure we had before was that, with the help of the Corston Independent Funders' Coalition [...] there was the establishment of 39 centres across the country that adhere to this agenda. Women can self-refer. Somebody in my family is a GP, and I remember saying, when I was putting together my thoughts on this report, "What happens when you have a woman who is a 'heart sink' patient?" A "heart sink" is someone who walks into your surgery-it is something which happens to Members of Parliament, I know, from my own experience-and your heart sinks because you know this person has a problem but you know you can't do anything about it. I remember saying, "How would it be if a woman like that came into your surgery and you were able to say, 'Look, go down to 26 Clark Street, or wherever, to the women's centre and talk to them?'" The response was, "That would be wonderful." That is happening, but, if you don't have any kind of national guidance as to the fact that this is an important priority, it either doesn't happen or it can't be sustained."<sup>225</sup>

In addition, Peter Kilgarriff and Jackie Russell believed that it is the generic nature of women's centres that provides the most benefits to women who have offended:

There seems to be evidence that not only is [dealing with non-violent female offenders in the community] cost-effective but it is more effective in terms of reducing reoffending, and in terms of the well-being of the women. There is evidence

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224 National Audit Office, *Funding of women's centres in the community*, May 2013.

that women who have offended who work with women who have not offended—in other words, at a generic women’s centre, not a women’s centre that is seen primarily as a women offenders centre—develop much better.<sup>226</sup>

“One of the important things about desistance [...] is that you need to connect a woman to a different social community setting from the one she was in before.”<sup>227</sup>

115. We consider in the next chapter how the network of women’s community services might be maintained under future funding arrangements and we make related recommendations in paragraphs 135 and 149. The Government wished to see a broader range of provision being made for women offenders that did not have access to one of the women’s community projects. The NAO were unable to establish whether this had been achieved as NOMS were already undertaking such an analysis. **NOMS should publish its analysis of the provision that probation trusts have made for women as an alternative to women’s centres.**

## Funding for other provision

### *Local commissioning and co-commissioning arrangements*

116. *NOMS Commissioning Intentions 2012-13* drew attention to the importance of local co-commissioning arrangements for meeting the needs of women offenders:

“A much higher percentage of female offenders are found in the low and medium risk bands, as very few women present a high risk of serious harm and few present a high likelihood of reconviction. However, female offenders are usually assessed as having a wide range of social and psychological needs which increase their vulnerability. Many of the needs most prevalent among female offenders such as education, mental health problems and substance misuse are therefore most appropriately dealt with through co-commissioning services with partners.”<sup>228</sup>

This may have stemmed from the joint thematic inspection which noted: “[...] it was apparent that, with the changes in the NOMS structure and the subsequent removal of the regional framework, the sustainability of many of the measures now in place and their subsequent development would depend on the capacity of the probation service to engage with local providers. A locally coordinated joint approach to the needs of women offenders was paramount.”<sup>229</sup>

117. The changes to commissioning in probation described above, and further reforms considered in the next chapter, are taking place in the context of other developments in commissioning arrangements. These have the potential to address the gaps in mental health service provision described above. From April 2013 the National Health Service and

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226 Q 103

227 Q 116

228 Ministry of Justice, National Offender Management Service, *NOMS Commissioning Intentions 2012-13*, November 2011, p 17. The most recent iteration of this, published in July 2012, made no explicit reference to women offenders in its priorities for co-commissioning.

229 Criminal Justice Joint Inspection, *Equal but different: An inspection of the use of alternatives to custody for women offenders*, London, 2011, p 6.

local authorities, working with their partners, gained full responsibility for commissioning health and wellbeing services for offenders in both custody and the community in England. According to the MoJ, this presents a unique opportunity to move to a “fully integrated, locally commissioned and recovery-oriented system that meets the health needs of female offenders.” Providers to NOMS would be expected to work in alignment with local priorities, which include female offenders where appropriate.<sup>230</sup>

118. The Inspectorates, among others, considered that involvement of Health and Wellbeing Boards (HWBBs) and the Police and Crime Commissioners (PCCs) would be essential to the success of any locally coordinated arrangements as would that of Local Criminal Justice Boards, with their capacity to act as brokers between the various local agencies.<sup>231</sup> We encountered some evidence of existing joined up working to meet the distinct needs of vulnerable women but this appeared to be piecemeal and dependent upon local dynamism and there was no longevity of funding.<sup>232</sup> Bedfordshire Probation Trust, for example, found that the “significant” health and wellbeing needs of both women victims and offenders often “lost in the maze of commissioning forums and complex commissioning processes that do not align well across criminal justice, health and local authorities.”<sup>233</sup> West Mercia Probation Trust had found that women’s health was not a priority locally, let alone women offenders’ health.<sup>234</sup> The Probation Chiefs’ Association proposed that Trusts would be best placed to coordinate and manage women’s services at a local level; this should be supported by a national drive to ensure that other partners are engaged, particularly PCCs and HWBBs.<sup>235</sup> The maze of local commissioning arrangements can result in centres having to develop highly complex funding arrangements to enable the provision of a wide sphere of activity. For example, Calderdale Women’s Centre, in existence for over 20 years, is supported by 32 different funding streams. On the other hand, newer projects, are very dependent on probation working closely with them to access funding.<sup>236</sup>

***119. We are concerned about the potential impact of significant changes to commissioning arrangements on the volume, range, and quality of specialist community provision for women offenders and those at risk of offending. The fact that responsibility for preventing women being drawn into the criminal justice system lies within a department focused on criminal justice is particularly problematic and inhibits the development of a more holistic approach. The current priority must be to preserve existing services for vulnerable women and their children. The Advisory Board should urgently clarify how the various inter-connected commissioning agendas will be coordinated and funded and how to mitigate the risks that services will not be afforded sufficient priority or that designated resources will be stretched too thinly across too many commissioning bodies.***

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230 Ev 96

231 Ev 66, Ev 80. See also Ev w45, Ev 89, Ev 120

232 Q 20

233 Ev w16

234 Ev w99

235 Ev 120

236 Q 20

120. *Women's community projects are central to providing a distinct approach to the treatment of women offenders. They offer a challenging environment for women to serve their sentence as well as a broad range of practical and emotional support to enable them to change their lives for good. These centres also play an integral role in supporting women at risk of criminality who need to access other community services. Their effectiveness therefore depends to a considerable extent on the availability and appropriateness of other services for vulnerable women. The network of women's community projects must be retained. Funding and referral processes should have the flexibility to allow for referral at every stage in the system; including for women at risk, pre-court, post-court, as part of an order, and following a custodial sentence. The Government must find an alternative approach to funding these centres to avoid the criminal justice system being the primary gateway through which vulnerable women can access appropriate support. At the very least women's centres must be given central support to navigate the new local commissioning arrangements, and to enable them to concentrate on delivering the very good work in those areas where they have specialist expertise.*

## 4 The implications for women offenders of the Transforming Rehabilitation proposals

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121. On 9 January 2013 the Government published its “Transforming Rehabilitation” consultation paper setting out plans for an overhaul of the system for the rehabilitation of adult offenders managed in the community, including support and services provided to prisoners in preparation for their release. It includes those sentenced to community orders or suspended sentence orders, and those released from prison. The main thrust of the proposals is to extend payment by results to independent providers of rehabilitative services in the community. The consultation document contains a solitary paragraph which refers specifically to female offenders:

We want these reforms to be effective for all offenders. We will ensure that the specific needs and priorities relevant to female offenders are recognised and addressed within our overall payment by results approach. Probation Trusts are required by the NOMS Commissioning Intentions document to demonstrate how they will ensure appropriate provision of women’s services. They already work with other providers, such as the VCS-led Women’s Community Services, to address the rehabilitative needs of female offenders serving community orders. For all female offenders other than those who pose a high risk of serious harm, the responsibility to deliver rehabilitation services will be transferred to the new market providers and will be included in the overall payment by results approach.<sup>237</sup>

122. In their statement of strategic objectives for female offenders the MoJ acknowledged that the relatively small number of women offenders “present particular challenges” within the Transforming Rehabilitation proposals. On the other hand, Ian Porée of the Ministry of Justice told us that they potentially offer “significant new improvements in how we work with women offenders [...] in that area of managing the transition from within custody back into the community and having a proper through-the-gate or managed model, where, essentially, you have understood the needs of the woman, prepared the release process and then supported the woman, on release, back in the community.”<sup>238</sup> We discussed the proposals with several of our witnesses who identified both opportunities and challenges for future provision for female offenders and for the ongoing implementation of Baroness Corston’s recommendations. After we concluded our inquiry the Government committed to implement its proposals and set out an ambitious timetable for doing so.<sup>239</sup>

### Potential opportunities

123. Our witnesses’ responses to the proposals were generally supportive of the focus on rehabilitation and proposals to extend through-the-gate support, including mentors, to short-sentence prisoners, something that women would particularly benefit from as they tend to serve shorter sentences.<sup>240</sup> Our evidence also suggests that an overhaul of

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<sup>237</sup> Ministry of Justice, *Transforming Rehabilitation*, January 2013, p 17

<sup>238</sup> Q 297

<sup>239</sup> Ministry of Justice, *Transforming Rehabilitation: A strategy for reform*, May 2013, Cm 8619

<sup>240</sup> Q 83 [Mr Kilgarriff], Q 84 [Ms Spurling]

rehabilitative provision for all prisoners is overdue. Over half of women leaving prison (51%) are reconvicted within one year – for those serving sentences of less than 12 months this increases to 62%, higher than the equivalent rates for men.<sup>241</sup> At the beginning of our inquiry we heard from women who had recent experience of prison that planning for resettlement could be poor. It was especially concerning that a recently released life-sentence prisoner, who should have been receiving pre- and post-release support from probation services, told us that she had been asking for various types of support to be put in place since well before she left prison but was effectively left to do everything on her own. She concluded: “I think you really need to know how hard it is. I know where I’ve been and what I’ve done in prison, but for anybody to come out it is so easy for [them] to reoffend again.”<sup>242</sup> Two of the women we took evidence from spoke specifically about the value of peer-support.<sup>243</sup>

## Potential challenges

124. We now turn to the potential challenges that will need to be addressed during the implementation of these reforms if they are to be successful in achieving a revolution in the rehabilitation of women who offend and if progress is to continue to be made in achieving Baroness Corston’s recommendations. The responses of several witnesses suggested that the proposals represented another example of the Ministry of Justice’s extension of a male oriented penal system to the treatment of women. Jackie Russell described the proposals as “in no way gendered”.<sup>244</sup> Both she and Clive Martin were critical that the Government did not seek to engage with the VCS or the women’s community sector in informing the proposals’ development, despite Women’s Breakout bidding to be involved in developing the infrastructure for VCS engagement in payment by results, and Clinks’ involvement in producing a systematic review on women offenders.<sup>245</sup>

125. The Government wishes to commission for all offenders at scale with a view to securing a more cost-effective set of services.<sup>246</sup> It was recognised by our witnesses that women were most likely to be managed by a new provider, because the majority of them are deemed to represent a low risk of harm to the public. The key concern expressed was that despite these risk levels, women are very high-risk in terms of need as a result of the complexity of factors that often underlies their offending behaviour requiring intensive support and specialist engagement.<sup>247</sup> Evidence from the Nelson Trust, describing the work it does at ISIS women’s centre in Gloucester, illustrates the effort that may be required to get a woman sufficiently stable to begin tackling their offending: “in order to reach a point where we can directly address crime-specific attitudes and behaviours, we need to undertake work on a number of pathways:- Homelessness prevention and alleviation, tenancy sustainment, enabling women to address physical and mental health needs, to engage with domestic violence services, motivational work to begin addressing substance

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241 Ev 103

242 Q 41

243 Q 37, Q 71. See also Q 191 [Ms Halford]

244 Q 87

245 Q 86, Q 134 [Ms Russell], Qq 142–143 [Mr Martin]

246 Q 312 [Mr Porée]

247 See for example Q 91 [Ms Doal], Ev w41

misuse, lifting women and children out of risk of abuse and along a path from chaos towards stability and security.”<sup>248</sup>

126. The new contracting arrangements might have a number of other perverse effects. One is the risk that those VCS organisations that currently provide the bespoke support required for women offenders would not be able to participate effectively under the new commissioning regime. For example, Working Chance stated:

“From our point of view, there seems to be a dearth of forward-thinking, quality people focusing on women’s offending who wish to engage with charities producing solutions such as ourselves. What is needed, is some clear leadership on this issue from the Ministry of Justice. Leadership in this context should include developing strategies for utilising innovative smaller third sector providers rather than simply ‘outsourcing’ complex areas of provision, such as resettlement and education services, to a few large providers.”<sup>249</sup>

Some women’s centres may also be reluctant to engage as they feel it is against their ethos to play an enforcement role.<sup>250</sup> Another is the potential for the structural changes stemming from the reforms to slow progress currently being made with probation trusts and distract them from their ongoing priorities.<sup>251</sup> Juliet Lyon believed that attention must be paid to the implications of the reforms for the particular role that probation trusts play as partners in the development of effective women’s centres.<sup>252</sup> There is also a risk that the introduction of competition will hinder the sharing of good practice while potentially effective interventions for women are still at a relatively early stage of being tested.<sup>253</sup> *The new NOMS commissioning landscape as envisaged in the Government’s proposals for Transforming Rehabilitation presents both risks and opportunities for the Corston agenda. We welcome the Government’s extension of through the gate statutory support to prisoners sentenced to less than 12 months, which is likely to benefit many women offenders. The range of services women offenders require is small in volume but complex. Potential providers of rehabilitative services need to recognise that levels of risk posed by women may not precisely reflect the level of support such women require.*

### **The application of payment by results to services for women**

127. Views were particularly strong on the potential implications of introducing payment by results (PbR) to gender-specific services, and the narrow approach adopted to the metric for determining such payments.<sup>254</sup> Professor Loraine Gelsthorpe of the University of Cambridge summarised the difficulties inherent in the application of payment by results to interventions for women offenders in the absence of evidence:

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248 Ev w32

249 Ev w132

250 Ev w74

251 Q 195

252 Q 139

253 Ev w167

254 Q 136

[...] we are only just beginning to investigate the reconviction benefits of community-based support programmes for women in a manner which leads to robust findings. Unfortunately, because there is no consistency between projects in the way other outcomes are measured there is currently no scope to argue that other existing measures should be used in place of, or alongside, reconviction. It is also important to remember that where women are being supported because their social problems may put them at risk of offending, but they have no history of offending, it simply is not possible to estimate the impact this might have on future offending because there is no ‘counterfactual’..<sup>255</sup>

128. It was suggested to us that women should have been targeted in the piloting of new financial instruments, such as payment by results and local justice reinvestment models.<sup>256</sup> Greater Manchester Probation Trust research team believed that to ensure that targets are realistic women’s agencies should play a role in determining what is achievable by their organisation, without feeling that funding will be withdrawn.<sup>257</sup> A nef<sup>258</sup> report entitled *Women’s Community Services: A Wise Commission*, co-funded by the CIFIC and NOMS argued that:

Women’s community services offer practical, emotional, and therapeutic support to their clients in tailor-made interventions that aim to address a range of underlying issues. Service users particularly highlighted the importance of the way in which the support is delivered. They valued the safe, women-only spaces and the set of supportive relationships with workers and peers that they were able to build there [...] Our research identified that over a three-month period, 44% of women demonstrated a measureable increase in well-being. The greatest increase in well-being was in the area of autonomy.<sup>259</sup>

These findings suggest that for PbR to function properly in the context of women’s community services a more meaningful measurement which reflects the broader ambitions of women’s centres would be required; intermediary outcomes including well-being and desistance would more accurately capture the success of the centres.

129. Liz Rijnenberg called for PbR to be built around a measure for women that would take account of improvements in their well-being, or their psychological and social factors, or give some consideration to the wider outcomes, such as that there could be fewer children in care and fewer young girls going into the criminal justice system.<sup>260</sup> Avon and Somerset Probation Trust warned that “[u]nless a separate framework of outcomes is identified, there is a real danger that a perverse incentive to avoid working with women offenders could develop across the market of probation service providers who will want to avoid the differential “reoffending risk” which women can present, particularly in light of the fact

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255 Ev w104. For more detail see Gelsthorpe, L. And Hedderman, C.’ Providing for women offenders: the risks of adopting a payment by results approach’, *Probation Journal*, November 2012

256 Ev w57

257 Ev w74

258 New Economics Foundation

259 nef, *Women’s Community Services: A Wise Commission*, November 2012

260 Q 223

that women's provision can be more costly to develop and deliver."<sup>261</sup> Ian Porée assured us that this could be mitigated by setting "very specific commissioning priorities, focused on the needs of women" so that providers will have to demonstrate that what they offer for women offenders is credible and is likely to meet the objectives of reducing reoffending.<sup>262</sup>

**130. The issue of perverse incentives arising from a payments by results system may be a particular problem for ensuring that appropriate provision is made for women offenders as they are often classified for probation purposes as presenting a lower risk of reoffending or harm<sup>263</sup> but have a higher level of need, requiring more intensive, and costly, intervention.**

### *Future funding arrangements for women's centres*

131. Several witnesses feared that the needs of women would be lost in the proposed new funding arrangements, particularly as the evidence of the effectiveness of women's centres was only just emerging and as economies of scale might mean that women would be "lumped in with men". They also expressed concerns about the model of national commissioning underpinning the Transforming Rehabilitation reforms, and the resulting loss of ring-fenced funding for women's services, which may prove too restrictive to benefit the centres.<sup>264</sup> Liz Calderbank believed that the new commissioning arrangements could represent "[...] either a huge opportunity or a tremendous threat, and a lot of the outcome will depend on how the arrangements are taken forward, and on whether the commissioning arrangements take account of the demands of working with what are effectively minority groups within the criminal justice system and the need to resource those effectively and ensure that they are sustainable."<sup>265</sup>

132. Women's Breakout argued that it was too soon for women's community services to be subject to the open market and called for grant funding to continue for a further three years.<sup>266</sup> Jackie Russell, the organisation's Director, highlighted that the motivations of those providing women's centres may not be in step with the new commissioning arrangements:

"They take [money for delivering services] because they are concerned about the woman. They are working there because they are concerned about getting that woman into employment, not about saying they are providing a service that takes somebody else's outputs and claims the profit. There is a real need to understand the motivation behind voluntary sector organisations and why they behave in a way that is not necessarily commercial, because by behaving commercially they have to walk away. That is what PBR is doing."<sup>267</sup>

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261 Ev w63

262 Q 312

263 *Statistics on women in the criminal justice system*

264 Q 82 [Mr Kilgarriff], Q 160 [Ms Lyon], Q 162 [Ms Crook]

265 Q 216–Q223

266 Ev 69

267 Q 128

133. Ian Porée envisaged that new funding arrangements could encompass women’s centres: “It is entirely conceivable—the Minister used this example earlier—that a new rehabilitation services provider starting work in custody would join up provision through to something like the women’s community centres, because it would be a very logical support model to work with someone on the inside as well as post-release.”<sup>268</sup>

134. Probation trusts are currently the driver for ensuring that needs of women offenders are addressed in local partnerships, including with Police and Crime Commissioners, and others responsible for dealing effectively with offenders including local authorities, health services, social care and the voluntary sector.<sup>269</sup> Our witnesses were concerned about the implications of the reforms for existing local strategic partnership and commissioning arrangements, and the potential complexities this would bring to the loci of accountability at national and local levels. We also heard that it was important to be mindful of the potential impact of changes in commissioning arrangements on the capacity of projects themselves. For example, we heard that the Asha Centre has 16 funding streams, each with different monitoring requirements: “This is for an organisation whose strength is very much in the delivery of front-room work, not in the back-room practices of data collection and so on. If we are going to be commissioning services from those bodies, we have to be mindful of the demands that we place on them and resource them accordingly, otherwise we are going to crush them.”<sup>270</sup>

135. The ISIS Women’s Centre in Gloucestershire had recently had to reduce the number of non-criminal justice referrals to the project to meet its contractual targets to NOMS and the probation trust. The Nelson Trust observed: “[...] it seems very inefficient to develop our unique suite of services and then withhold them from a cohort that could benefit greatly from them. We therefore submit that core funding for specialist women’s centres should come with a more flexible remit to undertake outreach and engagement work with women at the margins of social exclusion and with multiple needs, and not solely targeting the reduction of countywide re-offending rates.”<sup>271</sup> ***The broader role for women’s centres envisaged by Baroness Corston seems to be in jeopardy with the combination of a reduction in funding in this financial year and confusion about the funding mechanisms on which they will depend in future. In bringing funding for women’s centres under the NOMS umbrella, and making funding dependent on reductions in reoffending, the nature of the services provided, and the context in which they are provided, may be required to change considerably. Whilst reducing reoffending is one important goal, upstream diversion from offending and reduced frequency and seriousness of re-offending are also socially desirable outcomes which need to be valued by the criminal justice system. In shifting the funding of women’s community services in this way there is a risk of dismantling a system which the emerging evidence suggests is working very well. Women’s centres should not become wholly identified with the criminal justice system, but should continue to provide a local support network so that women can continue to receive help as they move away from the criminal justice system.***

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268 Q 298

269 Qq 216–218

270 Q 216

271 Ev w32

### *Research evidence on which to base commissioning decisions*

136. Witnesses were concerned that the future sustainability of gender-specific provision would be dependent on existing providers being able to demonstrate their effectiveness in reducing reoffending. The Government are beginning from a lower baseline in seeking to reduce reoffending by women as they have lower reoffending rates than men: “Overall, the rate for women is 19%, including all forms of conviction, compared with 29% for men; that includes cautions and so on.”<sup>272</sup> Nevertheless, we heard that there were several constraints that were likely to hinder commissioning. Despite the fact that many projects have been running since 2007/08, no coherent approach has been taken to data collection and evaluation.<sup>273</sup> Responsibility for performance management of individual women’s services appears to have evolved over the years. Appropriate systems were not put in place from the outset and when performance management regimes were imposed, the reporting requirements for centres have shifted over time and have tended to focus on outputs rather than outcomes, resulting in the current situation where NOMS has only one full year of comparison data.<sup>274</sup> Neither women’s centres nor probation trusts have been consistently using appropriate performance measures, leaving them unable to articulate those practices, that were having most impact on women’s offending.<sup>275</sup> Neither was such information available for Approved Premises.<sup>276</sup> There has also been a lack of comparison of outcomes for women offenders who have accessed women’s centres and those who have not.<sup>277</sup>

137. Some data exists, for example, Clinks and RR3 cited NOMS data that showed that female offending rates in probation trusts where there was a women’s community centre were 8.82%, significantly below the predicted 9.09%.<sup>278</sup> Anawim’s reoffending rate for women on specified activity requirements—which can be made for up to 60 days for up to a 12 month period—who completed their orders was 1%, compared with 63% for those coming out after a short prison sentence.<sup>279</sup> Nevertheless, the positive work that centres have done is difficult to evidence across the board.<sup>280</sup> Women’s Breakout and Prison Reform Trust expressed concern that despite a growing body of evidence relating to the value of women’s community services, the evidence base is constantly challenged as being insufficiently robust for commissioning, as the women supported by these centres represent too small a sample to be significant.<sup>281</sup>

138. It was apparent that processes for monitoring the impact and performance of women’s centres and other gender-specific interventions need to be vastly improved.<sup>282</sup> Michael Spurr explained that the limited evidence base for women’s centres’ effectiveness

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272 Q 293

273 Ev 69

274 Q 115, Ev 120

275 Q 203, Q 204

276 Q 271

277 Q 202

278 Ev 89

279 Qq 91–93. See also Q 28 [Baroness Corston]

280 See for example Ev w32, Ev w45, Ev 114, Ev w63, Ev 74, Ev w80, Q 28 [Baroness Corston]

281 Q 158 [Ms Lyon]

282 Ev w74

in reducing reoffending was due to a requirement for clear measures, sufficiently sizeable cohorts, and time to demonstrate impact; he admitted that NOMS had neither the measures nor the data to enable such an evaluation to be made, and had only recently, some three years after the centres were initially funded, set requirements for collation of the requisite data from the centres.<sup>283</sup> Nevertheless, he believed that the centres were able to demonstrate effectiveness against other indicators, for example, related to building self-esteem and engagement, which were “broadly in line with [NOMS] wider “What Works” evidence base”.<sup>284</sup> The Ministry of Justice’s expectation that women’s services will be funded related to demonstrable reductions in reoffending seems to contradict his view as well as statements in *NOMS Commissioning Intentions 2013-14* which states that ‘it is unrealistic to expect that a single service must always demonstrate an impact on reconviction without taking into account the other circumstances of an offender’s life’.<sup>285</sup>

**139. *Currently there is no system to capture and disseminate the experience of women’s community projects. There is also a risk that women’s centres and other provision for women will not prove suitable for evidence-based commissioning both because they are in relative infancy and because the MoJ has failed systematically to collect the information required to determine effectiveness. This is unacceptable given that these projects received central funding. Data from individual projects indicate a strong impact, but because they are not comparable results there is no ability to determine and disseminate best practice. NOMS now appears to be attempting to put this right but the fact remains that there is limited data on which to base commissioning decisions for the implementation of Transforming Rehabilitation. The focus on quantitative evidence is also likely to prove a major barrier for small specialist organisations, particularly those working with a minority group like women offenders, where there has been reliance on qualitative data, to illustrate success. NOMS must work hard with partners to develop the evidence base for commissioners, and explore how existing providers can gain access to data relating to their service users, in order to analyse and measure outcomes. If the strength of the evidence base remains weak as the transfer to new providers approaches then we consider that alternative funding mechanisms must be found to support these centres until better evidence of their capacity to reduce offending, or otherwise, is available.***

### ***A missed opportunity to reduce the use of custody?***

140. The Transforming Rehabilitation proposals could represent a missed opportunity to use a more targeted approach, which could reduce the dependence on custody. Experience of the recent reduction in youth custody is relevant, and it should be possible to target areas where custody rates for women appear disproportionately high.

141. We heard that as the metrics will not be related directly to reducing demand this may lead, perversely, to an increase in demand. Val Castell suggested that the reforms resulted in a blurring between community and custodial outcomes that could work one of two ways in terms of the propensity of sentencers to give custodial sentences: “It may mean that there will be less inclination to send somebody into custody because you will see that they

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283 Qq 267–269

284 Qq 268–269

285 Ev 69

are doing much more of the same sort of thing, and we will not have quite this linear approach [to sentencing] [...] However, it could go the other way: if you also have the rehabilitative element, it could lead [sentencers] to say that there is not the harm in a custodial sentence because you have the other work going on as well.” The additional element of supervision also increases the opportunity to breach which could further drive growth in the female prison population.<sup>286</sup>

142. As we noted in chapter 3, whilst the national women’s team was in existence there was a focus on raising the complex and distinct needs profile of women offenders with criminal justice boards and sentencers.<sup>287</sup> Our witnesses believed that a strategic approach to engagement between sentencers and probation providers—a role that is currently fulfilled by Probation Trusts—will continue to be required, not least because sentencers must have faith in any new provider and the interventions they provide.<sup>288</sup>

**143. *The Government’s proposals for Transforming Rehabilitation have clearly been designed to deal with male offenders. Funding arrangements for provision for women appear to be being shoehorned into the payment by results programme, resulting in the likelihood of a loss of funding for broader provision encompassing both women offenders and those with particular vulnerabilities that put them at risk of offending. In addition, the risk of sentencers using short prison sentences as a gateway to support undermines the post-Corston direction of travel in reducing the use of custody for women, and does nothing to mitigate the detrimental impact of short sentences on women, their families and the likelihood of reducing re-offending. If the Transforming Rehabilitation reforms are to work, improvement of information to sentencers about the alternatives to custody, which we have repeatedly called for, must take place. In that context there must be clarity about responsibility for that effective liaison with sentencers to raise the awareness of the judiciary about the range of available interventions, which has hitherto been vested in probation trusts.***

### ***Realising the broader social benefits of a distinct approach for women***

144. Respondents to the Government’s consultation observed that “paying by results across a cohort of offenders would lead providers to develop homogeneous services that fail to recognise the requirements of some offenders with complex needs or particular protected characteristics.”<sup>289</sup> Some suggested that services for women offenders especially should be subject to specific commissioning arrangements. A range of alternative commissioning arrangements were proposed by our witnesses. Clive Martin suggested that another option would be to hive off commissioning for women offenders: “[...] there is a distinction between national commissioning for the whole estate as it is proposed in the rehabilitation revolution—and, as a result of that national commissioning, some service or other gets devolved locally for women—compared with maintaining a national commissioning model for women separate to the general commissioning model”.<sup>290</sup> Others favoured joint local

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286 Q 225. See also Q 139 [Ms Lyon]

287 Ev 120

288 Q 210 [Ms Rijnenberg], Ev w45

289 Ministry of Justice, *Transforming Rehabilitation: Summary of Responses*, 2013, p 16

290 Q 160. See also Ev w104

commissioning for women's services, for example, focused on reducing both women's offending and the number of women entering custody.<sup>291</sup> The potential role of PCCs in commissioning women's centres and reducing use of custody was also raised.<sup>292</sup>

145. Our predecessor Committee proposed in its report *Cutting crime: the case for justice reinvestment* that the Government should analyse the existing flow of resources at national level including total spending across central departments, for example on health, education, social welfare and criminal justice, for key groups of offenders and that such analysis should inform the extension of justice reinvestment approaches. These involve channelling resources on a geographically-targeted basis to reduce the crimes which bring people into the criminal justice system and into prison in particular—prioritising women, among others. Several of our witnesses, including CIFIC, Prison Reform Trust, and Clinks, argued that the justice reinvestment approaches that were advocated in that report would provide alternative mechanisms to reform the system which could serve a number of purposes as well as reducing reoffending, including: promoting local accountability for reducing the use of custody and diverting girls and women from the criminal justice system; releasing resources from the 'crisis' end of the system; reinforcing the equality duty with financial incentives; and facilitating the co-commissioning of an integrated set of community interventions aimed at responding to vulnerabilities and minimising harm.<sup>293</sup>

146. As we noted above, the narrow focus on reoffending rates fails to capture the broader social benefits of women's community services. The Nelson Trust, which manages the ISIS centre in Gloucester, lamented a lack of recognition in public sector commissioning and funding processes of these benefits and the substantial savings achieved to public services by their activities, and said this threatened the sustainability of services.<sup>294</sup> Revolving Doors Agency conducted research for CIFIC which identified the savings to a range of departments and public bodies, and showed how an intervention from a service like ISIS, particularly for a woman with parental responsibilities, can achieve savings over and above the costs of imprisonment.<sup>295</sup> Such an approach would enable a broader evaluation of cost savings. Joy Doal of Anawim illustrated the broader social value of their involvement with women offenders:

“We get shedloads of referrals from social services, and no money from social services. Yet let me give you one example of one family. We have a project called Reunite, which is about helping women when they come out of prison. We have a partnership with Midland Heart, which is a social landlord. When a woman comes out of prison, the housing provider says it will provide a property large enough for her to have her children with her, provided that she can get them back. What normally happens is that someone comes out of prison as a single woman in terms of housing, and she is housed in a one-bedroom flat. Social services say, "You can't have your children back because you haven't got a suitable property-and you can't have a suitable property

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291 See for example Q 160 [Ms Lyon], Q 216 [Ms Rijnenberg], Ev w1, Ev 63, Ev 120

292 See for example Ev w32, Ev w41, Ev w45, Ev 120

293 Ev 65, Ev 103, Ev 89

294 Ev w32

295 Revolving Doors Agency, *Counting the Cost: The Financial Impact of Supporting Women with Multiple Needs In the Criminal Justice System*, 2011. This estimated that an investment of £18 million a year in women's centres could save almost £1bn over five years (p 36).

because you haven't got your children." Reunite is there to get over that barrier, so Midland Heart provides us with a property that is large enough so that she can have her children back. At the moment, we have a family of six children, all in social services care in different foster homes. We have managed to secure a four-bedroom house through Midland Heart. We have worked with the family; we have dealt with the issues and done parenting with the mother. We have been to all the case conferences and sorted everything out. Those six children are being returned to her care. For just that one family, that is probably a saving of £1 million."<sup>296</sup>

147. A study of the SWAN project sought to identify the financial savings that had accrued from the wide spectrum of work to move women away from offending. This found that for every pound invested, there was a £6.65 return on social value, equivalent to a benefit of £314,662 to the state, but a massive £748,000 benefit to those women, against project funding of £160,000.<sup>297</sup>

148. The Government noted in its response to the consultation that offenders with complex needs often required intensive long-term support as well as suggestions that particular offenders should attract higher reward payments. Nevertheless, it intends to proceed with its plans for commissioning all rehabilitation services across geographical areas under a single contract, rather than competing services separately for different groups of offenders. The Government believes that commissioning and contract management processes can be used as mechanisms to ensure that the system responds appropriately to the recognised needs of offenders with particular protected characteristics; for example, it will expect providers to be able to articulate and respond to the needs of women offenders where these differ from men.

149. ***Reducing reoffending is a very important goal, but so is preventing first offences by diverting women away from crime. We consider that there is a compelling case under the Transforming Rehabilitation programme for commissioning services for women offenders separately and for applying other incentive mechanisms that would encourage not just the reduction of re-offending but also the diversion of women from crime. A strategic inter-departmental approach should be taken to ensuring the long-term sustainability of services for women with complex needs. In the short-term it may be necessary to retain some grant funding for specialist provision for women, or to have a transitional phase whereby the funding for projects is initially ring-fenced to allow women's centres to gain credibility with new providers. It will also be important to clarify how new providers will contribute to existing local commissioning arrangements, for example, between probation trusts, police and crime commissioners and local authorities, or how statutory partnership arrangements could evolve to accommodate non-statutory local providers/commissioners.***

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296 Q 112

297 *Ibid.*, [Ms Spurling]

## 5 The custodial estate and regimes

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### The review of the custodial estate

150. The Secretary of State announced in January 2012 a review of the female custodial estate, due to report by summer 2013, to explore the most effective options for managing the female prison population. He subsequently told us that the review of the custodial estate would be wide-ranging and that he envisaged a “blank sheet” consultation on the future shape of women’s prisons, indicating a willingness to consider a different model.<sup>298</sup> She suggested it might encompass consideration of a range of secure and semi-secure options, potentially including changes to the use of approved premises, for example, secure hostels rather than bigger institutions. The MoJ states that the review will focus on “current capacity, distances from home, and the future composition of the estate”.<sup>299</sup> It will also establish how the women’s prison estate could be used to enable the Government to realise its aim to nominate specific prisons as resettlement release ‘hubs’ to particular localities.<sup>300</sup> It is unfortunate that we are reporting before the Government publishes its response to the review but we decided on balance not to delay our report but to highlight here the issues which were raised in evidence with us that we believe the Government should take into account.

151. Our witnesses broadly welcomed the review, though some regarded it as limited in scope. Juliet Lyon considered that the prospect of a further drop in the female prison population—stemming from the introduction of the ‘no real prospect’ test.<sup>301</sup> under the Legal Aid Sentencing and Punishment of Offenders Act—presented the “perfect time” to address both the prison estate and the network of alternatives for the courts.<sup>302</sup> Nick Hardwick believed such a review was long overdue: “The whole business about prisons, and women’s prisons in particular, has almost been forgotten in some of the thinking, and there needs to be some catching-up on it. It goes back to the point about leadership. You feel that you are always having to remind people about this issue, rather than it being at the forefront of their minds.”<sup>303</sup>

152. Juliet Lyon was hopeful of a “radical” review: “...we are not just talking about, “Let’s look at the women’s prisons and where they are situated,” but rather geographically what is needed across the country, which I think would involve re-roling or closing establishments, so that there would be a more sensible picture in terms of location.”<sup>304</sup> She considered it very important that that review is joined up with the potential for, and the actual provision of, women’s centres and other facilities for women that are provided by [h]ealth [services]”<sup>305</sup> The Howard League was of the view that “tinkering with the prison

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298 HC 964-i, Session 2012–13, Q 56. See also Q 54

299 Ministry of Justice, *Strategic objectives for female offenders*, p 5

300 Q 314

301 If someone is facing ‘no real prospect’ of a custodial penalty for their offending, then they will not be held in custodial remand.

302 Q 158

303 Q 248

304 Q 149

305 *Ibid.*

estate or the prison regime will not address the fundamental problems that make prison disproportionately damaging to women.” In her oral evidence to us, Frances Crook stated: “[...] a review of the estate cannot just look at the prison society, what happens in a prison... We do not want to look at what happens to women in prison because we want to make sure they do not go there in the first place. It is expensive and damaging and it leads to more crime. What we should be looking at in any review is a much wider vision of sentencing options, sentencing practice, community provision, funding arrangements and gender specific services.”<sup>306</sup> Clinks believed that a substantial debate is required about whether imprisonment is an appropriate response to levels of risk and the types of offences committed by women.<sup>307</sup> On the other hand, Juliet Lyon reminded us that prison can play a protective role:

“[...] women sometimes have their lives saved by going to prison. We could step from here into Holloway now and we would see women arriving in the most terrible state, women who have been sleeping on the streets, women who have been trafficked into offending, women who are so rattling with drugs, or for whom binge drinking has become something that is so habitual and they are in such a terrible state, that that period of time in prison will stabilise and sometimes save their lives and improve their health. It is a terrible indictment that for some women prison is a safer place than any options they have in the community [...] I would not ever underestimate either what prison can do in the current circumstances or indeed what staff try and do”<sup>308</sup>

153. The MoJ appears to have adopted a relatively narrow interpretation of what constitutes a “radical” review. Michael Spurr said that the focus was on rationalising the prison estate to make savings whilst improving service provision.<sup>309</sup> Specifically, it will look at: how the custodial estate for women is used; how it can be operated more effectively by delivering services differently, or more efficiently; and whether establishments are of the right configuration, type, specialism, and size.<sup>310</sup> He stated that there were no plans to look at the sentencing framework within the scope of the review but he believed that this would be addressed by the Department’s priority to improve the range and availability of community based options for sentencers.<sup>311</sup> The review does not seek to answer the broader questions that we consider earlier in our report, for example, about: how many of those women in prison should arguably not be there because they are there for breach of an order that would not have resulted in prison anyway; how many of those women are there on remand; how many of those women are there for under three months, or under six months; and what else could be done in the community for vulnerable women who did not represent a serious risk to the public?”<sup>312</sup>

**154. It follows from the thrust of our argument in this Report that we consider that the scope of the Government’s custodial estate review is unduly limited in taking the size of**

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306 Q 152

307 Ev 89

308 Q 148

309 Q 287. See also Q 307 [Parliamentary Under-Secretary of State for Justice]

310 Q 287, Q 309

311 Q 287

312 Q 100 [Ms Russell], Q 144 [Ms Lyon]

the women's prison population as a given, particularly as the implementation of the remand reforms under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 may create some headroom in the system to enable a different approach to be taken with a smaller number of women.

### Priorities for the review

155. Nick Hardwick noted “tangible improvements” in conditions for women in custody since Baroness Corston reported. This is most strikingly evident in the reduction in incidents of self-harm: self-harm among women now makes up 30% of all self-harm incidents, whereas it used to be 50%; the number of self-inflicted deaths has also fallen; nevertheless self-harm remains high and distress and mental health problems are clearly evident in each prison he visits.<sup>313</sup> Eoin McLennan Murray similarly reflected that prison governors had made “good progress” in implementing those recommendations that fell within their remit, but suggested that this is “dwarfed by the magnitude of the changes needed to transform custody for women in this country.”<sup>314</sup> In this section we highlight some of the areas in which our witnesses believed such transformation was required.

### *Developing regimes to meet women's needs*

156. NOMS states that it is “fully committed to ensuring that women prisoners are held in conditions and within regimes that meet their gender-specific needs and which facilitate their successful resettlement.” Our evidence suggests that it will need to take great strides to realise this commitment.

### *Family friendly custodial regimes?*

157. The maintenance of family relationships is a supportive factor in reducing re-offending, yet our evidence indicates strongly that the women's custodial estate and prison regimes are failing to support women's relationships with their children.<sup>315</sup> Three of the women ex-prisoners we spoke to summarised the difficulties of maintaining family relationships in prison:

“I have certainly known of women who I've been in prison with who've had small children, and in the visiting area they can't get off their seat; so they can't get down and hug their children. It's very difficult to have any physical contact with them. It's very much down to the wider family to bring the children to the prison to see the mother. It's very difficult.”

“Men tend not to be as supportive to women. Women tend to kind of visit men more than men visit women.”

“Also, there's the distance. I have a son, and [...] it was very few and far between with the visits. Even now, to this day, my son is with my brother. I am quite fortunate, but

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313 Q 226

314 *Ibid.*

315 See for example Ev w96

the rapport with my son is not good. It could have been made better if I had been maybe closer and visits would have been easier to access me.”<sup>316</sup>

Furthermore, some women do not want their children visiting a prison environment, or are unable to find anyone prepared to bring their children to visit.<sup>317</sup> Other issues include: the unsuitability of visiting times, for example, as a result of: conflict with school-hours; being too early for families who have to travel long distances; high demand for weekend visits; and being too short for meaningful interaction; the expense of telephone calls; and the costs of travelling to visits.<sup>318</sup>

158. Regimes can also interfere with family relationships. For example, for foreign national women, time differences can be prohibitive, and for women whose children are involved with social services, they need to make contact in normal working hours rather than during evening association.<sup>319</sup> The Corston Report emphasised the importance of cooperation between local social care, health services, prisons and criminal justice. We heard that meaningful cooperation between prisons and local services has started to take place but not noticeably specifically in relation to women’s prisons, despite arguably greater need as a result of the distance that women are held away from their home communities and the impact of women’s imprisonment on fragmenting the family when they are sole carers.<sup>320</sup> The Transforming Rehabilitation reforms might accelerate progress as they aim to promote closer engagement with local services from the beginning of a sentence.

159. Deborah Cowley gave us her view of what a family friendly prison would comprise: family would not have far to travel; family would know from the beginning where to go and what to expect, including knowing that they were able to ask for help, for example, beginning with court-based information services; visiting would be easier and more frequent, including for children in care who get few accompanied visits. For example, one barrier to visits is that children have to be accompanied by an adult up to the age of 18.<sup>321</sup>

160. Nick Hardwick and Eoin McLennan Murray agreed that more emphasis should be placed on enabling women to maintain contact with their families, for example, through more “imaginative visit arrangements”, video-calls, secure emails, more frequent home leave, and teaching parenting skills.<sup>322</sup> Mr Hardwick gave the example of Hydebank Wood in Northern Ireland which allowed families to have extended (six-hour) unsupervised visits in a separate unit, where they could cook and share a meal together for example.<sup>323</sup> While some prisons have specialist family centres, extended children’s visits, supervised play areas, and dedicated family support workers, such provision is inconsistent across the female estate.<sup>324</sup> Action for Prisoners’ Families noted that as prison governors receive no

316 Q 56

317 Q 150, Ev w19, Ev w48

318 Ev w19, Ev w21, Ev 95, Q 230 [Mr Eoin McLennan Murray]

319 Ev w19

320 Q 169

321 Q 180 [Ms Cowley], Ev 95

322 Qq 239–240. See also Ev w32

323 Q 239

324 Ev 95

specific funding to meet the costs of this provision there was a risk that budget cuts would detrimentally affect these services.<sup>325</sup>

161. Prisoners who are mothers may also benefit from specific support to maintain family relationships. In a recent MOJ report, 15% of prisoners stated that they needed help concerning problems related to family or children with 8% requiring a lot of help. Women (27%) were more likely than men (13%) to report being in need of support with a problem concerning family or children.<sup>326</sup> Sherry Ashfield highlighted to us concerns that had been raised by the Inspectorate, for example, that insufficient attention was paid to both to safeguarding the potential risks of mothers to their children and to parenting skills, both in prison and in the community.<sup>327</sup> She also identified a need for staff sensitivity in difficult situations, for example, in cases where a woman does not wish to retain or resume the role as mother and primary carer.<sup>328</sup>

162. We sought to establish how pregnant women, and those who have recently given birth, are treated in custody. We were surprised to hear from Eoin McLennan Murray that they are generally treated “the same as non-pregnant women”.<sup>329</sup> Women are not routinely asked whether they are pregnant when they enter prison, though they should be offered a pregnancy test according to gender-specific standards.<sup>330</sup> Our evidence suggested a need for better adapting regimes to be more practical for pregnant and post-natal women, for example, through the provision of: additional food and opportunities to eat frequently; appropriate clothing; comfortable bedding; and longer ‘maternity leave’ from work placements, as women are currently expected to return to the normal regime after 8 weeks.<sup>331</sup> Several witnesses called for better ante-natal care and sensitive support when women are handing the care of their child to someone outside the prison, although Mr McLennan Murray was of the view that ante-natal care was generally good.<sup>332</sup> We were surprised to hear that mother and baby units, which enable babies to remain in prison with their mothers for up to 18 months, are frequently under-occupied.<sup>333</sup> Babies in Prison, a small charity, were concerned that staff training for mother and baby units was being detrimentally impacted by funding cuts.<sup>334</sup>

163. Helen Grant recognised the importance of women maintaining enduring relationships with their children and drew our attention to good practice that she had come across in the prison estate, for example, family days, homework clubs, release on

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325 Ev 95

326 *Ibid.*

327 Qq182–184

328 Q 184

329 Q 243

330 Q 180 [Ms Cowley], Q 299 [Helen Grant]

331 See Q 180 [Ms Cowley], Q 243 [Mr Hardwick], Ev w38, Ev w48, Ev 89, Ev 95, See also Alberton, K. et al (2012). *Tackling health inequalities through developing evidence-based policy and practice with childbearing women in prison: A consultation*, Sheffield Hallam University Community Justice Portal.

332 Ev w38, Ev 95, Q 244 [Mr McLennan Murray]

333 Q 239 [Mr Hardwick]

334 Ev w48

temporary licence and, in some locations, parenting programmes and mother and baby units, which “reassured and encouraged” her.<sup>335</sup>

**164. The Government’s review of the female custodial estate should include a thorough consideration of prison regimes with a view to better supporting the development and sustainability of family ties; affording women the opportunity to develop their parental skills; and safeguarding the welfare of children.**

### *Resettlement*

165. We encountered several examples of regimes being insufficiently tailored to the resettlement needs of women.<sup>336</sup> A prisons inspectorate survey found that 38% of women in prison did not have accommodation arranged on release, and that only a third of women who wanted help and advice about benefits and debt received it. Another example of this is the emphasis that is placed on education, training and employment with a view to promoting prisoners’ employability on release—which Baroness Corston described as “the holy grail of the Prison Service”—that may not be priorities shared by the women themselves, for whom it is often more important to find accommodation, particularly for those who wish to reunite their families.<sup>337</sup> The education manager at HMP Foston Hall suggested that the prime objective should be to make sure that women who are mothers have the skills to look after and raise her family on release, for example, budgeting and parenting skills.<sup>338</sup> On the other hand, Working Chance, a charity which offers professional recruitment services to female ex-offenders, were critical of a lack of emphasis on developing work and employability skills within female prisons, having found that women who have overcome their problems are highly motivated to find work, which may also enable them to support themselves and their children on release. They proposed more training such as IT, bookkeeping, customer service, and administrative skills is needed.<sup>339</sup> The women that gave evidence to us had mixed experiences of constructive activities, although they were generally positive about education, programmes, and opportunities to exercise.<sup>340</sup>

166. Nick Hardwick felt that giving responsibility for through-the-gate services to reduce reoffending to new providers under the Transforming Rehabilitation proposals had the potential to neglect the role of prisons themselves in both preparing prisoners for release and reducing re-offending.<sup>341</sup> Rachel Halford raised concerns that the extent of cost cutting within the system risked reducing levels of staffing to the extent that existing rehabilitative work would be undermined.<sup>342</sup> **The review of the prison estate should examine the impact of recent, and planned, cost savings and resulting headcount reductions both on regimes and resettlement provision in women’s prisons.**

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335 Q 303

336 See for example Ev 103, Ev w21, Ev w23, Ev w41, Ev 89

337 Ev w21, Q 27

338 Ev w21

339 Ev w132

340 Qq 58–64

341 Q 247 [Mr Hardwick]

342 Q 166

### Foreign National Prisoners

167. According to the most recent statistics from the Ministry of Justice there are just over 600 foreign national women in prison, representing approximately 16% of the female prison population.<sup>343</sup> Baroness Corston told us that she particularly regretted not having had sufficient time to specifically consider female foreign national prisoners (FNPs).<sup>344</sup> Liz Hogarth saw the limited attention given to the needs of FNPs as an example of the absence of strategy and monitoring arrangements: “[...] there is no longer a foreign national strategy within the women’s estate, and that helped previously to keep people focused on the needs. There could well be slippage happening. Foreign national coordinators in prisons may be good, but, if there is no questioning from the centre and NOMS to make sure that it really is happening, then it becomes unknown.”<sup>345</sup> She, along with the Detention Advice Service and the Prison Reform Trust, called for a national strategy for the management of foreign national women in the justice system, including those held in prison.<sup>346</sup>

168. Nick Hardwick characterised the needs of foreign national women as the same as for other women prisoners but exacerbated, for example, as a result of: the distance of separation from their families, which tend to be larger, with the expense of calling abroad (foreign national prisoners are limited to having one free five-minute telephone call a month in lieu of visits); language difficulties; and their expectations of prison.<sup>347</sup> For example, the limited use of interpretation facilities, and lack of access to translated printed materials can act as a significant barrier to understanding of and engagement with the prison regime – including participation in education, training and employment activities – and this can result in foreign national prisoners feeling isolated, depressed, and even unsafe.<sup>348</sup>

169. We were encouraged to hear that closer links had been forged between the UK Border Agency and prisons resulting in some improvement in rates of processing deportation cases.<sup>349</sup> Nevertheless, our witnesses highlighted several areas in which there was more to be done. FPWP Hibiscus, which estimated that they work with about 35% to 40% of foreign national women, find that a lot of them go on to win their cases against deportation. In the process, because the system is so lengthy and so complicated, we heard that women experience a number of stress factors, including increased suicidal ideation, increased depression and low mood, for example, as a result of trying to deal with immigration issues, including perhaps having their children in care, whilst incarcerated, and beyond tariff.<sup>350</sup> Unlike in immigration removal centres, where detainees have access to the Detention Duty Advice scheme, there is no coordinated provision of immigration

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343 Ministry of Justice, *Offender management statistics quarterly, prison population tables*, March 2013

344 Q 10

345 *Ibid.*

346 Q 11

347 Q 234. See also Ev w23

348 Ev w23

349 Ev 103

350 Qq 175–177

advice across the prison estate, and this can prolong the progression of cases.<sup>351</sup> Access to advice is particularly poor for women, a problem likely to be exacerbated by the removal of deportation and removal cases from the scope of legal aid from April 2013, which will make it impossible for foreign national prisoners who wish to challenge deportation proceedings to get legal advice and representation from a solicitor unless they are able to pay for it themselves.<sup>352</sup> Following budget cuts, the Detention Advice Service, the only voluntary sector organisation accredited to provide immigration advice, works directly in only one of the two specialist prisons in the female estate, and is limited to providing telephone advice for women held elsewhere.<sup>353</sup> Nick Hardwick explained that those male prisons which specialise in holding foreign national prisoners tend to have better links to the Border Agency.<sup>354</sup> We also heard that prison staff have insufficient awareness of the issue of trafficking which, as we noted in chapter 3, is thought to have been experienced by a sizeable proportion of foreign national women; this prevents appropriate referrals.<sup>355</sup>

170. Uncertainty over immigration status has a detrimental impact on planning for resettlement, yet, as we heard from Eoin McLennan Murray, many women are subsequently discharged to stay in this country, for whom no arrangements have been made.<sup>356</sup> Nick Hardwick suggested that it may be better to work on rehabilitation and provide resettlement support on the assumption that they were going to remain.<sup>357</sup>

171. Helen Grant recognised that foreign national prisoners “carry additional burdens that may be connected with language, culture or feelings of isolation.”<sup>358</sup> Those are huge, particularly when you are in prison.” but she was not drawn on whether NOMS intends to produce a strategy. We heard that NOMS works closely with charities that support female foreign national offenders, both in the community and while they are in prison serving their sentences, and with UKBA to clarify their status and to work to that position. The Government also intends to make greater use of prisoner transfer arrangements, which will enable women to be moved to a prison in their own country, where they can be better rehabilitated and supported by friends, family and children. Allowances are made in regard to extended visits, the amount of money that can sometimes be used on telephone calls and sometimes—not all the time—use of official phone lines and phones in offices to make calls abroad.<sup>359</sup>

**172. As so many foreign national women prisoners are eventually released and not deported, it should be assumed that they require resettlement support unless it is clearly not required, and the Government should make clear how they will deal with foreign national prisoners under the Transforming Rehabilitation programme.**

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351 Qq 176–178. See also Ev w23

352 Ev w23

353 Ev 103

354 Q 237

355 Q 234 [Mr Hardwick]

356 Q 237

357 *Ibid.*

358 Q 300

359 Qq 300–301

### *The ethos of regimes*

173. It is very clear from the evidence we received that a key issue that the review of the women's estate must resolve is the treatment of women with mental health problems, and the way in which prison responds appropriately to the complex needs of women who have offended.<sup>360</sup> The Howard League suggested that such problems may be inappropriately treated in prison: "The distress manifested by imprisoned girls and women with mental health needs is often treated as a discipline issue by prison staff. This leads to an increase in self-harming and suicidal behaviour. Prison staff are not appropriately trained or qualified to deal with this behaviour and it can be damaging for everyone involved."<sup>361</sup> Two of the women we spoke to had received poor mental health treatment whilst in prison, and explained that there was a tendency to medicalise mental health problems rather than address them; similarly another had received support to come off drugs but not to tackle the underlying reasons for that drug use.<sup>362</sup> They also identified good practice, for example, a pilot alcohol support project at HMP Bronzefield but we were told that this was not commonplace experience:

"There are AA meetings, which are held on a weekly basis in the prison, which the prison accommodates. There are very supportive prison staff and a lot of care from normal officers, even if there was no psychiatric treatment available. I was treated as a high risk, so I was monitored very closely and supervised throughout movements in the prison. The everyday officers and the alcohol treatment people did their absolute utmost to give as much pastoral care as they could."<sup>363</sup>

174. Similar sentiments were echoed by practitioners in the field who called for more psychotherapeutic intervention which can deal with emotional distress.<sup>364</sup> The Huntercombe Group, which provides independent specialist mental health care, believed that effective services must be "trauma informed" i.e. they must take account of women's histories, which may be traumatic, avoid triggering further traumatic reactions, and support the development of coping capacity to facilitate control, responsibility, decision making and judgment; prison environments are not conducive to this, for example, because the culture of control is itself counter-therapeutic.<sup>365</sup> This was raised with us by Dr. Robinson from HMP Styal who believed that such therapy was invaluable, but noted that where it was provided in prisons this was often hindered by short sentence lengths, and movement between prisons. At the time of our visit HMP Styal was undergoing some changes to health provision, which he hoped would facilitate greater access to talking therapies. More generally, we heard that, unlike in women's centres which seek to empower women to take control of their lives, the ethos of prison regimes often removes responsibility to such an extent that in Juliet Lyon's view "[w]omen in prison are

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360 See for example Ev w4, Ev 103, Ev w12

361 Ev 114

362 Qq 55–56

363 Q 54

364 Ev w49, Ev w77

365 Ev w77. INQUEST also called for hospital based psychiatric care, see Ev w124. See also Ev w12

infantilised. They often behave like girls, and they are often treated like children or young girls.”<sup>366</sup>

**175. We were impressed by the approach taken at HMP Styal to foster independent living skills and a sense of responsibility within small residential units, and to build emotional resilience through therapeutic interventions. We were also impressed by the apparent ability of the prison to cater for women serving a range of sentences, with a range of risks and needs, to the best of its ability. We believe the experience at HMP Styal demonstrates the benefits of small units in developing responsibility and enabling different types of prisoners to offer support to each other. We would like to see more focus on care rather than security in custodial regimes for women where appropriate. Priority should be given to finding appropriate ways of enabling and encouraging women to take more responsibility for their lives while they are serving a custodial sentence.**

### **Staffing and training**

176. In the 2010–11 annual report of HM Chief Inspector of Prisons it was found that a minority of staff do “not always treat [women] prisoners appropriately” and that staff do not have sufficient training and leadership to deliver activities in a gender-specific way. It was concluded that a disappointingly low number of offender managers showed empathy for the women they supervised, had sufficient knowledge about how to work in a gender-specific way, and were not aware of the range of resources available to meet women’s needs.<sup>367</sup> Similarly, the Lucy Faithfull Foundation commented that the lack of knowledge and confidence it had encountered indicated that staff have inadequate training to deal with female sex offenders.<sup>368</sup> We heard that NOMS had sought to provide women’s awareness training.<sup>369</sup> Nevertheless, Nick Hardwick suggested that as part of the review of the custodial estate an assessment should be made of competencies for working with women prisoners.<sup>370</sup> Skills for Justice proposed a broader review of skills and national occupation standards for staff working with women offenders both in the community and custody.<sup>371</sup>

177. Another issue that our evidence suggested the review should consider is the question of the appropriate gender balance of staff. We encountered this issue at HMP Styal, when the Governor told us he believed that the ratio of female to male staff should be higher to enable the prison to meet women’s greater need for emotional attachment, whilst acknowledging the need for them also to have positive male role models. When we put this to the Chief Inspector he agreed that the management of prisons, and individual prisoners, can often be dominated by men and stated that the ratio of male to female staff is too high in some prisons.<sup>372</sup> Mr Spurr told us that he saw a 60:40 ratio in favour of women as a “reasonable benchmark” to provide both equality of opportunity for women to work in

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366 Q 148

367 Ev w12

368 Ev w14

369 Q 273 [Mr Spurr]

370 Q 233

371 Ev w27

372 Q 233

male establishments and for men to work in female establishments, and to meet the specific needs of the population but he agreed that there could be “some flex” in the application of this benchmark, within reason.<sup>373</sup> **The Government’s review of the women’s estate should include an assessment of the competencies required to work with women offenders and an appraisal of existing national standards. The women’s awareness training that has been provided to prison staff should also be evaluated and the review should seek to examine whether the training provided is sufficient to enable staff to deal confidently and sensitively with the distinct needs of women offenders, including those who have committed sexual offences.**

## Self-harm and deaths in custody

178. Our evidence suggests that there are more fundamental issues that cannot be resolved by changes to prison regimes alone. The deaths of six women in HMP Styal prompted the Corston Report, and it is therefore particularly disturbing that in the prison’s most recent inspection report published in January this year, Her Majesty’s Chief Inspector of Prisons commented that it was “disappointing to find, and to be told of by the governor, too many cases of women, some of whom were clearly mentally ill, serving very short prison sentences which served little purpose except to further disrupt sometimes already chaotic lives”.<sup>374</sup> He reiterated to us that there continue to be women in prison “for whom the system does not seem able to provide appropriate treatment and conditions.”<sup>375</sup>

179. Since the Corston Report was published in March 2007, the number of deaths of women in prison have fallen but there have been a further 35 deaths, 14 of which were self-inflicted.<sup>376</sup> INQUEST recently published a research report which highlighted “serious flaws” in the learning process following an inquest into a death in custody. In their evidence they note several “patterns” in these cases including: histories of significant disadvantage and complex needs; inappropriate use of imprisonment given the offence; isolation from families, including children; prisons being unable to meet women’s complex needs; poor medical care and limited access to therapeutic services in prison; and unsafe prison environments and cells that are unable to prevent women from taking their own lives despite having known mental health problems and histories of self-harm. INQUEST believes that legislation should be strengthened to compel relevant government departments, public authorities and prisons to act on inquest findings and coroners’ recommendations.<sup>377</sup>

180. Helen Grant assured us that the MoJ take the findings from coroners’ inquests “very seriously indeed”, for example, to inform policies, initiatives and strategies. Michael Spurr

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373 Q 280

374 Ev 65. In February 2012, Nick Hardwick, speaking at the University of Sussex on 29 February 2012, had declared this in stronger terms. He said: “[...] prisons—particularly as they are currently run, are simply the wrong place for so many of the distressed, damaged or disturbed women they hold [...] the treatment and conditions in which a small minority of the most disturbed women are held is—in relation to their needs—simply unacceptable. I think—I hope—we will look back on how we treated these women in years to come, aghast and ashamed [...] This is a responsibility that lies squarely at the door of successive governments and parliament.”

375 Q 245

376 Ev w124. Nearly half (16/46%) have so far been classified as non-self inflicted; and 4 (11%) were from a BAME background.

377 *Ibid.*

outlined the framework that was in place to ensure that NOMS learns both from incidents of self-harm and deaths in custody, including through the dedicated safe custody team, and by working in collaboration with INQUEST through the Ministerial Board on Deaths in Custody, with the cross-government sponsored Independent Advisory Panel; he cited the lower incidence of self-harm and suicides as indicative of the fact that lessons are being learnt.<sup>378</sup> Nevertheless, he conceded that further progress could be made as he saw “every incident of self-harm and every death” as “unacceptable from anybody’s perspective”.<sup>379</sup>

181. Michael Spurr believed that the sentencing of women with complex needs was a matter for courts to deal with appropriately, emphasising that prisons can make arrangements with the NHS to transfer women to secure psychiatric care when required. He also pointed to joint Ministry of Justice and Department of Health plans to make better use of NHS funding for personality disorder in recognition that “an awful lot of people with personality disorder end up in prison and that it is in everyone’s interest to provide support, both in prison and when they go back to the community, to minimise the risk that they could create and cause to the public.”<sup>380</sup> This approach does not recognise that some of the themes identified by INQUEST relate to systemic problems in the structure of the criminal justice system that are perhaps fundamentally related to imprisonment itself.

**182. The Government’s review of the women’s estate should consider whether alternative forms of custodial provision can be devised, in collaboration between the Ministry of Justice and the Department of Health, which would provide a more appropriate environment for vulnerable women with multiple and complex needs who have committed serious offences.**

### The configuration of the estate

183. HM Inspectorate of Prisons summarised its assessment of the current situation with women’s prisons as follows: “The level of need in women’s prisons is visibly greater than in the male estate. Despite improvement, the women’s prison estate is still not configured to best manage the women it holds.”<sup>381</sup> For example, the smaller number of women’s prisons means that women are often held further away from their homes than men: on average 55 miles away. This is exacerbated for women from Wales where there is no prison, and who have to serve their sentences in England. A prison’s catchment area is now so large as to make visiting difficult for families and to pose challenges when trying to make links with community resettlement services. For example, HMP Eastwood Park works with 8 probation trusts, 72 local authority areas, 52 drug and alcohol teams, and a complex network of healthcare trusts, social services departments, and third sector organisations.<sup>382</sup> HMIP also considered that women’s prisons, as currently configured, are too big, multi-functional, and cannot provide the levels of care that many women in prison require. The women’s estate has also diversified to ensure a range of specialist provision.<sup>383</sup>

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378 Q 272

379 *Ibid.*

380 Q 306

381 Ev 66

382 Ev w94

383 *Ibid.*

184. The Secretary of State told us that he intends the commissioning reforms to better align rehabilitative services in custody with those in the community, as proposed in our probation report. Consequently, the Government plans to reconfigure the custodial estate to designate specific prisons as “resettlement hubs” with closer links to particular geographical areas may also prove more difficult in the female prison estate as the problem of distance from home communities is more acute than for men. HM Chief Inspector of Prisons was unsure how this could be resolved without radically changing where women are held.<sup>384</sup>

185. The cost of women’s prisons is disproportionately high.<sup>385</sup> Women’s prisons are more expensive to run, and each intervention, including mental health and drug treatment, and training, is more costly to deliver than in male prisons. The current benchmarking review may therefore impact disproportionately on the female prison estate. Rachel Halford of Women in Prison attributed some improvements in the treatment of women in custody to increases in levels of staff in women’s establishments, but feared that this could deteriorate in the face of staffing reductions.<sup>386</sup>

### **Small custodial units**

186. Baroness Corston disputed the previous Government’s primary reason for not accepting the need for small custodial units which they argued was “because women themselves did not want them”. While on the face of it, she could accept this, for example, as in prison environments women’s disputes tend to result in bullying, she believed that this could be overcome with appropriately enforced respect policies.<sup>387</sup> She was also sceptical about arguments that their costs would make them unfeasible: “[...] the cost of running these 13 women’s prisons is astronomical. I think that, probably, the cost overall of having small custodial units may well be the same, but the cost in terms of disruption to human lives and to society is incalculable [...] For me, the cost, both in financial and human terms, of small custodial units is made.”<sup>388</sup> She acknowledged that issues such as staffing models may require adaptation but she did not consider these to be insurmountable, giving the example of the 218 Centre in Scotland as proof that the proposition could work.<sup>389</sup>

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384 Qq 247–248

385 Q 287

386 Q 166

387 Q 5

388 Q 16

389 Q 16, Qq 25–26. In her report she proposed that staffing for such units would, over time, be removed from Prison Service control to be run by specialists.

**218 Centre, Glasgow**

The 218 Centre in the centre of Glasgow is funded by The Scottish Executive. Women can self-refer or they can be referred by GPs, social workers, or schools, for example, if girls start truanting. They have one floor that is secure, so women who are not able to leave the centre, who are there by order of the court, can be held. Staff from the centre go into the court on a regular basis whenever a woman is coming before the sheriff court. They are entirely accepted by the court as professionals, who can make judgments and recommendations about the most appropriate way to deal with a woman who is coming before the court. The court now uses the Centre routinely.<sup>390</sup>

**The Dóchas Centre**

The Dóchas Centre, meaning centre for hope, is a custodial unit for women within the vicinity of a male prison in Dublin. It comprises six individual houses, with single room accommodation, plus a pre-release and health area unit. Once inside the buildings, there is nothing to indicate that one is in a prison. The regime is relaxed (staff wear civilian clothing) and the prisoners are given responsibilities to take decisions themselves on the running of the various houses. The prisoners are not handcuffed when being escorted, not even to court. Emphasis is placed on operating a regime as close as possible to living in ordinary accommodation outside of the prison, with training and development activities structured like a normal working day.<sup>391</sup>

187. Baroness Corston's proposal was made alongside other proposals designed to reduce the prison population. She told us that she estimated that only 140 women at any one time would need to be kept in secure circumstances,<sup>392</sup> provision for smaller custodial units would therefore need to be considered on the basis of a much smaller prison population, with resources potentially freed by prison closures. There was widespread support for such units amongst our witnesses, although not all mentioned the units explicitly but argued instead that the use of high security custody could be further restricted to those women who have committed serious offences.<sup>393</sup> For example, Val Castell of the Magistrates' Association thought it feasible to limit the use of high security to "where it is really needed".<sup>394</sup> Another spoke in more abstract terms about the potential to radically reduce the prison population if a more pragmatic approach was taken to give a higher priority to reducing reoffending than punishment.<sup>395</sup>

188. There certainly appears to have been limited consideration by Government of Baroness Corston's proposals for small units thus far, perhaps on the assumption that costs were prohibitive. Witnesses variously highlighted a need to consider the bigger picture originally set out by Baroness Corston. Jackie Russell did not consider that the issue had been looked at seriously, and thought it had never been fully costed. Juliet Lyon outlined the approach that she believed the previous Government had taken:

"the review that occurred was an inhouse review conducted by officials who took a large prison and reduced it so that the economy of scale no longer applied and they realised how very expensive it would be to build small custodial units for women. It

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390 Q 26

391 Irish Prisons Inspectorate, *Mountjoy Prison and the Dochas Centre Inspection*, 2003

392 Q 24, Frances Crook estimated that there would be a requirement for up to 100 places for public safety (Q 145)

393 Q 101 [Mr Kilgariff, Ms Russell], Q 144 [Ms Lyon, Ms Crook], Q 224 [Ms Calderbank], Qq 230–232 [Mr McLennan Murray], Ev w4, Ev 89, Ev w124

394 Q 224

395 Q 232

was an approach that failed completely to take account of Baroness Corston's recommendations about a network of women's centres in the community, some of which might have residential accommodation attached."<sup>396</sup>

Clinks argued that to analyse the economic implications of current provision properly, a realistic costing of small custodial units for a much reduced women's prison population is required.<sup>397</sup>

189. In addition the Government has undertaken no international overview of small custodial units where they existed elsewhere.<sup>398</sup> For example, we heard that residential centres in Germany took an integrated approach to imprisonment and welfare: women are given curfews to return in the evening; children can live there, so they are able to attend school. Juliet Lyon described them as "a transitional place, a halfway house, between a prison and being wholly out in the community".<sup>399</sup> A Women in Prison report on the feasibility of small custodial units cited several examples from other jurisdictions, including other examples, where children are able to remain with their mothers.<sup>400</sup> Nick Hardwick believed that smaller custodial units would be feasible within the existing prison estate, but emphasised the need to consider also the requirements for staffing such units, which he believed would require a distinct staff cadre, who have the skills, competences and the sympathy or empathy to work with women prisoners.<sup>401</sup>

190. On the other hand, concern has been raised in other jurisdictions—for example Scotland where the existing women's prison is not seen as fit for purpose—that money spent on building new, smaller, more gender appropriate units would divert resources that could perhaps be invested to better effect in community-based provision. Some witnesses, including Frances Crook and INQUEST, suggested making progress on this recommendation would require political courage.<sup>402</sup>

### ***The role of Approved Premises and other forms of supported accommodation***

191. In her report Baroness Corston lamented the lack of provision of approved premises for women, especially for bail, and particularly in rural areas. Our evidence indicates that only limited changes had been made in the use of approved premises since her report.<sup>403</sup> Liz Hogarth told us that there had been some shift in the use of existing approved premises for medium risk offenders, for example to enable women to meet licence or bail conditions, and for those women with high needs in relation to mental health and drugs. The Criminal Justice Alliance pointed out that approved premises are not fully utilised.<sup>404</sup>

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396 Q 144

397 Ev 89

398 Q 144

399 Q 147 [Ms Lyon]

400 Women in Prison, *Report on the Roundtable on Small Custodial Units*, May 2012

401 Q 232–233

402 Q 146 [Ms Crook], Ev w124

403 Ev w1, Ev w70

404 Ev w70

Given the difficulties women face finding accommodation on release from prison, this indicates that either the criteria for acceptance to an approved premises needs to be altered or the reasons why these approved premises would only be half full needs to be addressed.

192. Those witnesses who provided evidence on Approved Premises saw potential for them to extend their services. A larger network of approved premises could serve a dual purpose. They could extend their existing role of offering a staged introduction back to life outside prison to more women and could be used more extensively to prevent the need for women to be sent to custody in first place, for example, for addressing women's substance misuse and mental health issues.<sup>405</sup> Adelaide House saw potential opportunities for their experienced staff to provide direct case management and supervision of residents.<sup>406</sup> On the other hand, Bedfordshire Probation Trust which hosts another of the women's approved premises noted many of the women accommodated there with complex needs such as substance misuse and mental health issues benefited from the level of enhanced supervision that the regime provides but as they do not represent a high risk, the use of, and sustainability of, this type of resource in such a way is questionable.<sup>407</sup> Avon and Somerset Probation Trust contend that most women do not require the level of control currently provided by an approved premises.<sup>408</sup>

193. Approved premises could also deliver non-residential community based support, including using their expertise to work with those women who display manipulative and entrenched behaviours, or to work in close collaboration with women's centres to provide a full range of support to women. For example, Adelaide House sought more capacity to provide voluntary beds for women who typically serve short sentences.<sup>409</sup> Elizabeth Fry, which runs the Approved Premises in Reading, believed that opportunities to exploit more flexible use of accommodation which can meet the multiple and complex needs of offenders are missed because of the apparent rigid demarcation between Approved Premises and bail accommodation; the restriction which prevents anyone under 18 from visiting an Approved Premises means that many women with children will decline the offer of bail placement in the community as perversely they will have much greater contact with their children when remanded in a custodial setting.<sup>410</sup> Adelaide House suggested that, with appropriate risk assessment, female approved premises could allow for family contact on site.<sup>411</sup>

194. Our witnesses also proposed that more creative use could be made of bail accommodation and local authority accommodation to provide a range of housing options that would be more appropriate to women's needs, including for those on bail, electronic monitoring or curfews.<sup>412</sup> The RR3 Women's Taskforce recommended that, as a last resort where remaining in the home is impossible, women-specific, family-friendly bail

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405 Q 209 [Ms Rijnbergen], Q 51

406 Ev w7

407 Ev w16

408 Ev w63

409 Ev w7

410 Ev w1

411 Ev w7

412 See for example Ev w1, Ev w7, Ev w28, Ev w67

accommodation should be available in every local area. Home Group argued that bail accommodation, which is currently used for women on bail and on post-release home detention curfew could be used for a broader range of community based sentences.<sup>413</sup> They also suggested that women with complex needs could benefit more from specialist support around mental and emotional health in semi-secure housing in the community, than prison.<sup>414</sup> We also heard from women's centres, like Eden House, which felt that they had the capacity to diversify their provision.<sup>415</sup>

195. *We are encouraged that the Government is open to considering small custodial units, which were widely supported by our witnesses. We would like to see any such consideration being undertaken in the context that it was initially proposed by Baroness Corston, in other words accompanied by an effort to reduce the prison population by reserving custody for those women who pose a serious threat. The review must also, as a matter of urgency, find a solution to the unacceptable lack of secure provision for women in Wales. We consider that the situation in Wales provides an ideal opportunity to test the combination of residential alternatives to custody and a small custodial unit.*

196. *Sometimes being required to live away from a home area can provide the break with a set of circumstances which, if a women were to return to them, would be likely to perpetuate the problems that caused her to offend in the first place. Having only six approved premises for women limits the number of women who can benefit from their constructive regimes and support. More women could benefit from safe, secure and supervised accommodation. Approved premises have the expertise and experience of working with female offenders across the full risk of harm continuum and we consider that the approved premises estate could usefully be expanded to manage more women safely and cost-effectively in the community. We would like to see the review consider how existing approved premises regimes could safely be adapted for a broader range of women, and how more creative use of a greater number of approved premises provision could be funded.*

197. *We would like to see a gradual reconfiguration of the female custodial estate, coupled with a significant increase in the use of residential alternatives to custody, including approved premises and supported bail accommodation, as these are likely to be more productive than short custodial sentences. Prison is an expensive and ineffective way of dealing with many women offenders who do not pose a significant risk of harm to public safety. We urge the Government to consider the merits of taking an 'invest to save' approach, which could involve diverting some resources from the prison building fund. They should also consider the savings that could be made if residential options are used to prevent children needing to be cared for by other people, including the state.*

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413 Ev w28

414 *Ibid.*

415 Ev w63

## 6 An effective ‘whole system’ approach?

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198. The Government’s stated strategic priorities include a wish to take a ‘whole system’ approach which acknowledges the need to work with partners outside the justice system and to “raise the profile of female offenders and factors associated with their offending”.<sup>416</sup> When we asked Helen Grant to explain what was meant by a ‘whole system’ approach she referred to the *Transforming Rehabilitation* proposals to extend assistance to all prisoners on release and the role of women’s centres.<sup>417</sup> When questioned she acknowledged a need also to consider both preventative and diversionary approaches.<sup>418</sup> She also described the strategic priorities as her aspiration for a direction of travel in improving outcomes for women in the criminal justice system.<sup>419</sup> She acknowledged that these did not constitute a full strategy, and saw it as the Advisory Board’s role to consider them, test them, and to use them to devise a fuller strategy and subsequently drive its delivery.<sup>420</sup>

### *An integrated approach to vulnerable women and their families*

199. Witnesses identified various examples of how a broader approach could be taken towards women offenders and those at risk of offending to achieve the joint benefits of reducing demand on the criminal justice system and broader social outcomes. This could be done by capitalising on existing strategies through closer and more transparent integration of different central and local government services and responsibilities.<sup>421</sup> The Reducing Reoffending Third Sector Advisory Group analysed the key routes of girls and women into and out of the justice system and found evidence of “successive failures to divert girls and women into gender-specific and supportive community-based services”. They suggest that this has “allowed the escalation of chaos in their lives and perpetuated the vulnerability to abuse that very often leads to tragic consequences for the women, their families and communities” and concluded that lasting transformation in their treatment requires a “system re-design”.<sup>422</sup> Wales Probation proposed a ‘whole system’ review, which would include joint commissioning approaches for the creation of women’s centres, ‘one-stop-shops’ outreach facilities, and halfway houses; Wales has specific needs in this respect: there is no women’s prison, and few support facilities are available, including no approved premises.<sup>423</sup>

200. Bedfordshire and Wales Probation Trusts and the Together Women Programme, among others, identified several recent initiatives that together had the potential to provide an integrated approach to address the root causes of women’s offending including: the ‘Troubled Families’ Programme and other agendas for supporting families; the introduction of Police and Crime Commissioners; changes to commissioning for victims

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<sup>416</sup> Ministry of Justice, *Strategic objectives for female offenders*, March 2013

<sup>417</sup> Q 284

<sup>418</sup> Q 285

<sup>419</sup> Q 281

<sup>420</sup> Q 282

<sup>421</sup> Ev w1

<sup>422</sup> Ev 89

<sup>423</sup> Ev w41

services; and the creation of the NHS Commissioning Board, Health and Wellbeing Boards and Clinical Commissioning Groups, and the transfer of public health functions to local authorities, which together have full responsibility for offender health services from April 2013. Nevertheless, there is no clarity, from either a national or local perspective, about how these would integrate with the strategic priorities for women offenders.<sup>424</sup>

201. Women in Prison sought information from the Ministry of Justice through a series of Freedom of Information requests about how the needs of women have been addressed under various policies that are said by the Ministry of Justice to constitute elements of activity on the Corston agenda, including mental health liaison and diversion schemes, drug recovery wings, prison based programmes to address violence, the Troubled Families initiative and the Work Programme, and were repeatedly referred to other Government departments or told the information was unavailable on cost grounds, which they believe illustrates a lack of integration regarding such initiatives.<sup>425</sup>

**202. We are unconvinced about the extent to which the approach set out in the Government's strategic priorities for women offenders is truly integrated across Departments, and there is need for clarification about what a 'whole system' approach means in practice. The Advisory Board should map the confusing array of Government initiatives that together have the potential to benefit vulnerable women and girls at risk of offending and specify how these should integrate with the strategy for women offenders.**

### ***Lessening the inter-generational impact of crime***

203. One of the most important elements of an integrated approach must be supporting the children of existing offenders.<sup>426</sup> As we noted in chapter 3 the provision of alternative accommodation options could minimise other costs to the public purse, for example, by reducing the number of children being taken into local authority care.<sup>427</sup> It appears that any such work would be starting from a very low baseline. The Probation Chiefs' Association highlights that there is no mechanism in place for systematically identifying children affected by their parents entering the criminal justice system, and that work taking place in schools to address this issue is "embryonic at best and non-existent at worst."<sup>428</sup> The Troubled Families initiative bases its core criteria for intervention on anti-social behaviour perpetrated by an adult in the household, rather than crime, unless the child itself is already involved with the criminal justice system.<sup>429</sup>

204. Clinks argued that more work is needed at the preventative end to bring greater visibility to the needs of women at risk of offending with commissioners of mainstream services. It is not clear whose responsibility this will be in the absence of probation trusts which are engaged in a range of local strategic partnerships. This should be coupled with

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424 Ev w16, Ev w41, Ev w51. See also, Ev 89, Ev w63, Ev 120

425 Ev 74

426 Q 224 [Ms Rijnenberg]

427 Ev w28

428 Ev 120

429 Department for Communities and Local Government, *The Troubled Families Programme: Financial framework for the Troubled Families programme's payment-by-results scheme for local authorities*, 2012

early intervention for girls in their early teens when problems begin to emerge, for example, related to being in care, school exclusion, under-age drinking, and violence, and to address inter-generational issues, for example, by reducing the number of mothers going to prison.<sup>430</sup> Liz Rijnenberg believed that communities need to “own and work with these women and their families.”<sup>431</sup>

205. The Probation Chiefs’ Association thought that there is now greater awareness that a significant number of service users with the greatest problems and most complex needs utilise services across a range of national and local government departments; local authorities were beginning to grasp the financial and intergenerational impact of women and young girls entering the justice system and in particular the impact of imprisonment.<sup>432</sup> Accordingly, they saw potential for locally integrated targets.<sup>433</sup> Nevertheless, this is not yet sufficiently integrated via the various departments with the work of probation.

**206. We note the Government’s commitment to expand the Troubled Families programme. We believe that it should direct support to children whose parents are already directly involved in the criminal justice system, because they are serving time in prison or sentencing in the community; we were surprised that this is not one of the explicit criteria for inclusion in the programme. The Ministry of Justice, in conjunction with the Advisory Board, must clarify who has responsibility for promoting the needs of women offenders and those at risk of offending with commissioners of mainstream services.**

### ***Addressing the root causes of the vulnerabilities identified by Baroness Corston***

207. Women in Prison revealed that 79% of their service users report experience of domestic violence and/or sexual abuse.<sup>434</sup> Clinks cited recent research that demonstrates a dramatic and uneven reduction in local services to prevent and protect violence against women and girls and it is feared that this will result in an increase in such violence. Clinks, among others, considered that it is therefore essential that any approach to women has, at its core, a strategy for responding to these overwhelming levels of violence and abuse.<sup>435</sup>

208. Similarly, in relation to poverty—another of the vulnerabilities identified by Baroness Corston—VCS organisations identified worrying signs that the economic downturn is impacting disproportionately on women, with cuts to services that provide assistance with legal access, benefits and debt advice, housing support and mental health provision in the community.<sup>436</sup>

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430 Q 209 [Ms Rijnenberg, Ms Calderbank, Ms Castell]

431 Q 209

432 Ev 120

433 *Ibid.*

434 Ev 74

435 Ev 89. See also Ev w16, Ev 88, Ev w63

436 See for example Ev w12, Ev 89, Ev w57, Ev w124

209. The narrow view taken to funding women's community projects directly through probation trusts is perhaps indicative of intrinsic structural problems in the MoJ and NOMS being the locus for making decisions about the provision of services to women with particular vulnerabilities. Liz Hogarth described the difficulties she saw inherent in NOMS taking the lead on the Corston agenda:

“The difficulty for NOMS, though, is that their remit is offenders. Therefore, it was not within their remit to take on board and understand the agenda where we were trying to work with [Baroness Corston's] approach, which was to try and cut off women at risk of offending getting sucked into the criminal justice system. Then and now, there are still difficulties around that for them because it is not within their normal day-to-day work.”<sup>437</sup>

210. Baroness Corston proposed in her report that the lead responsibility for the Ministerial Group on women who offend or are at risk of offending should transfer to the DCLG Minister so as to align priorities to the community agenda, but the Ministry of Justice is still very much at the helm. Helen Grant acknowledged the need to take a broader approach to addressing the root causes of offending but still appeared to take a relatively narrow interpretation of this, referring for example to some of these causes being drug and alcohol use itself, rather than the underlying causes of substance misuse, although she did refer to the damage caused by domestic violence.<sup>438</sup>

### **Political courage**

211. Wish proposed that the Ministry of Justice should improve its work to communicate the current situation of women offenders, including typical offences, their backgrounds and the situation they face on release including homelessness, unemployment, isolation and loss of custody of their children.<sup>439</sup>

***212. Baroness Corston intended that her agenda for reform should stretch beyond criminal justice to also benefit women with multiple vulnerabilities in the community, and their children. We welcome the Government's stated support for a 'whole system' approach, but there is little to signal a radical shift in the Government's thinking about what this means. All the signs are that in practice it will prove to be a partial and fragmented approach. Careful investment in women's services has the potential to make significant 'whole system' improvement yet funding options appear unlikely to be available for that purpose. We believe a 'whole system' approach should enable such services, and others, to provide earlier intervention to address the inter-generational nature of offending, and to stem the flow of girls and women into the criminal justice system. That system is not equipped to tackle the multiple problems that contribute to women's offending and in many cases, compounds rather than solves issues, increasing a woman's chance that she will end up in custody. Breaking the link between women with mental health problems and the criminal justice system must also be a key priority.***

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437 Q 3

438 Q 253

439 Ev w12

**213. The Parliamentary Under Secretary of State for Justice, Women and Equalities has lead responsibility for progress both for women offenders and for those at risk of offending. This work will require strong backing from Ministers at the highest levels across Government. The efficacy of existing governance arrangements, along with the changes we recommended earlier in our report and the progress made against the Government's strategic priorities, should be reviewed after one year and should be used to inform a consideration of whether responsibility for driving the strategic approach should transfer to the Department for Communities and Local Government as Baroness Corston originally intended.**

# Conclusions and recommendations

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## Trends in women's offending and sentencing

1. In our view there is general agreement that the majority of women offenders pose little risk to public safety and that imprisonment is frequently an ineffective response. It is also now well recognised that it is not permissible for women offenders to be dealt with in the same way as men within a criminal justice system designed for the majority of offenders. This is not about treating women more favourably or implying that they are less culpable. Rather it is about recognising that women face very different hurdles from men in their journey towards a law abiding life, responding appropriately to the kinds of problems that women in the criminal justice system bring into it, and taking the requisite action to be effective in addressing their offending behaviour. (Paragraph 16)

## Governance arrangements

2. It is regrettable that the Coalition Government appears not to have learnt from the experience of its predecessor that strong ministerial leadership across departmental boundaries is essential to continue to make progress, with the result that in its first two years there was a hiatus in efforts to make headway on implementing the important recommendations made by Baroness Corston in 2007. It is clear that the matter of female offending too easily fails to get priority in the face of other competing issues. The lack of central drive has resulted in outsiders having difficulty determining Ministry of Justice policy and direction, and insiders detecting a dampening in mood and enthusiasm, leaving an impression that for this Government it was not a sufficiently high priority. We were particularly struck by Baroness Corston's evidence that under the previous Government it was not until a group of women Ministers worked together to take issues forward that significant progress was made in this area. We welcome the fact that, after we announced our inquiry, the Secretary of State for Justice assigned particular Ministerial responsibility for women offenders. Clear leadership and a high level of support from other Ministers will be essential in restoring lost momentum. (Paragraph 40)

## Equality duties

3. There is little evidence that the equality duty—in so far as it relates to gender—has been used robustly to hold providers to account. In particular, the duty does not appear to have had the desired impact on systematically encouraging local mainstream commissioners to provide gender specific services tackling the underlying causes of women's offending, or on consistently informing broader policy initiatives within MoJ and NOMS. For too long, while the needs of female offenders have been recognised as different from those of males, the criminal justice system generally and the National Offender Management Service in particular have struggled to reflect these differences fully in the services it provides. A key lesson still to be learnt is that tackling women's offending is not just a matter for the justice system. (Paragraph 41)

## The Government's strategic priorities

4. We welcome the production of a set of strategic priorities for women offenders but they need to be given substance, and we believe that the recommendations we make in this Report should be the basis for taking the priorities forward. (Paragraph 44)

## New governance arrangements

5. We do not consider that the Advisory Board without wider ministerial involvement will constitute a sufficient mechanism for high level cross-departmental governance arrangements of the sort that Baroness Corston initially proposed, and advocated by many of our witnesses. It is not likely to have the authority to bring about integrated strategy and co-ordinated service provision. Most Government departments have a contribution to make to the work of the new Advisory Board, but we consider that at a minimum there must be representation from the Department of Health, Department of Communities and Local Government, Home Office, the Department for Education and the Department of Work and Pensions. We welcome the fact that the first three of these are full members of the Board but as poverty is an important dimension in women's offending we consider that the Department for Work and Pensions should also be required to participate as a matter of course rather than on an ad hoc basis. The same status should be afforded to the Department for Education, which does not at present have even a peripheral role, in order to address the question of effectively identifying girls at risk of offending. It is only with robust high-level support that collaboration between departmental officials on the Advisory Board will be effective. We would like to see women offenders, and those at risk of offending, become a standing item on the agenda of the Inter-Ministerial Group on Equality as an additional means of facilitating collective responsibility for these matters. (Paragraph 49)
6. There was limited external input into the Government's development of its strategic priorities. It is regrettable that this was the case and this, together with the uncertainty about the membership of the Advisory Board, adds to the appearance that the priorities were produced in haste with insufficient thought. This is manifested in the absence of any detail about how the Government intends to measure success towards meeting its strategic priorities. The Advisory Board should devise appropriate measures of success in relation to each of the strategic priorities and publish regularly progress against them, alongside an account of its own work in furthering the priorities. Accountability should lie not just with the Minister with responsibility for women offenders but should be built into relevant roles within other government departments and local authorities. It is not possible for the Ministry of Justice alone to address the wide range of problems that contribute to female offending. There must be much more explicit recognition, including by the Minister herself, of the need to focus as much on those women and girls on the periphery as those who are already involved in the system. (Paragraph 50)

## Segmentation of women offenders

7. NOMS' segmentation work—which aims to separate out groups of offenders in a way which enables providers and commissioners to understand their risks and needs,

and target resources accordingly—is another example where progress has been far too slow. We welcome NOMS’ intention to accelerate work on the specific needs of women, but we are extremely disappointed that over six years after the Corston Report there is still not sufficient evidence about what those needs are, or how best to address them. Before embarking on any new policy development, NOMS must consider gender as a matter of course rather than seeking to reduce any detrimental impact on women of the general approach after the event; in many respects efforts to address the distinct needs of women are still lagging behind developments for men. (Paragraph 80)

### Sentencing guidelines

8. We do not consider that substantive changes to the overall sentencing framework would be helpful at this time and recommend that emphasis is placed on ensuring a greater consistency of provision to the courts to enable them to sentence from a range of options specifically appropriate to women, including robust alternatives to custody. More attention must be paid to the potential impact of imprisonment on dependent children both during the sentencing process, and once a parent, whether female or male, has been imprisoned. These issues should be addressed as a priority by the Advisory Board, which could usefully both examine whether lessons can be learnt from international practice on taking child welfare into account during the sentencing process, and ascertain how the children of prisoners could be better identified and relevant services, including schools, subsequently notified. We welcome the Sentencing Council’s inclusion of primary child caring responsibilities as a mitigating factor in sentencing guidelines and we would appreciate an update from the Council about the extent to which this factor is taken into account in sentencing decisions. Similarly we would like to be kept informed about the impact on sentencing of introducing the mitigating factor on vulnerability to exploitation in the drug offences guideline. (Paragraph 87)
  
9. Generic community provision for women offers a route for diverting vulnerable women from crime and tackling the root causes of offending. Significant steps have been taken towards achieving Baroness Corston’s vision for a network of such provision, and there are promising signs that this seems to have begun to have a positive impact on trends in women’s imprisonment, albeit at a disappointingly slow pace. Over half of those women sentenced to custody still receive short sentences. There appear to be several explanations for this: appropriate community provision remains unavailable; the court perhaps did not know there was adequate provision available; or the court was not confident that the community provision was appropriate or acceptable to wider public opinion. This agenda has not progressed at a sufficiently fast pace since 2007, and we have not found evidence of the systematic change in approach that Baroness Corston advocated. It is not acceptable for ineffective prison sentences or fines to be imposed because of a lack of provision for appropriately challenging community sentences and facilities. Sentencers must be fully informed about the range of community provision available for women, its effectiveness in preventing offending, and the ineffectiveness of short custodial sentences for women who have not committed offences so serious as to require a custodial sentence. (Paragraph 88)

## Gaps in provision for women offenders

10. Witnesses painted a picture of large gaps in service provision, particularly in relation to specific groups of women, and in the provision of suitable accommodation, the lynchpin of support. The lessons of the Bradley Report have not filtered through and mental health provision remains remarkably poor despite a widespread need. Liaison and diversion schemes are not yet developed sufficiently to impact systematically on the treatment of women offenders, and the impact of the strategy for the management and treatment of female offenders with personality disorders is similarly difficult to discern. These gaps in mental health and accommodation will be costly to overcome. We ask the Government in its response to this report to set out the extent to which existing diversion and liaison schemes are making provision specifically for women; how Ministers intend to ensure that new schemes meet the needs of women; and, why the new strategy for the management of treatment of women offenders with personality disorder does not appear to have made any difference to service provision. (Paragraph 107)

## Funding for women's community services and commissioning arrangements

11. NOMS should publish its analysis of the provision that probation trusts have made for women as an alternative to women's centres. (Paragraph 115)
12. We are concerned about the potential impact of significant changes to commissioning arrangements on the volume, range, and quality of specialist community provision for women offenders and those at risk of offending. The fact that responsibility for preventing women being drawn into the criminal justice system lies within a department focused on criminal justice is particularly problematic and inhibits the development of a more holistic approach. The current priority must be to preserve existing services for vulnerable women and their children. The Advisory Board should urgently clarify how the various interconnected commissioning agendas will be coordinated and funded and how to mitigate the risks that services will not be afforded sufficient priority or that designated resources will be stretched too thinly across too many commissioning bodies. (Paragraph 119)
13. Women's community projects are central to providing a distinct approach to the treatment of women offenders. They offer a challenging environment for women to serve their sentence as well as a broad range of practical and emotional support to enable them to change their lives for good. These centres also play an integral role in supporting women at risk of criminality who need to access other community services. Their effectiveness therefore depends to a considerable extent on the availability and appropriateness of other services for vulnerable women. The network of women's community projects must be retained. Funding and referral processes should have the flexibility to allow for referral at every stage in the system; including for women at risk, pre-court, post-court, as part of an order, and following a custodial sentence. The Government must find an alternative approach to funding these centres to avoid the criminal justice system being the primary gateway through which vulnerable women can access appropriate support. At the very least women's

centres must be given central support to navigate the new local commissioning arrangements, and to enable them to concentrate on delivering the very good work in those areas where they have specialist expertise. (Paragraph 120)

### The implications for women offenders of the Transforming Rehabilitation proposals

14. The new NOMS commissioning landscape as envisaged in the Government's proposals for Transforming Rehabilitation presents both risks and opportunities for the Corston agenda. We welcome the Government's extension of through the gate statutory support to prisoners sentenced to less than 12 months, which is likely to benefit many women offenders. The range of services women offenders require is small in volume but complex. Potential providers of rehabilitative services need to recognise that levels of risk posed by women may not precisely reflect the level of support such women require. (Paragraph 126)
15. The issue of perverse incentives arising from a payments by results system may be a particular problem for ensuring that appropriate provision is made for women offenders as they are often classified for probation purposes as presenting a lower risk of reoffending or harm but have a higher level of need, requiring more intensive, and costly, intervention. (Paragraph 130)
16. The broader role for women's centres envisaged by Baroness Corston seems to be in jeopardy with the combination of a reduction in funding in this financial year and confusion about the funding mechanisms on which they will depend in future. In bringing funding for women's centres under the NOMS umbrella, and making funding dependent on reductions in reoffending, the nature of the services provided, and the context in which they are provided, may be required to change considerably. Whilst reducing reoffending is one important goal, upstream diversion from offending and reduced frequency and seriousness of re-offending are also socially desirable outcomes which need to be valued by the criminal justice system. In shifting the funding of women's community services in this way there is a risk of dismantling a system which the emerging evidence suggests is working very well. Women's centres should not become wholly identified with the criminal justice system, but should continue to provide a local support network so that women can continue to receive help as they move away from the criminal justice system. (Paragraph 135)
17. Currently there is no system to capture and disseminate the experience of women's community projects. There is also a risk that women's centres and other provision for women will not prove suitable for evidence-based commissioning both because they are in relative infancy and because the MoJ has failed systematically to collect the information required to determine effectiveness. This is unacceptable given that these projects received central funding. Data from individual projects indicate a strong impact, but because they are not comparable results there is no ability to determine and disseminate best practice. NOMS now appears to be attempting to put this right but the fact remains that there is limited data on which to base commissioning decisions for the implementation of Transforming Rehabilitation. The focus on quantitative evidence is also likely to prove a major barrier for small

specialist organisations, particularly those working with a minority group like women offenders, where there has been reliance on qualitative data, to illustrate success. NOMS must work hard with partners to develop the evidence base for commissioners, and explore how existing providers can gain access to data relating to their service users, in order to analyse and measure outcomes. If the strength of the evidence base remains weak as the transfer to new providers approaches then we consider that alternative funding mechanisms must be found to support these centres until better evidence of their capacity to reduce offending, or otherwise, is available. (Paragraph 139)

18. The Government's proposals for Transforming Rehabilitation have clearly been designed to deal with male offenders. Funding arrangements for provision for women appear to be being shoehorned into the payment by results programme, resulting in the likelihood of a loss of funding for broader provision encompassing both women offenders and those with particular vulnerabilities that put them at risk of offending. In addition, the risk of sentencers using short prison sentences as a gateway to support undermines the post-Corston direction of travel in reducing the use of custody for women, and does nothing to mitigate the detrimental impact of short sentences on women, their families and the likelihood of reducing re-offending. If the Transforming Rehabilitation reforms are to work, improvement of information to sentencers about the alternatives to custody, which we have repeatedly called for, must take place. In that context there must be clarity about responsibility for that effective liaison with sentencers to raise the awareness of the judiciary about the range of available interventions, which has hitherto been vested in probation trusts. (Paragraph 143)
19. Reducing reoffending is a very important goal, but so is preventing first offences by diverting women away from crime. We consider that there is a compelling case under the Transforming Rehabilitation programme for commissioning services for women offenders separately and for applying other incentive mechanisms that would encourage not just the reduction of re-offending but also the diversion of women from crime. A strategic inter-departmental approach should be taken to ensuring the long-term sustainability of services for women with complex needs. In the short-term it may be necessary to retain some grant funding for specialist provision for women, or to have a transitional phase whereby the funding for projects is initially ring-fenced to allow women's centres to gain credibility with new providers. It will also be important to clarify how new providers will contribute to existing local commissioning arrangements, for example, between probation trusts, police and crime commissioners and local authorities, or how statutory partnership arrangements could evolve to accommodate non-statutory local providers/commissioners. (Paragraph 149)

### The custodial estate

20. It follows from the thrust of our argument in this Report that we consider that the scope of the Government's custodial estate review is unduly limited in taking the size of the women's prison population as a given, particularly as the implementation of the remand reforms under the Legal Aid, Sentencing and Punishment of Offenders

Act 2012 may create some headroom in the system to enable a different approach to be taken with a smaller number of women. (Paragraph 154)

21. The Government's review of the female custodial estate should include a thorough consideration of prison regimes with a view to better supporting the development and sustainability of family ties; affording women the opportunity to develop their parental skills; and safeguarding the welfare of children. (Paragraph 164)
22. The review of the prison estate should examine the impact of recent, and planned, cost savings and resulting headcount reductions both on regimes and resettlement provision in women's prisons. (Paragraph 166)

### Foreign national prisoners

23. As so many foreign national women prisoners are eventually released and not deported, it should be assumed that they require resettlement support unless it is clearly not required, and the Government should make clear how they will deal with foreign national prisoners under the Transforming Rehabilitation programme. (Paragraph 172)

### The ethos of regimes

24. We were impressed by the approach taken at HMP Styal to foster independent living skills and a sense of responsibility within small residential units, and to build emotional resilience through therapeutic interventions. We were also impressed by the apparent ability of the prison to cater for women serving a range of sentences, with a range of risks and needs, to the best of its ability. We believe the experience at HMP Styal demonstrates the benefits of small units in developing responsibility and enabling different types of prisoners to offer support to each other. We would like to see more focus on care rather than security in custodial regimes for women where appropriate. Priority should be given to finding appropriate ways of enabling and encouraging women to take more responsibility for their lives while they are serving a custodial sentence. (Paragraph 175)

### Staffing and training

25. The Government's review of the women's estate should include an assessment of the competencies required to work with women offenders and an appraisal of existing national standards. The women's awareness training that has been provided to prison staff should also be evaluated and the review should seek to examine whether the training provided is sufficient to enable staff to deal confidently and sensitively with the distinct needs of women offenders, including those who have committed sexual offences. (Paragraph 177)

### Self-harm and deaths in custody

26. The Government's review of the women's estate should consider whether alternative forms of custodial provision can be devised, in collaboration between the Ministry of Justice and the Department of Health, which would provide a more appropriate

environment for vulnerable women with multiple and complex needs who have committed serious offences. (Paragraph 182)

### Small custodial units and the female custodial estate

27. We are encouraged that the Government is open to considering small custodial units, which were widely supported by our witnesses. We would like to see any such consideration being undertaken in the context that it was initially proposed by Baroness Corston, in other words accompanied by an effort to reduce the prison population by reserving custody for those women who pose a serious threat. The review must also, as a matter of urgency, find a solution to the unacceptable lack of secure provision for women in Wales. We consider that the situation in Wales provides an ideal opportunity to test the combination of residential alternatives to custody and a small custodial unit. (Paragraph 195)
28. Sometimes being required to live away from a home area can provide the break with a set of circumstances which, if a women were to return to them, would be likely to perpetuate the problems that caused her to offend in the first place. Having only six approved premises for women limits the number of women who can benefit from their constructive regimes and support. More women could benefit from safe, secure and supervised accommodation. Approved premises have the expertise and experience of working with female offenders across the full risk of harm continuum and we consider that the approved premises estate could usefully be expanded to manage more women safely and cost-effectively in the community. We would like to see the review consider how existing approved premises regimes could safely be adapted for a broader range of women, and how more creative use of a greater number of approved premises provision could be funded. (Paragraph 196)
29. We would like to see a gradual reconfiguration of the female custodial estate, coupled with a significant increase in the use of residential alternatives to custody, including approved premises and supported bail accommodation, as these are likely to be more productive than short custodial sentences. Prison is an expensive and ineffective way of dealing with many women offenders who do not pose a significant risk of harm to public safety. We urge the Government to consider the merits of taking an 'invest to save' approach, which could involve diverting some resources from the prison building fund. They should also consider the savings that could be made if residential options are used to prevent children needing to be cared for by other people, including the state. (Paragraph 197)

### An integrated approach to vulnerable women and their families

30. We are unconvinced about the extent to which the approach set out in the Government's strategic priorities for women offenders is truly integrated across Departments, and there is need for clarification about what a 'whole system' approach means in practice. The Advisory Board should map the confusing array of Government initiatives that together have the potential to benefit vulnerable women and girls at risk of offending and specify how these should integrate with the strategy for women offenders. (Paragraph 202)

## Lessening the inter-generational impact of crime

31. We note the Government's commitment to expand the Troubled Families programme. We believe that it should direct support to children whose parents are already directly involved in the criminal justice system, because they are serving time in prison or sentencing in the community; we were surprised that this is not one of the explicit criteria for inclusion in the programme. The Ministry of Justice, in conjunction with the Advisory Board, must clarify who has responsibility for promoting the needs of women offenders and those at risk of offending with commissioners of mainstream services. (Paragraph 206)

## Political coverage

32. Baroness Corston intended that her agenda for reform should stretch beyond criminal justice to also benefit women with multiple vulnerabilities in the community, and their children. We welcome the Government's stated support for a 'whole system' approach, but there is little to signal a radical shift in the Government's thinking about what this means. All the signs are that in practice it will prove to be a partial and fragmented approach. Careful investment in women's services has the potential to make significant 'whole system' improvement yet funding options appear unlikely to be available for that purpose. We believe a 'whole system' approach should enable such services, and others, to provide earlier intervention to address the inter-generational nature of offending, and to stem the flow of girls and women into the criminal justice system. That system is not equipped to tackle the multiple problems that contribute to women's offending and in many cases, compounds rather than solves issues, increasing a woman's chance that she will end up in custody. Breaking the link between women with mental health problems and the criminal justice system must also be a key priority. (Paragraph 212)
33. The Parliamentary Under Secretary of State for Justice, Women and Equalities has lead responsibility for progress both for women offenders and for those at risk of offending. This work will require strong backing from Ministers at the highest levels across Government. The efficacy of existing governance arrangements, along with the changes we recommended earlier in our report and the progress made against the Government's strategic priorities, should be reviewed after one year and should be used to inform a consideration of whether responsibility for driving the strategic approach should transfer to the Department for Communities and Local Government as Baroness Corston originally intended. (Paragraph 213)

# Formal Minutes

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**Wednesday 3 July 2013**

Members present:

Sir Alan Beith, in the Chair

Steve Brine  
Jeremy Corbyn  
Gareth Johnson  
Mr Elfyn Llwyd

Andy McDonald  
Seema Malhotra  
Yasmin Qureshi  
Graham Stringer

Draft Report (*Women offenders: after the Corston Report*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 213 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Second Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report, together with written evidence reported and ordered to be published on 11 and 18 December 2012 and 29 January and 26 March 2013, in the last Session of Parliament.

[Adjourned till Tuesday 16 July at 9.15am

# Witnesses

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## Tuesday 18 December 2012

Page

**Rt Hon Baroness Corston and Liz Hogarth OBE**

Ev 1

**A, B, C, D** (Former women offenders, names redacted for publication) and **Kate Johnson**

Ev 9

## Tuesday 15 January 2013

**Peter Kilgarriff**, Chair, Corston Independent Funders Coalition, **Jackie Russell**, Director, Women's Breakout, **Sharon Spurling**, Deputy CEO, Escape Family Support, Support for Women Around Northumberland (SWAN) project, and **Joy Doal**, CEO, the Anawim project

Ev 15

## Tuesday 29 January 2013

**Juliet Lyon CBE**, Director, Prison Reform Trust, **Frances Crook OBE**, Director, The Howard League for Penal Reform, and **Clive Martin**, Director, Clinks

Ev 26

**Jacqueline McKenzie**, Chief Executive, Female Prisoners Welfare Project, Hibiscus, **Deborah Cowley**, Director, Action for Prisoners' Families, **Rachel Halford**, Director, Women in Prison, and **Sherry Ashfield**, Principal Practitioner (Female sexual abuse), the Lucy Faithfull Foundation

Ev 34

## Tuesday 5 March 2013

**Liz Calderbank**, HM Chief Inspector of Probation (Acting), **Val Castell**, Magistrates' Association Sentencing Committee, and **Liz Rijnenberg**, Chief Executive, Wiltshire Probation Trust, and Probation Chiefs Association Lead for Women Offenders

Ev 40

**Nick Hardwick**, HM Chief Inspector of Prisons, and **Eoin McLennan Murray**, President, Prison Governors Association

Ev 47

## Tuesday 26 March 2013

**Mrs Helen Grant MP**, Parliamentary Under-Secretary of State for Justice, **Ian Porée**, Rehabilitation Programme Director, Ministry of Justice, and **Michael Spurr**, Chief Executive Officer, National Offender Management Service

Ev 52

## List of printed written evidence

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1	Corston Independent Funders' Coalition and 16 other voluntary sector agencies	Ev 65
2	HM Inspectorate of Prisons	Ev 66
3	Women's Breakout	Ev 69
4	Women in Prison	Ev 74
5	HM Inspectorate of Probation	Ev 80
6	Voices from Prison, facilitated by Women in Prison	Ev 82
7	Corston Independent Funders' Coalition	Ev 88
8	Clinks and the Reducing Reoffending Third Sector Advisory Group	Ev 89
9	Action for Prisoners' Families	Ev 95
10	Ministry of Justice	Ev 96, 127
11	Prison Reform Trust	Ev 103
12	Lucy Faithfull Foundation	Ev 113
13	The Howard League for Penal Reform	Ev 114
14	Probation Chiefs Association	Ev 120
15	Magistrates' Association	Ev 124

## List of additional written evidence

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(published in Volume II on the Committee's website [www.parliament.uk/justicecttee](http://www.parliament.uk/justicecttee))

1	Elizabeth Fry charity	Ev w1
2	Cambridgeshire Area Quaker Meeting	Ev w4
3	Adelaide House Approved Premises & Outreach Project	Ev w7
4	Ms Janet Cobb	Ev w11
5	Juliet Rix	Ev w11
6	Patricia Bradbury MBE JP DL	Ev w12
7	Wish	Ev w12
8	Bedfordshire Probation Trust	Ev w16
9	CSAN (Caritas Social Action Network)	Ev w19
10	OLASS Managers within HMP Foston Hall and HMP and YOI Drake Hall	Ev w21
11	Detention Advice Service	Ev w23
12	Sue Foreman	Ev w26
13	Skills for Justice	Ev w27
14	Home Group	Ev w28
15	Howard Thomas, formerly Chief Probation Office North Wales 1985–1996, and former member of the UK Parole Board	Ev w32
16	Nelson Trust	Ev w32
17	Nicola Padfield, Senior Lecturer, Law Faculty, University of Cambridge, Fellow and Tutor, Fitzwilliam College, Cambridge	Ev w36
19	Birth Companions	Ev w38

20	Wales Probation	Ev w41
21	Make Justice Work	Ev w45
22	Babies in Prison	Ev w48
23	Respond	Ev w49
24	Together Women Project (Yorkshire & Humberside)	Ev w51
25	Public and Commercial Services Union (PCS)	Ev w57
26	Quaker Peace & Social Witness, Crime, Community and Justice Sub-Committee	Ev w60
27	Avon and Somerset Probation Trust	Ev w63
28	Commonweal Housing and Housing for Women	Ev w67
29	Criminal Justice Alliance	Ev w70
30	Research Team, Performance and Policy Support Unit at Greater Manchester Probation Trust	Ev w74
31	Penal Affairs Panel of the Unitarians	Ev w77
32	Four Seasons Health Care Ltd and the Huntercombe Group	Ev w77
33	WomenCentre	Ev w80
34	women@thewell	Ev w82
35	The Institute of Our Lady of Mercy	Ev w86
36	National Alliance of Women's Organisations	Ev w90
37	HMP Eastwood Park	Ev w94
38	Royal College of Psychiatrists	Ev w96
39	West Mercia Probation Trust	Ev w99
40	Lancashire Probation Trust	Ev w101
41	Professor Loraine R Gelsthorpe, University of Cambridge	Ev w104
42	Kazuri	Ev w109
43	INQUEST	Ev w124
44	Working Chance	Ev w132
45	New Economics Foundation	Ev w134
46	Philip Davies MP	Ev w135

## List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

### Session 2010–12

First Report	Revised Sentencing Guideline: Assault	HC 637
Second Report	Appointment of the Chair of the Judicial Appointments Commission	HC 770
Third Report	Government's proposed reform of legal aid	HC 681-I (Cm 8111)
Fourth Report	Appointment of the Prisons and Probation Ombudsman for England and Wales	HC 1022
Fifth Report	Appointment of HM Chief Inspector of Probation	HC 1021
Sixth Report	Operation of the Family Courts	HC 518-I (Cm 8189)
Seventh Report	Draft sentencing guidelines: drugs and burglary	HC 1211
Eighth Report	The role of the Probation Service	HC 519-I (Cm 8176)
Ninth Report	Referral fees and the theft of personal data: evidence from the Information Commissioner	HC 1473(Cm 8240)
Tenth Report	The proposed abolition of the Youth Justice Board	HC 1547 (Cm 8257)
Eleventh Report	Joint Enterprise	HC 1597 (HC 1901)
Twelfth Report	Presumption of Death	HC 1663 (Cm 8377)
First Special Report	Joint Enterprise: Government Response to the Committee's Eleventh Report of Session 2010–12	HC 1901

### Session 2012–13

First Report	Post-legislative scrutiny of the Freedom of Information Act 2000	HC 96-I (Cm 8505)
Second Report	The budget and structure of the Ministry of Justice	HC 97-I (Cm 8433)
Third Report	The Committee's opinion on the European Union Data Protection framework proposals	HC 572 (Cm 8530)
Fourth Report	Pre-legislative scrutiny of the Children and Families Bill	HC 739 (Cm 8540)
Fifth Report	Draft Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013	HC 927
Sixth Report	Interpreting and translation services and the Applied Language Solutions contract	HC 645 (Cm 8600)
Seventh Report	Youth Justice	HC 339 (Cm 8615)
Eighth Report	Scrutiny of the draft Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013	HC 965 (HC 1119)
Ninth Report	The functions, powers and resources of the Information Commissioner	HC 962 (HC 560, Session 2013–14)
First Special Report	Scrutiny of the draft Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013: Government Response to the Committee's Eighth Report of Session 2012–13	HC 1119

**Session 2013–14**

First Report	Sexual Offences Guidelines: Consultation	HC 93
First Special Report	The functions, powers and resources of the Information Commissioner: Government Response to the Committee's Ninth Report of Session 2012–13	HC 560

# Oral evidence

## Taken before the Justice Committee on Tuesday 18 December 2012

Members present:

Sir Alan Beith (Chair)

Steve Brine  
Mr Robert Buckland  
Rehman Chishti  
Jeremy Corbyn

Mr Elfyn Llwyd  
Seema Malhotra  
Andy McDonald

### Examination of Witnesses

*Witnesses:* Rt Hon Baroness Corston and Liz Hogarth OBE gave evidence.

**Chair:** We are very glad to welcome Baroness Corston to begin the work we are going to do on women offenders and to record the key role that you have had in focusing attention on this matter and bringing forward proposals, in which I believe you have been assisted a lot by Liz Hogarth, and we welcome her to our session as well. Are there any interests to be declared?

**Mr Llwyd:** Yes, I would like to declare an interest. I am a member of the steering group of the all-party group on girls in the criminal justice system.

**Q1 Chair:** Thank you very much. What do you see as the main successes and the main disappointments, first of all, that occurred during the previous Government's taking forward of your recommendations? How far did they get? What was successful and what was disappointing?

**Baroness Corston:** The first thing that was a success was that they acknowledged the arguments I put forward about the need for the abolition of routine strip-searching of women, which was hugely damaging, utterly pointless because nothing was ever found, a waste of staff time, damaging to staff and prisoner relations, and, what is more, something that is a terrible thing to do to women who are either mentally ill or who have been victims of abuse—whether domestic violence, sexual abuse or childhood sexual abuse. Such women are overrepresented in our prisons. That was the first thing of which I was particularly proud and pleased.

Given that we were entering a time of what we all recognise to be great economic challenge, I thought that the previous Government had the foresight to dedicate £15.6 million to acknowledge a sea change in thinking for diverting women from custody by setting up and funding women's community projects, as they are called, women's centres or one-stop shops. I call them women's centres, but, whatever you call them, they were there to help women to turn their lives around; and they were open not just to women offenders who could be diverted there by courts but also to women at risk of offending, many of whom know they are at risk and will self-refer.

Another thing that made a huge difference in the previous Government was the critical mass of women Ministers, which I cannot overstress. There was Harriet Harman and Barbara Follett, who were

pushing the equalities agenda. In the Home Office, we had Baroness Scotland, Vera Baird, who is the PPS to the Home Secretary, and Fiona Mactaggart. Then, of course, when this agenda got under way, Maria Eagle was given the job of Ministerial Champion. Having that critical mass of women who instinctively understood what this was about was absolutely crucial, in my opinion.

The last thing that was very good was that we got civil servants working together. That might not seem very much, and what I am about to say might offend Lord O'Donnell, but, when I worked at the Department for Education and Employment with David Blunkett from 1997 to 2001, what I discovered was the way in which civil servants are comfortable in their silos. I remember David Blunkett as Secretary of State saying to me that we had to set up the first ever child care strategy and would I go along to the meetings. I could not believe it; it took ages for people from all these various Departments, who naturally had to work together, to put together a child care strategy. There were arguments for a few weeks about who was going to take the minutes. The great thing about the Criminal Justice Women's Policy Unit, which Liz Hogarth ran because Liz has given her life to women offenders, was that it was absolutely crucial in getting people from different Departments to work together.

**Q2 Chair:** Perhaps I could just ask Liz Hogarth what kind of obstacles you experienced in trying to get the civil service machine to go with this agenda.

**Liz Hogarth:** I have to say that there was a complete sea change for us. There was a small group of people working in the Women's Policy Team, and originally, from 2004, we were doing the unfortunately named WOPR—Women's Offending Reduction Programme. However hard we worked with civil servants, the general response at that time was, "Women are only 5% of the prison population; we must focus on the larger numbers." It was a real battle to get attention.

The sea change that came with the joined-up work and the cross-departmental team was huge. It was a very exciting, vibrant way of working, because what we had was Maria Eagle, with an inter-ministerial group, and all those Ministers from across the piece—the Home Office, the DWP, Communities and Local Government, Health—all sitting round a table. That meant that their

officials were suddenly required to be there and to make change happen. It was a huge difference. That, coupled with the support of the Gender Equality Duty as well, just meant the whole profile took off in a huge way.

**Q3 Chair:** What about NOMS as an organisation? Was that brought into this effectively or not?

**Liz Hogarth:** It was. I have to be honest and say that, originally, I was part of NOMS within the Women's Policy Team and moved from NOMS to MOJ. I think NOMS did struggle because they were very conscious of, and in those days were very focused on, imprisonment, and that is where the 5% mantra came from. There was a big shift. The difficulty for NOMS, though, is that their remit is offenders. Therefore, it was not within their remit to take on board and understand the agenda where we were trying to work with Jean's approach, which was to try and cut off women at risk of offending getting sucked into the criminal justice system. Then and now, there are still difficulties around that for them because it is not within their normal day-to-day work.

**Q4 Chair:** What was disappointing?

**Baroness Corston:** The biggest disappointment for me was the failure to accept the argument that I advanced for small custodial units for women. There are only 13 women's prisons in England; there aren't any in Wales, fortunately. If a woman lives in Truro and is sent to prison, the nearest prison is north of Bristol. The notion that her children could be taken to visit her, given the profile of women offenders, who are generally poor, is laughable. That break is catastrophic, and a significant number of the children of women prisoners end up in prison. A woman whom I met in Styal had just given birth. She herself had been born there.

In view of the huge emotional and, indeed, public sector cost of these 13 big prisons, I thought that small local custodial units, which could be serviced by people who were not necessarily fixed on site but they could service two in adjoining counties, for example, would work. I had seen it work when I went to Dublin. There is a centre in Dublin called Dóchas, which is Irish for "hope". It is in Dublin, in the city centre, and it turns women's lives around, as indeed does the 218 Centre in Glasgow, funded by the Scottish Executive. They have a similar arrangement there.

**Q5 Chair:** We found similar arrangements in Northern Ireland as well.

**Baroness Corston:** Yes. I remember giving evidence to the Northern Ireland Committee during the last Parliament about this. Liz may know more about this than I do because she was at the sharp end. I was told that the reason why the previous Government were not going to have the small custodial units was because women themselves did not want them. On the face of it, I could accept why that was. In men's prisons, if there is a dispute, it probably ends in violence. In women's prisons, if there is a dispute, it usually results in bullying; it is verbal abuse. Women can become very frightened of people who are bullying, but you can run a prison on the basis of human rights, reciprocal respect and no bullying.

When I was at Cornton Vale prison in Scotland, the then governor Sue Brookes, who was an absolutely wonderful public servant, when she went to that prison, did this DVD, which everybody had to see, staff and all. It would be reciprocal respect, no shouting and no bullying; and it works. So I felt that this business of, "Women don't want it" was, in a way, just a reason not to do it. For me, it was not a good enough reason to invalidate the argument. That, for me, was the biggest disappointment. The other less serious disappointment was that, in the unit about which Liz was talking and which she led, the slow response of the Department of Health was not helpful.

**Chair:** It is an unusual argument in the criminal justice system to say that those being sentenced don't want it. It is not an argument that normally prevails in any other context than this.

**Q6 Steve Brine:** Good morning. I seem to be sitting rather close to you. I don't know what is wrong with me today; I am sorry about that. It is very nice to see you so closely anyway. Do you believe that the current Government accept that the majority of women in prisons should not be there, from what you have read and what you have heard?

**Baroness Corston:** In a debate in the House of Lords earlier this year, Lord McNally said—I presume this was on the basis of personal knowledge; I do not know, but he did say this on the record—that he knew that a large number of women who were in prison should not be there, so certainly that has been said.

**Q7 Steve Brine:** Then, on the other side of it, do you think they believe that women-only community-based organisations work best?

**Baroness Corston:** I don't know whether they believe that. I believe it passionately because I have seen it work. I worked as a women's organiser 35 years ago and I saw that women-only organisations were a very good way of getting women involved in whatever enterprise you are trying to set up or sustain. As to the rest, I could not tell you.

**Q8 Steve Brine:** To Liz Hogarth, if I may, from your perspective as a former head of a women's strategy team, how would you best describe the strategy of the current Government?

**Liz Hogarth:** If I am very honest—

**Steve Brine:** Please be.

**Liz Hogarth:** —I would have to say there is no visible strategy as far as I can see. There is no written strategy. That is not to say things are not happening for women. I do think there are some commitments still to the women's projects, and the fact that NOMS have been funding them for this year is a good indication. However, I fear that, without the overarching framework of a strategy that sets out, "This is where we want to go and this is how we are going to get there"—unless there is the strategy that offers a framework to people out in the real world, in the field—the Government are missing a trick there. We hear from some probation trusts that are saying, "I no longer know what is a priority for women. I have guidelines that give me suggestions, but I don't know the direction of travel."

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18 December 2012 Rt Hon Baroness Corston and Liz Hogarth OBE

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There have been promises of the publication of strategic priorities. The initial commitment was made last March; we are still waiting. Now the commitment is that that will happen in the new year. I think that is great. It is really good news to hear that Helen Grant is going to lead on the agenda, but those strategic priorities are talking about women offenders. We seem to have lost the whole agenda for women at risk, and, for me, that is the Corston approach. I am not sure whether that has been deliberate. There has been a huge turnover of civil servants where the expertise was held on women, so I am not sure how well the corporate memory has been held and passed on to current Ministers, but it is very worrying not to have something in place that one could call a strategy.

**Q9 Steve Brine:** With regard to the Corston strategy then, the MOJ have promised this cross-departmental strategy on women offenders, and there will be a White Paper in the new year on the rehabilitation revolution, within which it may well be included. But, Baroness Corston, what changes would you make to your recommendations if you were asked again, and, if you were, let us say, refreshing it—your sequel to the current Government? What changes would you make, or does it all hold firm and it is just, “Get on with it, guys”?

**Baroness Corston:** I don’t think I would make any significant changes. I would want to emphasise the crucial importance of the strategy to which Liz Hogarth referred, but also regular reporting to Parliament. What was great about the previous Government was that Maria Eagle—you can check the record—routinely reported to Parliament with written ministerial statements. Then you could monitor the progress they were making against the targets that they had set. That is a crucial point.

The other thing that I would want to do if I could now is to look at foreign national women in our prisons. I wanted to do it at the time, but there were things I had to exclude from my remit because I only had nine months from beginning to the report being on the Minister’s desk, which is not very long, seeing that two months in the summer were virtually wasted months. The plight of foreign national women in our prisons is truly shocking, because most of them are there because they are very poor and obviously their children are thousands of miles away. There is one wonderful organisation called Hibiscus, which Liz now chairs, which works with these women. But, in Holloway, the last time I visited there, they found that an increasing number of Chinese women were being detained. One woman screamed hysterically for 36 hours. They could not understand why. She thought she was about to be shot. There was nobody there who spoke her language. They now have people who speak Mandarin, but these women are being brought into the country to sell pirated DVDs and the like. You only have to be in a prison now—in Holloway—and see the number of foreign languages into which instructions are translated, to see the very large numbers of women from different nationalities and different parts of the world, who are there generally because they have done the bidding of criminals.

**Q10 Jeremy Corbyn:** On that point about Holloway, is there enough legal advice and support there about the possibility of those prisoners completing their sentences back home, because my impression is that it is rather limited?

**Baroness Corston:** When I have been in Holloway or any other women’s prison, I have had no evidence of any systematic support in that way, but Liz might know. Do you?

**Liz Hogarth:** There is support, with outside agencies going in. Certainly, Hibiscus goes in. Their contract has suffered some cuts in the last couple of years, as the pressures on prisons go across the piece. Again, to refer back to strategy, one difficulty is that there is no longer a foreign national strategy within the women’s estate, and that helped previously to keep people focused on the needs. There could well be slippage happening. Foreign national co-ordinators in prisons may be good, but, if there is no questioning from the centre and NOMS to make sure that it really is happening, then it becomes unknown.

**Q11 Jeremy Corbyn:** What would you like to see happening?

**Liz Hogarth:** A very clear strategy, both for foreign national women and eastern European women in particular, that empowers staff to work well with them in prisons but also is open-facing to the outside agencies to get that advice in. An organisation like Hibiscus, which comes with up to 53 volunteers speaking different languages, can access those women quickly if they are welcomed into that prison environment. They have a very good relationship in Holloway and are very welcomed, but it is the pressure. As I understand it, Holloway now has nearly 600 women in it. That is an awful lot of women in a relatively small prison, and that can make it difficult in accessing and making things happen.

**Q12 Mr Llwyd:** Good morning. To what extent has the Gender Equality Duty assisted in the development of services to prevent women’s offending?

**Baroness Corston:** It gave a legislative backstop for the argument about gender specific services. It led to the National Service Framework for Women Offenders; it led to the Gender Specific Standards for Women Prisoners. Once again, that was a cross-departmental thing, but Harriet Harman and Barbara Follett in Equalities, and Vera Baird, Patricia Scotland, Maria Eagle and Fiona Mactaggart together provided the impetus for saying, “Okay, we have this legislative framework. Now, the challenge is to make sure that there is an effective implementation.” We all know that it is ever so easy to pass legislation. The difficulty is making sure that it is implemented. The great thing about that critical mass of women was that they had the authority within Government to make sure that the duty itself could be used in this way, so that when I advanced this argument I was not pushing against a locked door. It was just an easy argument to make. They understood instinctively what I was talking about and that made a huge difference.

**Q13 Mr Llwyd:** HM Inspectorate of Prisons recently told us: “Simply treating women the same as men will

not create the equality that criminal justice agencies now have a statutory duty to promote.” It goes on to say that there is a lack of visible leadership and a distinct structure. Do you believe that a system redesign is necessary or even a new model, such as, for example, a Women’s Justice Board, in order to ensure that the recommendations in your report, Baroness Corston, are properly implemented?

**Baroness Corston:** First of all, I agree with that premise, and what is very gratifying is when people start quoting your arguments back at you. To treat men and women the same is not to guarantee equality, because men and women are equal but they are different and to be treated differently. I have to say that I believed it for many years, but, when I first said it on the record of my report, it was greeted with some scepticism in some places. In my opinion, this agenda is only going to work nationally if there is some strategic national body to overlook the system. In a way, I don’t care what you call it, but what I don’t want is the kind of board that we have seen such as, for example, the Youth Justice Board. It has done great work but it works with young offenders.

I am sorry to keep banging on about this. Women offenders are obviously an extremely important focus and, in a way, have to be the No. 1 focus, but the very strong No. 2 is women at risk. The great thing about the structure we had before was that, with the help of the Corston Independent Funders’ Coalition, from whom you will no doubt be taking evidence at some stage, there was the establishment of 39 centres across the country that adhere to this agenda.

Women can self-refer. Somebody in my family is a GP, and I remember saying, when I was putting together my thoughts on this report, “What happens when you have a woman who is a ‘heart sink’ patient?” A “heart sink” is someone who walks into your surgery—it is something which happens to Members of Parliament, I know, from my own experience—and your heart sinks because you know this person has a problem but you know you can’t do anything about it. I remember saying, “How would it be if a woman like that came into your surgery and you were able to say, ‘Look, go down to 26 Clark Street, or wherever, to the women’s centre and talk to them?’” The response was, “That would be wonderful.” That is happening, but, if you don’t have any kind of national guidance as to the fact that this is an important priority, it either doesn’t happen or it can’t be sustained.

**Q14 Mr Llwyd:** The Chair referred earlier to our visit to Northern Ireland, which seems to me to be a very good model to adopt. Ms Hogarth, do you have a view on the question I put to Baroness Corston?

**Liz Hogarth:** We certainly need an infrastructure. It would be helpful to have someone with some sense of independence, too, who can hold everyone to some sort of account, to make that joined-up agenda work. There is no doubt about that. Without that, it will go a bit wobbly, I would say, because, with the best will in the world, it needs someone asking the questions. It is quite a complex agenda. It is a way of doing things differently, and that always takes time.

I fully agree with you in terms of the Northern Ireland project. Looking at something like the Inspire project,

you have probation working incredibly closely with very strong women’s centres there, which may have grown up in a political environment. But these are strong women who know how to change people’s lives, and they are there, with probation, who are probably less constrained by working primarily with high risk offenders and resourcing following risk. It was an absolute joy to go over there and speak to probation staff working as one. It was a different role, but there was the interface with the court to make sentencers aware of what was available. That is an ace model.

**Baroness Corston:** What is absolutely crucial too is that, whatever this organisation is called, the visible leadership has to be ministerial. There has to be somebody who can drive that agenda within Whitehall. That, to me, is a prerequisite. Certainly, Maria Eagle did that when she was a Minister.

**Q15 Mr Llwyd:** Ms Hogarth, do you know of any examples where the Ministry of Justice might have taken unnecessary or even disproportionate action under the Gender Equality Duty in relation to policies for dealing with offenders?

**Liz Hogarth:** No, I don’t, to be quite honest. I was a bit taken aback when I read a reference in the most recent guidance to working with women for offender managers and others. I know lots of people found it a very uncomfortable process when they came up against the Gender Duty initially because it did require a huge change of thinking. I can fully accept that some officials thought, “My goodness me, this is disproportionate. We are suddenly having to focus our working week on women and there are so few of them”, but I did not see anything that made me think we are getting this out of sync or out of balance.

**Q16 Andy McDonald:** Baroness Corston, can we focus on women at risk? Could it be that the money spent on building new, smaller, more gender-appropriate units diverts resources that could perhaps be invested to better effect in community-based provision? I am really asking whether you see a case for the view that small custodial units are not feasible.

**Baroness Corston:** No, I don’t see that they are not feasible, because the cost of running these 13 women’s prisons is astronomical. I think that, probably, the cost overall of having small custodial units may well be the same, but the cost in terms of disruption to human lives and to society is incalculable. You see these television programmes about bad girls. Actually, if you go into a women’s prison, and particularly if you go in as a woman, once they have got past the idea that I have this title and I am somebody’s grandmother, and they can chat to me, you realise that this noise, this aggressive or show-off stance, is a mask for a deeply acknowledged vulnerability. For me, it is important that these women can stay in contact with some aspect of their lives and nurture their children. To hear them on the phone trying to bring up their children is very distressing. For me, the cost, both in financial and human terms, of small custodial units is made.

I understand the institutional resistance of, “We can’t staff them.” You can have different ways of staffing organisations. In the eastern region, two amazing women put together a programme for a virtual women’s

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centre where staff travelled to the women concerned because of the huge dispersal of population in East Anglia. What it requires is imaginative thinking. Without wanting to be rude about anybody in the Ministry of Justice, when it comes to building prisons I don't think there is much imagination. I will give you one example. When I started my report, I spoke to people who were responsible for building prisons and I said, "How do you build a women's prison?" The answer was chilling, "Well, we build a prison for men, and then we see how we can tweak it to fit women in."

**Q17 Andy McDonald:** Related to that—to some extent you have already addressed this—what are your ongoing concerns about the appropriateness of the women's custodial estate and the regimes therein?

**Baroness Corston:** The first thing to be said, of course, is that most of the women who are there should not be there. The previous governor of Styal prison in Cheshire, Clive Chatterton, had worked in the Prison Service for 30 years, always in the male estate. His last job was as governor of Styal, one of our biggest women's prisons. He found that experience deeply traumatising and acknowledged it. There was a very moving piece about him and by him in *The Observer* newspaper last February, where he said that, when he ran a men's prison, there would probably be an average of five people who were on some kind of suicide watch or at risk of serious self-harm. In Styal, it was 50 women every day about whom that could be said. He had women there on a sentence of 12 days. You think about the futility of all of that and the damage that it does.

If I thought that prison turned round women's lives, then I would say perhaps there is an argument for it, and for some offenders it does do some very good work. But, for the generality of women and their children, it teaches them nothing because there is not the time with these short sentences. A 28-day sentence is kind of a norm. That is long enough to lose your home and your children. When you come out, you go to the local authority and say, "I want somewhere to live", and you are told you can have accommodation for a single person. This is if you are lucky. Some local authorities have said, "You have made yourself intentionally homeless by going to prison and we are not responsible for you." You go to social services and say, "I want my children back." They say, "You can't have your children back because the only accommodation you can get is for a single person because at the moment you are on your own." As a barrister, I remember sitting in a case where a child was freed for adoption without consent and this little woman sat at the back of the room and wept. She was totally ignored by the court. She was the mother. This is done in our name.

**Q18 Chair:** One of the purposes that prison serves in the public mind, and often that of quite a lot of politicians in different parties, is as a sign of society's abhorrence either of a particularly serious offence or of a person's persistence in offending when all sorts of other measures have failed to change what they do. How do you avoid a situation in which society seems to be giving a signal, if it largely abandons the use of

custody in respect of women, that it is not strongly enough asserting what it is not going to stand for?

**Baroness Corston:** There are some women who should be in prison. Rosemary West should be in prison. That argument does not even need to be made. But there are two points about this. When people know who the women are who are in our prisons, they are deeply troubled. The BBC did a programme about Styal prison, where the journalist concerned was allowed to be in the prison for a fortnight and she was allowed to record what she saw. The BBC website was clogged afterwards with people sending distressed messages saying, "I didn't realise that there were women like this locked up in our prisons."

Furthermore, an organisation called SmartJustice did some opinion polling round about the time of the publication of my report. It was broken down by gender, age and region. The questions were all the same but the responses were set out by region. The main question was, "Do you think women who have committed low level offences should be sent to prison or should they be sent to"—and then there was a description of a women's community centre. The lowest—I emphasise "lowest"—approval rating for that statement in the United Kingdom was 81%, and it was over 90% in some regions. So, politicians would not be leading public opinion when they are talking about these women; they would be reflecting it. We should have the courage to do that. But, as I say, if I thought that sending a woman to prison for 28 days was a good thing, then I would argue for it, but I have seen for myself that it is utterly futile.

**Q19 Seema Malhotra:** These are questions continuing the theme of reducing the use of custody through different routes and particularly by improving community provision. The Corston report made a series of recommendations about women's centres, both for women offenders and those who may be at risk of offending. I am interested to know if you can expand more to what extent you think reforms have been effective at reducing or preventing women entering the criminal justice system—so working with women at risk—and, also, better forms or more effective forms of punishment than perhaps being sentenced to custody?

**Baroness Corston:** To be sent to a women's centre rather than to prison is much more difficult, which might sound a crazy thing to say. I was deeply moved by a woman whom I met, a 41-year-old, in a women's centre. She had been in and out of prison since the age of 15 or had come to the attention of the authorities since the age of 15. She had had three children; one had been freed for adoption without consent, one was in care and she thought she would never get that child back, but she had a possibility of living with the third child independently. I said, "Why are you here?" She said, "Because the magistrate realised that prison had done nothing for me." I said, "What difference has it made?" She said, "It has been much more difficult than being in prison. When I was in prison there was always someone to blame: if my mother had protected me; if my stepdad hadn't done that to me; if I hadn't been coerced into drugs; if I hadn't been poor; if I hadn't been pimped; if I hadn't had to become a sex worker; if I hadn't got pregnant when I did and the way I did."

Someone else was always to blame. She said, "Coming here, I have been forced to acknowledge what my role was in that happening to me." She said, "It has been much more difficult than being in prison and it has involved me." I asked her the question I often ask people in prison and it always surprises them. I said, "Do you now like yourself?" She smiled and she said, "For the first time in my adult life, yes, I do."

It is not an easy option. There is this notion that, somehow, if you get sent to a women's centre you will sit around and chat and have coffee. It is not like that at all. You have to challenge your own demons and take responsibility for your life, because, otherwise, you are not a good neighbour or a good parent; you become the kind of person about whom your constituents write to you and who are a problem for your local authority. These women know that and they want to be like the rest of us.

If I may say something too in response to the point asked me by the Chairman about the attitude of the public to offences, I know of a woman who, in one year, shoplifted 99 times. You could say, "99 times shoplifting—she should be banged up." But, when you ask the question why she shoplifted 99 times, this was a woman whose partner was controlling, and his method of controlling was to give her no money. He was quite a wealthy person, somebody who may well lose child benefit, but the only money she had in her own name was child benefit, and when that was spent she stole to feed her children. Does that put a different complexion on the offence? I think it does.

**Q20 Seema Malhotra:** A lot of what you have told us today has been incredibly moving as well, with the stories of women who have found their way, not necessarily through their own fault, into the justice system. I want to expand on one thing. You have talked very strongly about the need for Ministers to be working together across Government so that you have some joined-up policy and joined-up working between civil servants. There also seems to be a point about how the justice system may be joined up with other areas of work, possibly with local government or charities, because the kind of women that you are talking about coming through referrals to women's centres will be picked up elsewhere. Do you think that happens effectively enough, and does more need to be done to work with women more holistically?

**Baroness Corston:** It does happen in some places, sometimes in spite of institutional arrangements. In a way it is ad hoc. For example, in my city of Bristol there is now an organisation, which is accepted and recognised by the magistrates courts, where a designated woman member of staff services three magistrates courts. If a woman is due to appear before the magistrates for a petty crime, this organisation sends in a support worker to talk to that woman about her situation and then to mediate with the magistrates to say, "This is why this woman did what she did. We could do A, B, C, D and E with her and avoid her going to prison." The bench has been very supportive of that. There are things that happen, but, because it is so piecemeal and because it depends upon the imagination or the will or the acceptance of that kind of local organisation, then it does not happen. Because we

have no benchmarking any more, as it is now called, or no visible strategy, these things pop up and they cannot continue because they do not have funding. It may be that you would want to add to that, Liz.

**Liz Hogarth:** I would just echo what Jean is saying. For me, where you see really good things happening locally with the joined-upness, it is dependent on how well established some of the women's community projects are. They are not a homogenous group. Some have been out there. The Calderdale WomenCentre, over 20 years, grew up in its locality. It started being concerned about women's health. It has now grown hugely. To keep going, it has to deal with something like 32 different funding streams to get sufficient money to keep going, but that indicates how well they are embedded in their local community. They certainly work extremely well with offenders as well. There is some very good emerging evidence from those women's projects that it can work really well locally.

It is much harder for the newer projects—the ones we funded almost from scratch with the Corston Independent Funders' Coalition. We asked an awful lot of them very quickly and it takes a long time to get established in your locality. If you have never worked with women offenders, it is a very big ask suddenly to turn to considering having specified activities in your centre that can work, and you are very dependent on probation working closely with you. It is a good work-in-progress, but there has been a slightly worrying shift with the funding for the centres now coming from NOMS. Quite rightly, NOMS has some responsibility for that. Their world is criminal justice. The pressure is on some of those women community projects to focus very much on the women offenders' side. They do need more support, nationally and from the centre, to hook into the new local commissioners as well, to help them build on the very good work that is there.

**Q21 Mr Llwyd:** I am interested in what Baroness Corston said about this link person, if I can describe them in that way, between the courts and the defendant. Casting my mind back to when I started in the law, that is precisely what probation officers did before they were buried in casework. Surely, that should be a role for a probation officer, should it not?

**Baroness Corston:** Up to a point, yes. One of the successes of the organisation I am talking about in Bristol, Missing Link, is that this is the kind of work to which they have devoted themselves for 25 years, so they were kind of a natural choice. But I have to say I have no quarrel with probation officers at all, although I know that there are probation officers who have no idea that I have done a report and don't know anything about it. We had some graphic evidence from one prison where, in the end, Liz arranged for a copy of my report to be put in the prison library so that, if the probation officers did not see it, at least the women in prison would have access. Sometimes, of course, probation officers do not mention to the court that a woman has children, because that should make a big difference. When you are sentencing, you should look at the needs and responsibilities of primary carers. "Is there going to be somebody to collect the children from school if I send this woman to prison now?" Nobody thinks about that. Probation officers now probably

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have enough to do with offenders, and sometimes these women-specific services are ones to which women are more likely to relate.

**Q22 Rehman Chishti:** In relation to sentencing, Baroness Corston, previously you did not recommend a separate sentencing framework for women. Would you now consider this the right time to revisit that?

**Baroness Corston:** What I said at the time was that I was not going to suggest that there should be one, but I was not going to rule out the fact that there might need to be one. The reason why I said that was because there seemed to be so much institutional misunderstanding of the reality of most women's lives and responsibility. I have just referred to what happened to me. As somebody who used to work as a lawyer, you have a client and you say, "You are likely to get a non-custodial sentence." So your client is perfectly happy, and all of a sudden you are sent to prison. If you are a woman, you are held in the cells longest of all because the men are always dealt with first. It is 10.30 at night before you actually get to prison, and you know that your child was outside school at 3.15 pm and there was nobody to meet that child. Can you imagine the state you would be in? The needs and responsibilities of primary carers are absolutely crucial and should be at the forefront of the minds of sentencers. It is difficult to have this argument with them of course because, for people like us, you are accused of interfering with the judiciary. I have to say that some judges now are absolutely superb. I can think of one judge in Bristol, His Honour Judge Horton, who has taken this strategy completely to heart and implements it when dealing with women offenders.

What made a very big difference during the last Government was that Vera Baird, who of course was a distinguished QC and did so much to change the law on battered women who kill before she came into Parliament, as a law officer, with that professional background, brought in a conditional caution for women. I had thought of recommending a conditional caution for women, but I thought nobody is going to accept that, so I didn't. But she, as a law officer, brought it in. We had this pilot in two areas; I have forgotten which ones actually. I think one was the north-east. Women who had committed some kind of low level offence of the kind I have been discussing were told, "We will caution you on the condition that you attend a women's centre for an assessment and that you follow through the course that is set out for you." That is an informal change of sentencing framework and has been very successful.

**Q23 Rehman Chishti:** Forgive me if I have missed the point, but, in terms of clarity, are you then saying that that system, which was introduced previously in the north, should now be spread out across the country?

**Baroness Corston:** There is a very good argument for that, yes. The argument for it is unanswerable.

**Q24 Rehman Chishti:** Secondly, to both of you, is there appropriate community-based provision for the management of women offenders who represent a higher risk of harm to the public?

**Baroness Corston:** It has been said, through Government, that 3.2% of the female prison population present a risk or a high risk to other people. Liz may well be able to talk to you about this in a minute because she is a person who worked in Holloway and had personal experience. There are some of those women who will probably never come out of prison, and, for them, the kind of prison regime that we currently have is entirely right. But, if it is 3.2% of women, we are talking about 140 women at any one time, so it is a small number of people who would need to be kept in secure circumstances. I can accept that, for them, there would be a price to pay in terms of family unity, but, in the interests of justice and a public acceptance of the seriousness of a crime, that is a price that we would have to pay.

**Liz Hogarth:** In terms of those women who do come out, who have been high risk and have gone into prison, it is good that—looking at things like approved premises—there has been a slight shift. Back when I was doing work in 2008, again we found it very hard because approved premises were for high risk offenders and it felt a bit like women did not fit that mould. They were not so much high risk, but they would come out of prison on licence or in terms of bail conditions. They had very high needs in terms of mental health and drugs, which could make them a risk in that sense. They needed slightly different provision, and it was good after 2008 that that was looked at and that medium risk women offenders could be considered for approved premises for women.

Having said that, though, there is still the issue that the small numbers of women can be seen as being problematic for us in terms of policy. Because, if you only have relatively few women needing approved premises, those premises are few and they are miles from home. An awful lot of women say they would rather stay in prison than go somewhere away from home. It sounds ironic in a way, but, when they have family contacts, it might be easier for those family contacts to get to a prison than to approved premises. It is good it is out there. Some very good and really inventive work is done with approved premises like Adelaide House, but they have to fight very hard to have their voices heard, because the norm is that it would be male high risk offenders and they are very different in terms of their needs.

**Q25 Jeremy Corbyn:** What form of commissioning arrangements do you see as the best way of dealing with women offenders and those at risk of reoffending, because you mentioned, for example, the issue of, potentially, a woman prisoner from Truro, where the nearest women's prison would be Eastwood Park, which is well north of Bristol; I know the place. What would be your preferred option for commissioning arrangements?

**Baroness Corston:** My preferred option for women who have committed the kind of crimes to which we have referred—generally petty offences—would be that there should be local provision. There should be small units dispersed throughout the country, just for a small number of women. I do not accept the argument about cost because I have seen that it works in Scotland, and I don't see why it can't work here.

**Q26 Jeremy Corbyn:** Could you explain how it works in Scotland?

**Baroness Corston:** The Scottish Executive have funded the 218 Centre in Glasgow. It is a city centre premises. Women can self-refer or they can be referred by GPs, social workers, or schools, if girls start truanting. They have one floor that is secure, so women who are not able to leave the centre, who are there by order of the court, can be held. Staff from the centre go into the court on a regular basis whenever a woman is coming before the sheriff court. They are entirely accepted by the court as professionals, who can make judgments and recommendations about the most appropriate way to deal with a woman who is coming before the court. The court now, as I understand it, accepts absolutely the professionalism and integrity of the people who run that centre—and uses it routinely.

I don't know whether the Scottish Executive have done an evaluation. Certainly, when I was there and I met the women, I found the whole thing very impressive and moving. It was not necessarily a cheap option in terms of setting it up, but the recent report by Dame Elish Angiolini—which points in almost exactly the same direction as the recommendations I made five years ago—has been easier to make in Scotland because of the experience they have had in places like the 218 Centre, which has been entirely beneficial. At the moment Scotland are leading the way.

**Q27 Jeremy Corbyn:** We had a brief visit to Denmark and Norway, mainly in respect of youth justice, but the interesting thing discussed with the prison authorities there was that there were timed opportunities to go to prison, often delayed sentences. That meant that the prisoners concerned did not lose their jobs and did not lose their homes. It seems one of the problems, particularly for women prisoners on short sentences, is what you described earlier, where they lose their job and their home, and life is a complete disaster as a result of an often quite minor misdemeanour. Would you want a change in the whole process of securing housing accommodation where possible so that women prisoners did not lose their homes on short sentences?

**Baroness Corston:** Absolutely. If you spend any time in a women's prison, it is very difficult to have a conversation with women prisoners; they don't really have much in the way of life skills. But when you ask them, "What is it that you want", we know that the holy grail of the Prison Service, for prisoners, is employability. For women, it is somewhere to live. I always ask the question, "What is your priority?" Time and again, I heard the heartbreaking lament, "I just want somewhere for me and my kids." In Scotland, it is, "I just want somewhere for me and my wains." They come out of prison and family reunification is impossible, because only 5% of the children of women prisoners are looked after in the family home by the father or by the male of the household. When a man goes to prison, there is usually a woman to keep the home fires burning. If a man wants to switch off from family, which he should not when he is in prison, it is possible. But it is not for women; their children are dispersed and reunification is frequently impossible.

**Q28 Jeremy Corbyn:** I have a very quick last question. Do you have any hard evidence of the rate of reoffending for people who go to women's centres compared with prison?

**Baroness Corston:** What I would like to see from this strategy is an indication of what should be common indicators for all women centres for success, because at the moment they are all gathering evidence but they are all gathering different evidence that they thought about themselves, which makes comparison impossible. This is another thing that is crucial to the strategy. Set out what the common standards should be.

If I can give you one example, there is the ISIS centre in Gloucester. Ask them for the figures that they have about the women who have come through that centre. The reoffending rate is minuscule, but it would be impossible to make that comparison with other centres because they are all doing their own thing. Within this strategy, what would be useful—and we have been waiting for nearly a year or two years, I suppose—is an indication to those centres of the kind of evidence that they should gather in order to show their effectiveness, to Parliament and to the public, for the money that they spend. If that happens, we would realise that these people do extraordinary work in supporting these women and stopping their children spiralling into the kind of antisocial behaviour with which we are all too familiar.

**Q29 Chair:** We are very grateful for your evidence this morning. Can I just check with you whether you are being involved by Ministers currently, in the current Government, in taking any of these things forward?

**Baroness Corston:** No. Lord McNally asked to see me on Monday of last week, because last March I moved an amendment to the Legal Aid, Sentencing and Punishment of Offenders Bill in the House of Lords, calling for a women's strategy, saying that, if we did have one and there was reporting to Parliament, we could judge the Government's effectiveness. That has gone, and there has never been a strategy since the last general election. The vote there was tied 217 to 217, unfortunately, and, given the House of Lords procedure, it meant it was lost. The Minister said to me afterwards, "Don't worry, we will have a strategy." That was last March. Last Monday he said to me, "There is going to be a strategy, Jean", but, with respect, I am now not holding my breath. What I find distressing is the time that has been wasted and the momentum that has been lost. I do have some confidence that Helen Grant, who is the new Minister and, who like me, practised as a family lawyer—

**Chair:** And a former member of this Committee.

**Baroness Corston:** Good. I am hoping that she will be given the support, which, as a Parliamentary Under-Secretary, she is going to need from her Secretary of State to put together, publish and implement a strategy, because, if that happens, then women who work in these centres all over the country and, of course, the Independent Funders' Coalition, will have an idea where the Government want them to go.

**Chair:** Thank you very much indeed. We have to go into private session, although there are some people who are going to join us in that session who I think are already in the public seats. So thank you very much for your evidence this morning.

## Examination of Witnesses

*Witnesses: A, B, C, D<sup>1</sup> and Kate Johnson gave evidence.*

**Chair:** Thank you very much for coming in to help us today. As you have seen because most of you were here through the previous session, we are just starting to look at how women are dealt with in the criminal justice system. I will just explain who we are and then perhaps you can tell us who you are. I will start on that side of the room.

**Rehman Chishti:** Certainly. I am a Member of Parliament for Gillingham in Kent.

**Jeremy Corbyn:** Jeremy Corbyn, MP for Islington North and a member of this Committee doing this inquiry into women in prison. Thank you for coming today.

**Seema Malhotra:** I am Seema Malhotra. I am the Member of Parliament for Feltham and Heston, which is in west London.

**Andy McDonald:** I am Andy McDonald. I am a brand-new MP from Middlesbrough, so I find these places as daunting as you do.

**Mr Llwyd:** My name is Elfyn Llwyd. I am a Member of Parliament from north Wales, and before I was elected in 1992 I did criminal and family work, both as a solicitor and for the Bar.

**Chair:** I am Alan Beith. I am the Chairman of the Committee. I am the Member of Parliament for a constituency on the border of England and Scotland, Berwick-upon-Tweed.

**Nick Walker:** I am Nick Walker. I am the Clerk or secretary of the Committee.

**Gemma Buckland:** I am Gemma Buckland. I am a policy specialist on the Committee and I am supporting the Committee in this inquiry.

**Mr Buckland:** I am Robert Buckland, no relation to Gemma. I am MP for Swindon. Before I became elected in 2010, I was a barrister, prosecuting and defending in the Crown court and often representing women offenders. I also sit as a part-time judge in the Crown court, usually in the Birmingham area.

**Steve Brine:** Hello, I am Steve Brine. I am a Member of Parliament for Winchester in Hampshire.

**Q30 Chair:** Let us start from that end and work along.

**Kate Johnson:** I am Kate Johnson. I work for Women in Prison at the Women's Support Centre in Surrey, as a specialist substance misuse worker.

**D:** I am D from Women in Prison.

**C:** I am C, and I have had two experiences of prison, one 10 years ago and one this year, for fairly minor misdemeanours associated with mental health issues.

**B:** My name is B. I am coming here from Revolving Doors and I have been in prison three times.

**A:** I am A. I am from Kent and I have just got out of prison after serving an 18-year sentence. I have only been out two and a half weeks.

**Q31 Chair:** Can I just tell you that the acoustics in the room are not that good, so you will have to speak up a bit? A set a splendid example there; we could hear precisely what she said. We will all need to do that as well, just to make sure.

Was any help offered to any of you with the things that may have led to you getting involved in crime, before you got involved in the criminal justice system? Was there any point at which you were offered help that could make a difference?

**C:** I started offending a long time ago, when I don't think mental health services were as widespread and as well funded as they perhaps are now. I certainly had no help and no support, and I was too afraid and didn't want to discuss some of the personal issues that I had that were linked to my offending in public court, mainly for fear of getting in the local paper. So I didn't access any help.

**Q32 Chair:** What sort of help might have made a difference to any of you, if you look back and think, "If only somebody had done this or said that"?

**B:** With me, it would have been housing—then I wouldn't have moved in with drug dealers—and counselling.

**C:** Counselling and mentoring for me.

**Q33 Chair:** Somebody said mentoring.

**C:** Me.

**Q34 Chair:** Does anybody else feel there is something that would have made a difference and might have stopped you getting involved in crime, or continuing?

**A:** Before I went to prison, I was actually seeing a mental health worker at the outpatients'. I asked him for help; he just gave me anti-depressants and sent me away. Whether the system has changed outside now or not I'm still quite unaware, to be honest.

**B:** Also, drug treatment; better drug support around that, because I am involved in groups now that really do a lot of peer support, and that has really helped me.

**Q35 Chair:** You have been to a drug treatment centre.

**B:** Yes; I have been in drug treatment for years.

**Q36 Mr Buckland:** You said something about peer support. Is that where people have been through the same experience?

**B:** Yes. That has really, really helped me a lot.

**Q37 Mr Buckland:** Because they have walked in your shoes, have they not?

**B:** Definitely. That is what has helped me turn things around, definitely.

**C:** I am now engaged with the probation service. There is a big programme around peer mentoring, which is very successful. For women it is fairly new, but it is certainly very good.

**Q38 Mr Buckland:** C, I read your biography, and I really liked it when you said that you were neither quite mad nor altogether bad. That sums up, certainly, my experience of the criminal justice system. I have met lots of people with mental health problems, some bad people, but often very sad people as well. Perhaps trying to get other people with those experiences to work more in the system will help people in all your positions to rehabilitate.

<sup>1</sup> Names Redacted for publication. Redactions are also signified thus "[...]"

**C:** I certainly was engaged with probation. I had had a probation order before I had my first custodial sentence. The challenge, or the difficulty, was that there was very little joined-up thinking, so I couldn't get referred to any mental health treatment. As B said, there was very little emphasis on housing need. I didn't have housing need, but I know a lot of women in prison who do and come in and out after short sentences, revolving door, engaged in probation at some point, but probation are very limited in what they can do. The emphasis of probation, even today, is still very much on punishing you. It is seen as a curb on your freedom and a requirement upon you. A lot of women have very chaotic, complicated lives. They find making appointments and keeping appointments, when they feel that they are being punished and not rehabilitated through the probation service, very challenging.

**Q39 Mr Llwyd:** A, you have just come out of prison. In the last weeks of prison, what back-up was there, or was there a seamless transition out? What support are you getting now, and what exactly is happening with you at the moment, if I may ask?

**A:** Just before I sat parole, you've got to get everything ready before you go in to sit parole. They told me that I would have my probation officer, but she seems to be on sick quite a lot so I asked for a back-up officer. That was arranged. I asked for a mentor out in the community, totally independent from all authorities. That was arranged.

**Q40 Chair:** You had to ask for those things.

**A:** Yes; you've got to seek it yourself. I also asked for a DIP worker, not for drugs but for alcohol. They were quite reluctant to take me on because I didn't have anything to do with drugs and it was very hard to find anybody out there who will support people with alcohol issues, especially in my area. That was all set up, and I went to sit parole and obviously I got the parole. I got supported housing with a key worker. It is third-stage drug and alcohol residential hostel. You have a key worker, and if you have any issues you can go to them.

I got out. I didn't see my normal probation officer, I saw the back-up officer the day I got out. "Hello, ta-ra"—they leave you and that's it. I said to my key worker, "What do I do about sorting money from social security?" "Just go along that street and tell them you want to make a claim." I have been 18 years in prison. I am struggling to find out how to use a basic phone, never mind walking along and walking in these places that weren't even built when I was out. I went in, and they told me that my claim would be sorted four hours later, after interviews and paperwork.

Then I tried to arrange to see my mentor and she says, "I am not available until Saturday." I met somebody else. Actually, I met a friend from prison on day release and she gave me some support. I constantly tried to phone my DIP worker. He was unavailable; I couldn't get hold of him. When I eventually did get hold of him, I didn't get an appointment until this Thursday coming. I really want to stay anonymous in this because the place where I am staying is supported housing. I have an empty flat next door, and all I've got is a key worker who keeps going in and having a bath and going out,

basically on the drink all the time, partying. I tried to go to her and say, "I need this; I need that." I've had nothing. I had to go to another person's flat and ask them to lend me a cup so I can make a cup of tea. I'm still waiting. It'll be three weeks on Thursday I have been out of prison and I still haven't been paid anything from the jobseeker's allowance. I haven't been paid anything. I've had to go to the housing place and sort out my housing benefit on my own. I've had absolutely nothing.

I went to attend probation last week and she said, "How are you?" I said, "I'm very much still institutionalised. Prison is very structured and, coming out, society is not structured. You have to make your own structure." She went, "Right, see you next week." "Oh", she says on the way out, "can I just tell you your back-up officer has changed, and next time I see you you will meet your new one?" That's it.

**Q41 Chair:** Can I just reassure you that it will be anonymous? We are taking a note so that we can say what people said, but it will not relate to named individuals at all.

**A:** I've got nothing. I got a £46 grant when I left prison. I had to ask them for a crisis loan and they would only give me £40. I got a phone call yesterday and was asked to attend here on the spur of the moment, and I don't mind because I think you really need to know how hard it is. I know where I've been and what I've done in prison, but for anybody to come out it is so easy for somebody to reoffend again.

**Q42 Chair:** D, you are not long from release, are you? What was your experience like?

**D:** My experience of life in prison was a long time ago because I was re-arrested and went back. I went to study as a mental health nurse, to get my qualification in nursing, but I was re-arrested again because—

**Q43 Chair:** At the release stage, when you actually came out.

**D:** I came out in 2010, and then I was not well due to mental health suffering and what has gone through my head. Then, when I came out, Women in Prison were helping me with counselling and my medication. They are the ones helping me.

**Q44 Chair:** And who was it that was helping you?

**D:** Women in Prison; Women in Prison were helping me.

**Q45 Chair:** What about family? Did some of you have family links that became very difficult or impossible to maintain in prison?

**D:** I have grandchildren that I was looking after before I went to prison. My grandson has a disability problem. Even if I am not well, I was the one looking after him.

**Q46 Chair:** You were his carer, were you? You were looking after him?

**D:** Yes, I was looking after him before I went back to prison. Before I went back to prison, I had a granddaughter, again, I was looking after.

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**Q47 Chair:** What happened to them while you were in prison?

**D:** I remember the day I was arrested. The baby was just seven months old and they took him away from me, and my grandson, who is disabled. When I came back, I couldn't get them back.

**Q48 Chair:** So they were taken into care.

**D:** Yes. My grandson is back with me, but he's moved out because he's 18. He is 18 now. The social worker is looking after him, but there are two granddaughters now. They are into care. It is very hard for me because they know me very well and now I can only see them once in a month.

**Q49 Chair:** Does anybody else have family experiences that are relevant?

**C:** I was quite lucky. I am unusual in that I was one of the few women that I knew in prison, on both occasions that I was there, who only had one child. It was very unusual to meet a women in prison who did not have several children, very often with different partners, very often children in care or children about to be placed in care if they didn't have supporting family. I had one daughter, and my siblings closed ranks around me really and helped with my daughter, but there were a lot of women who didn't have strong families or had several children. Most of them who were in prison who I knew actually knew they were going to prison, so they had gone to court and there had been a probation report requested by the court. Then they've gone back for sentencing, so the majority had actually been able to prepare to go into prison. There aren't that many women that are literally arrested and then sent to court and given a custodial sentence. But, even so, if you haven't got family who will support you, and most women in prison have been failed by an education system, social care or social services, or gone through care and all those systems have failed them, they don't have the life skills to problem-solve if they have children.

**Kate Johnson:** I have a client, a woman whom I worked with recently, who was recalled back to prison for breaching her licence conditions. She missed two probation appointments. At the time she was living in Hounslow and had to report to Guildford for her probation. She was living in Hounslow in a bed and breakfast because she was fleeing domestic violence. Her newborn baby had been removed from her when he was 10 days old and she had access four days a week. She didn't have any additional help with cost or travel. She was coming off drugs and dealing with domestic violence. Because she then missed these two appointments and had no way of contacting probation, she was recalled and her child has now been adopted while she was in prison. She was recalled for 14 days at the end of her licence. She was then released. She is no longer able to go back to the accommodation that was given to her in Hounslow because she is deemed intentionally homeless, so she is now back with her abusive partner. The only support she receives is from us. Because she is no longer on licence, she doesn't get any support from probation and she doesn't have any contact with her child now at all.

**Q50 Steve Brine:** A, you said it is very hard to not reoffend. Given the utter failure of the system from what you have told us, which is quite shocking, is there an element in your mind that thinks, frankly, it would be easier to reoffend to get back into the routine that you know, given that you have done 18 years of it?

**A:** I wouldn't have to reoffend. You just have to go to probation and say, "I'm not coping", and they would put me back inside anyway. But when you're sat there on your own in a flat with nothing—I have seen it over the years many a time—there are girls knocking on the door at Christmas to get back in prison.

**Q51 Mr Buckland:** A, you are on a licence, are you not?

**A:** I am a life licence, yes.

**Q52 Mr Buckland:** So you can be recalled—

**A:** At any time.

**Mr Buckland:** That's right.

**C:** There are two very good women's open prisons. I was reading an article in *The Economist* on the train coming here. It is not a paper known for its tolerant view of theatre, but it was talking about theatre in prison as a rehabilitation. Brilliant article. One of the open prisons cited had a reoffending rate of 7% because the women have a staged introduction back into society. 80% of them leaving prison are already in work or in education, or they are going into training. It is a staggered approach, and it just seems crazy that girls can come in and out of prison three or four times a year for a month and go out with nothing, and, as A says, it is much easier sometimes to reoffend.

**Q53 Rehman Chishti:** D and C, you talked about the issue of mental health. When in prison did you have access to psychiatric help? I know in public, if you are outside at the moment, you can either be given a section 2 or a section 3 mental health order, where you get treatment for a certain period of time, and that could be simply for your own health. Was there such a structured mental health approach in prison, and after that, were you directed to somewhere where you could get that continued mental health treatment?

**Kate Johnson:** Under sections 2 and 3, you have to be a significant risk to yourself or others and you have to be unwilling to access treatment to be detained under that section, so that is quite different.

**Q54 Rehman Chishti:** Sure. With regard to the other argument about mental health, where you have mental health concerns in prison, were you given treatment for that, and, also, when you came out were you directed to the right place to get continued help?

**D:** Yes; I was given treatment in the prison, and then when I came out my GP sent me to counselling.

**C:** But, D, I guess when you say "treatment", you mean medication.

**D:** Medication, yes.

**C:** No counselling.

**D:** No counselling, no.

**C:** No, there was nothing like that, although my experience in Bronzefield this year, which is a private prison, is that they have a wonderful alcohol support worker, an alcohol nurse and an outreach alcohol officer.

There are AA meetings, which are held on a weekly basis in the prison, which the prison accommodates. There are very supportive prison staff and a lot of care from normal officers, even if there was no psychiatric treatment available. I was treated as a high risk, so I was monitored very closely and supervised throughout movements in the prison. The everyday officers and the alcohol treatment people did their absolute utmost to give as much pastoral care as they could.

**Q55 Rehman Chishti:** You would say that people could benefit by having proper mental health treatment within prison.

**C:** I don't think there is any counselling for mental health issues and there is no referral outside once you have served your sentence. You can usually get all the medication you want, providing you know what it is you want and you can convince the doctors in the prison system enough; but, no, that is the only treatment that there is.

**B:** Can I say something about the drug thing? You are getting people physically off drugs, but all the groups and things are not compulsory. So people might be physically off drugs, but mentally you are just going to come out and go back on them. My experience has been very different from C's. I didn't find any care.

**Kate Johnson:** The programme in Bronzefield was a pilot project that was funded by the DAT. We did a kind of wrap-around service with them where women could go in, detox and have a programme. Then, through a care worker, they are referred to us. We went in before the end of the programme and did a whole approach, but that isn't common.

**Q56 Rehman Chishti:** A, you were going to say something on this.

**A:** On the issue still of mental health, I have been a severe self-harmer for 20 years and I never self-harmed for the last eight years; 12 months ago I actually self-harmed in one of the open prisons. I have never, ever been given any counselling in all my sentence. I have been heavily medicated. I decided to come off all this medication myself eight years ago, and, I had a lapse 12 months ago. In the open prison I asked for support to get me some kind of medical professional to help me. Two days before I was released somebody came to see me and said, "I've come to start the work with you"—two days before I was released. I said, "I'm about to go out the door", and I'm still waiting three weeks later for this support that has never been mentioned by anybody since.

**Q57 Seema Malhotra:** Thank you so much for sharing so much about your experiences. I just want to ask a little more. You talked about your family relationships when you went in and how they may have been affected, whether that is with wider family or with children. I am interested to know whether anything could have helped. Would you change anything about the way prison works that would help you better keep relationships with family where you wanted to?

**B:** With the whole visiting thing, you are not going to have a good relationship with anyone. I was put on closed visits for a year of my sentence on suspicion of having drugs. I wasn't caught with anything. You're

just behind glass. So, to have any sort of relationship with anyone is impossible, isn't it?

**C:** I have certainly known of women who I've been in prison with who've had small children, and in the visiting area they can't get off their seat; so they can't get down and hug their children. It's very difficult to have any physical contact with them. It's very much down to the wider family to bring the children to the prison to see the mother. It's very difficult.

**B:** Men tend not to be as supportive to women. Women tend to kind of visit men more than men visit women.

**A:** Also, there's the distance. I have a son, and when I first got sentenced I had two choices of prisons. One was down south and one was up north. I ended up in [HMP X] and my son was in [county], and it was very few and far between with the visits. Even now, to this day, my son is with my brother. I am quite fortunate, but the rapport with my son is not good. It could have been made better if I had been maybe closer and visits would have been easier to access me.

**Q58 Jeremy Corbyn:** For all of you, how did you spend your time in prison? Was it doing nothing, was it education, was it working or was it just being locked up and staring at the wall?

**C:** Bronzefield make you have a programme. You are not allowed to sit and do nothing, or it's very unusual. They either make you go to the gym, you have a supervised sport and then you are able to work in the gym on your own, or they make you do a dance class or yoga or something. A lot of those classes are designed to build team building, so you are punished or penalised if you choose to sit all day in your cell.

**Q59 Jeremy Corbyn:** Did you find that good?

**C:** Yes, absolutely.

**B:** Bullwood Hall has a cardboard box factory and you are sewing shorts all day long. That's what you do in that prison. Different prisons are different. There is very good education and things in Holloway. Can I make a suggestion? You've got televisions in cells, why don't you show some inspirational DVDs? Instead of people just watching "Jeremy Kyle" or whatever, put something good on the telly.

**Jeremy Corbyn:** It sounds like a double punishment.

**B:** Get some ex-prisoners to make some DVDs of how they have turned their life around and things and show them that.

**Q60 Jeremy Corbyn:** Did you have access to DVDs?

**B:** There is a DVD player in the office that does go through all the tellies in the cells, and at Christmas or something they'll put a film on, so they could do it.

**Q61 Jeremy Corbyn:** But you did not have access to a DVD library itself.

**B:** No.

**C:** You could in Bronzefield if you were an enhanced prisoner.

**Q62 Jeremy Corbyn:** A, what about you?

**A:** I don't know what to say.

**Q63 Steve Brine:** What did you do all day for 18 years?

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*A:* For three years I kicked my shoes off, laid on my bed, heavily medicated and thought that maybe I'll beat the system. Then I stepped up, walked into the education and said I'd like to do some studying. From then to now I've ended up with seven diplomas, three A-levels and I'm quite addicted to studying.

**Q64 Jeremy Corbyn:** What do you study?

*A:* At the moment I am studying heating and ventilation, because two days a week I volunteer with Nacro, and I teach young boys construction work.

**Jeremy Corbyn:** Good for you; well done.

**Q65 Andy McDonald:** I just want to ask you all a generic question. However you came into the system, for whatever reason, given your experience, were the custodial sentences you received the right response to your circumstances, and, if not, what would have been the right response? Are you better for the experiences that you have had?

*B:* For my first offence—it was my first ever offence—I got 18 months for importation of cannabis. That introduced me to loads of criminals and drug people. Then my next offence was four years for heroin and then the next offence four months, years later. I know they are probably less likely to give someone such a harsh sentence now, but I don't think it was the right response for me, no.

**Q66 Andy McDonald:** What would have been?

*B:* Especially with the heroin one, it would have been more helpful to get me off of drugs, to give me help with drug treatment rather than a custodial sentence. That is in my opinion.

*D:* For me, I didn't commit the offence they said I committed, so, for me, being in prison was very, very hard for me, very tough, because you went to prison for things that you didn't know about. It just put me back to be mental, you know. But, when I came out, I went to study, from access to nursing to a diploma degree, and I was doing my masters. Then before I went back, because I came out of prison, I just walked out of prison because I didn't commit that offence. But, when I was arrested, I went back for what was supposed to be three years but the judge released me after 10 months. Since I came back again, I am just trying to cope because it really disturbed my mental health; it really disturbed me because it is just like I am in prison for what I didn't do. It is very, very hard for me to cope.

*C:* Prison, for me, was an easy option. I quite enjoyed it. It was warm and safe; my housing benefit was paid because my sentence was short. I had access to the alcohol treatment worker. I don't think I benefited from it, but I was typical of a lot of women who found that it really wasn't very challenging. I'm always amazed at the number of girls in prison who know each other. It's like a holiday camp for some of them. They share experiences of different jails, different dates, different times. It's habitual. Certainly, a lot more demanding community sentence would have made me really face up to some of my issues—my addiction issues and my sense of responsibility. That would have given me an opportunity to do something about my self-worth, because my self-esteem was rock bottom. Once you have gone to prison, it is very easy for magistrates

to send you back again because there are very few alternative options and it is seen as punishment. A lot more focus on rehabilitation in the community would be incredibly useful.

*A:* Obviously, for my crime there is only one sentence. Yes, I do believe it was right. You have a price to pay for taking somebody's life and I fully accept that. The length of time, however? You can only be punished for so long and then you have to be rehabilitated. That is what was lacking for me. There are quite a few other girls with life sentences that are lacking support in the rehabilitation process—the length of time to be rehabilitated and access to suitable programs for rehabilitation. The process is too short.

**Q67 Steve Brine:** Just one quick question to all of you because it is a subject that just keeps coming up here. When you were in prison, did any of you sit down and think, "Damn it, you know what? The real thing that I am missing is being able to vote in elections"?

*Kate Johnson:* We hear that all the time!

**Steve Brine:** Yes.

*Kate Johnson:* When we ask women what their needs are—

**Q68 Steve Brine:** That's their big thing?

*Kate Johnson:*—they need to vote.

**Q69 Steve Brine:** Yes, I thought it would be.

*C:* It is so far down the agenda, it's just—

**Q70 Steve Brine:** Sure. Maybe the record could put "irony" in brackets next to that.

*Kate Johnson:* They still should have the right to do so.

**Q71 Chair:** Have any of you had contact with a women's centre—a place that was specifically designed to address the needs of women who are in difficulty or in trouble with the criminal justice system?

*B:* We've set up our own little group—a peer-run group—Women in Progress. It has the same initials as Women in Prison. It is a drug and alcohol service user group that I am involved in, in Camden. It has been really good. There are a lot of women who have had to work on the streets and been abused and things. They find it really good to talk to other women who have been through similar things.

*D:* We have a group at Women in Prison, which I'm attending with other women. It helps me to cope with my mental health.

**Q72 Chair:** Have any of you had experience of being on community programme activities with men?

*Witnesses:* Yes.

**Q73 Chair:** Would you rather have been on all-women programmes or were you happy with them as mixed?

*B:* I didn't mind. I didn't mind being with the men.

*C:* No, I quite enjoyed it. Sorry, that is probably completely the wrong thing to say. We had a really good team. We spent a lot of time working in a school for the disabled in a part of Surrey.

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**Chair:** Thank you very much. We are very grateful to you all. It takes a bit of courage to come and talk in a parliamentary setting, and we do appreciate that. We wish you all well in the future. We really hope that all the things that you are trying to do now to change

your lives really work out. We hope you have a happy Christmas—perhaps a happier one than some previous Christmases have been. You go with our warm thanks for your help today.

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**Tuesday 15 January 2013**

Members present:

Sir Alan Beith (in the Chair)

Steve Brine  
Rehman Chishti  
Jeremy Corbyn

Nick de Bois  
Mr Elfyn Llwyd  
Andy McDonald

### Examination of Witnesses

*Witnesses:* **Peter Kilgarriff**, Chair, Corston Independent Funders Coalition, **Jackie Russell**, Director, Women's Breakout, **Sharon Spurling**, Deputy CEO, Escape Family Support, Support for Women Around Northumberland (SWAN) project, and **Joy Doal**, CEO, the Anawim project, gave evidence.

**Q74 Chair:** Welcome. We are very grateful to the four of you for coming to help us with our work on women offenders. We welcome Peter Kilgarriff from the Corston Independent Funders Coalition, Jackie Russell from Women's Breakout, Sharon Spurling from Support for Women Around Northumberland—which in my view is a particularly good thing to do—and Joy Doal, the name of whose organisation is so long that I cannot remember what the acronym stands for.

**Joy Doal:** It is not an acronym; it is an old Hebrew word.

**Q75 Chair:** The fact that it is printed in capital letters in my notes made me think it must be an acronym. What does it mean?

**Joy Doal:** It means the poor and the oppressed—literally, the little ones or the forgotten ones.

**Q76 Chair:** Is yours a church-based organisation?

**Joy Doal:** Yes, Catholic-based.

**Q77 Chair:** In the course of today's session we plan to focus on the adequacy of community provision, including women's community centres for women in the criminal justice system and on the edge of it. It might be helpful to give you the opportunity to provide an overall assessment of the progress on implementing the Corston recommendations. I am sure all of you have views on that—perhaps quite strong ones—and a quick word from you on that would be a useful starting point. Who volunteers to start?

**Peter Kilgarriff:** I will throw in my pennyworth. To my mind, there is no doubt that the Corston review heightened awareness of the whole issue about women in the criminal justice system. It underlined the differences between women and men in the criminal justice system and pointed to some answers. It also led eventually to some money coming forth from the Treasury—via Maria Eagle, as you know—which enabled some flesh to be put on the bones in terms of the creation of women's centres. Joy and my colleagues will know more about this, but initially they were thought of as one-stop shops that would help with the complex issues that women face, of which offending, in our minds, is more of a symptom than an outcome. It raised the understanding of these problems and led to the creation of a network of centres. It led to the creation of the infrastructure body, which Jackie heads

up, and the Corston Independent Funders Coalition, which joined with the Ministry of Justice to help fund the centres for the first two or three years. There were also other practical things to do with the prison regimes, on which it cast a light, and which were changed.

There were some achievements, but those have now stalled. We have lost our champions in Government; we have lost people who are really interested in this issue. It has fallen down the priority list, and the centres are under great threat in terms of their financial viability. We are talking to NOMS about this. One of the roles of CIFC is to try to keep open the channels with Government officials and Ministers. We are talking, but at the moment we are getting slightly more and more depressed.

**Jackie Russell:** At the time when the Corston report was published we saw some quick wins, and undoubtedly there has been some progress. Assessment of progress is: yes, there has been a little bit. As Peter said, the leaders and shakers around that agenda have changed. As they have changed, the agenda has not been picked up again. We saw some quick wins with stuff that was short, easier to do, and located in the criminal justice system. But what we have not seen is sustainability of change, or any real engagement of the other major players around women offenders' lives that the Corston report explained so well. Peter is quite right. It feels as if the process has stalled. There was some early progress but it has not been driven home.

**Joy Doal:** Having the women's strategy team in place was a huge plus, and its loss has been noticeable. The fact that that brought together people from Health and other Departments to try to break down some of that silo thinking was good. That seems to be lost now, with that team going, which is a shame. What is also being lost is what came out of the Corston review: the money to set up one-stop shops. That enabled us to work with women who were at risk of falling into the criminal justice system. You could do some early preventative work with those women who had multiple and complex issues but had not yet been caught for an offence, so you could divert them much more cheaply, and also help them move on in their lives without having got a criminal record. It is a lot easier to get somebody into employment who has not got a criminal record. At the other end of the spectrum, women on the cusp of custody, who were getting five days or seven days in prison, could be diverted into the women's centres for community sentences. Both of those ends of the

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process are now under threat. We won't be able to work with those women at either end next year, which will be a shame.

**Q78 Chair:** We as a Committee have previously expressed concern that NOMS tends to be preoccupied with the vast majority of prisoners, who are men.

**Joy Doal:** Yes.

**Q79 Chair:** You have all described what is partly a structural problem. Clearly, there is a problem in that there is a lot less money around at the moment, and in that situation it is very difficult to do what you want to do, but there seems to be evidence of a structural problem about where decisions are being taken that affect women's lives.

**Joy Doal:** But it's cheaper—an awful lot cheaper.

**Q80 Chair:** What is cheaper?

**Joy Doal:** For a women's community project to run a community sentence in the community is very much cheaper than probation delivering that. It is probably 40 times cheaper than that woman being in prison, so this is not really about cost.

**Q81 Chair:** We will come on to some of that. Ms Spurling, what is your thought?

**Sharon Spurling:** The Corston report helped us move away from looking pretty much only at enforcement. We were able to do much more of the wrap-around stuff, looking at people's accommodation, their families and their relationships. We were able to build quite strong partnerships across the public sector, in social services, probation and health, as well as working with GPs. One of the things we welcomed was the additional suggestion of working with women on domestic violence issues and prostitution. I support what Joy says. There is a danger that early intervention and looking at the wider issues that affect women and lead to women offending could be lost, because we are going back to being very insular and looking just at offending, and not the other issues that are going on.

**Q82 Nick de Bois:** I would like to turn to the Government's publication "Transforming Rehabilitation". I would rather not go down the route of talking about the introduction of payment by results specifically at this point, because we are going to look at it in more detail in a minute. Mr Kilgarriff, perhaps you would kick off with an answer to this question: what is your overall view of the implications for female offenders of the proposals in the Government's paper "Transforming Rehabilitation"?

**Peter Kilgarriff:** Without mentioning PBR?

**Nick de Bois:** It is not that you do not have to mention it, but we are going to dig into that later. We are not avoiding the subject. For example, I am conscious that there is really only one paragraph that deals with the subject, so there is more to come, but it is your view I am interested in, not mine.

**Peter Kilgarriff:** My view is that now women are not really considered by policymakers. The difference between women's and men's offences is not considered. The Corston report concentrated as much upon women at risk as upon women who had offended.

That element of women at risk, and all the complex problems that Joy mentioned, is not touched upon at all by the rehabilitation revolution.

**Q83 Nick de Bois:** In fairness to the report, it talks about dealing with all offenders. Are you really saying there has been no recognition of what was suggested in the Corston report—that there are unique circumstances surrounding female offenders—and that you feel it should have been addressed in this document, or you would expect to see something later? What is your sense?

**Peter Kilgarriff:** My sense is that there will not be anything coming later. I would like to have seen it in this document. But there are things in the document that might help women offenders.

**Nick de Bois:** Such as?

**Peter Kilgarriff:** The thing about supervising all people who leave prison, irrespective of whether they have been there for a year or far less time. Most women go to prison for only a short time, and support after that might help, but to my mind that has been undermined by what has happened to the people who should do the support.

**Q84 Nick de Bois:** I have got a specific question on that point for Ms Russell in a second. Ms Spurling, I go back to my first question about what you think the implications of the reform are for female offenders. I am sorry if you feel stifled because I am not encouraging you to go down the route of payment by results, but we are going to go into that later.

**Sharon Spurling:** It is a bit difficult, because the only part where women are mentioned is in the section on payment by results. I support what Peter said, in that the really important thing that comes out of this is the ability for everybody on a short sentence to have support when they come out of prison, irrespective of whether probation is involved. The situation we are beginning to work to now, which certainly happened earlier this year, is that we were asked to work only with probation and with women on supervision. Fortunately, a really supportive probation manager argued that we should be able to work more widely, so that we could take people from LMAPS—Local Multi Agency Problem Solving—from which we had been almost excluded. That is really important, because meeting those women at the gate, being able to sort out their accommodation, which is difficult in Northumberland, being able to get them into services and start working with them immediately, is something that is very transforming from the report.

**Q85 Nick de Bois:** Ms Russell, in your written evidence I was quite taken by the fact you suggested that, since May 2012, the Government had not facilitated involvement of the third sector in the preparation of their rather long-awaited document on strategic priorities for women offenders. That is definitely the case, is it?

**Jackie Russell:** That is the case.

**Q86 Nick de Bois:** There has been no engagement whatsoever with the third sector.

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**Jackie Russell:** There has been no engagement with Women's Breakout, which represents the women's sector. I am not aware of any engagement with any other agency. We did try through the Reducing Re-offending Third Sector Advisory Group. That group was asked to produce a paper, which you probably also have referred to in your written evidence. The work was managed by Clinks, so it might be in its submission. We were asked by the Minister to produce a paper about the strategic issues for women. One of the strong recommendations that came out of that paper was that a strategic pulling together of all the agencies was absolutely vital. We took that paper to the Minister, who made very positive noises about it, but then we seemed to hit a stall with the officers, so it never went further. I have also asked to be personally engaged in the development of the strategy.

**Nick de Bois:** You were personally asked.

**Jackie Russell:** I asked them if I could be involved, because I meet regularly with members of NOMS and the Ministry of Justice. I have asked on a number of occasions where the strategy is, whether they need our help, and whether we can possibly offer support. At this moment in time, no help has been asked for.

**Q87 Nick de Bois:** I am a great fan of the role of the third sector, and I sense that the Government are great fans of it, too. It drives innovation and has a lot to commend it. Were you given any sense of why there was no wider engagement in that respect? Could you just speculate for a minute?

**Jackie Russell:** It is speculation. My background is as a chief officer in local government. I know how difficult it gets when you widen the pool of people engaged in writing strategy. It is quite hard, but also very rewarding, because you get a whole range of different perspectives if you do that. There is a part of me that thinks: is it about the fact that it becomes a harder exercise? There is also a part of me that says: because there has been such a delay and we still do not have a strategic position, was it ever really wanted? I do not know, but I do know that we have not moved further.

On the question that you asked Peter and Sharon about the implications for women, in this document the rhetoric says some helpful things, particularly about mentors. If every person leaving prison had a mentor on our model, we think that would be very good. The devil is always in the detail. What we see here are some words that sound okay at this stage, but, as the process rolls out and the money follows it, it is a little worrying that we might not see the high-quality mentoring that is needed to support women particularly, but all prisoners. While the rhetoric sounds good, is the thinking behind it right? It is rather a shame that, when things like that are put forward, you do not see examples of good practice as well. This document talks about mentoring as though it is not happening—whereas actually there are some really good models it could have used. In addition, the document is in no way gendered.

**Q88 Nick de Bois:** On your role of mentoring, I met the Langley House Trust, for example, and listened to how they do things. Do you see engagement, effectively, as meeting the offender at the gate?

**Jackie Russell:** They see them through the gate. They meet people before they even come out of the gate, and as they come out, and then support them.

**Q89 Nick de Bois:** And then you bring the multi-agencies together. I am trying to understand you—

**Jackie Russell:** Yes. What is really important about the voluntary sector is that whatever time that woman comes out of prison, even if it is 4 o'clock on a bank holiday, somebody is there to make sure she is safe for that night, that she has what she needs, and that she will not have to go back in to where she came from before because it is the only life she knows.

**Nick de Bois:** I understand.

**Q90 Chair:** Ms Doal, you looked as if you might be about to say something.

**Nick de Bois:** I am sorry. I am not as sensitive to all the eye contact as I should be.

**Joy Doal:** I would say that, rather than having a mentor meet somebody at the gate when they have done three weeks in prison, stop sentencing people to three weeks in prison and put them in centres in the community instead. If you put a woman in the back of a Reliant van, maybe on a Friday afternoon, and drive her 76 miles to another prison, when she may not even have thought about who is going to pick up the children from school, she is in a panic. The whole thing is a recipe for disaster. That woman is left juggling all sorts of things, thinking, "Where are my kids? I don't even know who's looking after them tonight." She does not know what is going to happen to her house or all her stuff. Immediately she is popped there in the prison and is seen as a nuisance, because she is trying to juggle all these things and getting herself more and more irate, thinking, "What on earth?" She is immediately labelled. You could cut down all that waste immediately just by using the community projects that we've already got to do a sensible, robust, specified activity requirement, which we run in the community. She stays with her family, and her children do not have to go into care. The huge cost of that is just mad. We know that the levels of self-harm and suicide are very high for women on short-term prison sentences. It creates a revolving door. She comes out and her life is a complete mess again, because she's lost her home, her furniture's on the skip and the kids are in care. What does she do? She goes back into prison. It is a revolving door, and it is just so expensive.

**Q91 Chair:** That prompts the question: why did the court give her that prison sentence? Was it because there was not appropriate community provision available, because the court did not know there was adequate provision available, or because the court was not confident that the community provision was appropriate or perhaps was a sufficient demonstration that society was not going to put up with what she had been doing?

**Joy Doal:** Probably all of those, but what happens if you disinvest from the projects that are doing well? We have women on specified activity requirements all the time, and they do really well and complete their orders. Our reoffending rate this year for women who had completed those orders was 1%, compared with

63% for those coming out after a short prison sentence at, say, Foston Hall. It does not make any sense. If you are talking about reducing reoffending, the services that we provide do make sense. But yes, we haven't got national coverage. We can't even deal with the whole of Birmingham. In some areas there is no provision for those women, but there could be—at a hugely reduced cost.

Going back to your original question, there are other things. One of the dangers with “Transforming Rehabilitation” is that all the people below tier 3 offenders are to be managed by a private company, because they are all deemed to be low-risk. But with women, you also have to understand that, although they are low-risk in terms of harm to others, they are very high-risk in terms of need, and of risk to themselves and their children, because their lives are often chaotic. They will be classed as a low tier of risk of harm to the public, so under these proposals nearly all these women will be managed outside. You can pretty much stick all the women in that box, because they will all be in tier 3.

**Q92 Jeremy Corbyn:** I am very interested in the points you are making. What would be the equivalent community sentence to a very short prison sentence, such as five or 10 days?

**Joy Doal:** We do specified activity requirements, which are anything up to 60 days. That could be 60 days for up to 12 months.

**Q93 Jeremy Corbyn:** Sixty full days.

**Joy Doal:** Yes. Someone may attend our centre 60 times—60 days—over 12 months, but it could be 30 days or 20 days.

**Q94 Jeremy Corbyn:** What would she do on those days?

**Joy Doal:** She would access all sorts of support, and she would also access courses—offending behaviour courses, anger management courses, DV courses and drug awareness courses. There would be a full timetable.

**Q95 Jeremy Corbyn:** Who monitors this?

**Joy Doal:** Probation. We work in conjunction with probation. We have co-located offender managers in the centre who manage the cases, but our support workers do the actual front-line support with that woman. She will have a worker who will deal with all her issues and help her with housing, issues with the children, social services and parenting courses. We have a crèche on site. It is holistic: everything is there for her in one place. She is receiving the support, but she is also undergoing punishment in terms of her liberty. She has to attend, because obviously that is part of the court order; otherwise, you have also got community payback by unpaid work. She can do hours in the community.

**Chair:** Perhaps we could stop there, because we are going to come back to the nature of what you are able to do with your organisations.

**Q96 Mr Llwyd:** Arising from that, 60 days is quite intensive and obviously worth while, but, bearing in

mind that a lot of these women have chaotic lives, how many fall off and do not complete?

**Joy Doal:** Not that many.

**Q97 Mr Llwyd:** Roughly how many?

**Joy Doal:** We have a really good success rate. I cannot give you the exact figures, but very few orders are breached. If they are breached, usually it is at the very initial stages, when someone has not even come through the door.

**Jackie Russell:** I don't think that 60 days would be the order for somebody as an alternative to five-day custody. That lower tier would have less contact time in a sense, although it could be, as Joy said—

**Q98 Jeremy Corbyn:** What is the equivalent? If somebody would have been given, for example, a 10-day prison sentence, how much community work or community attendance would they get instead?

**Joy Doal:** It varies.

**Q99 Jeremy Corbyn:** It is not that scientific.

**Joy Doal:** No.

**Q100 Chair:** It is not that consistent.

**Sharon Spurling:** What also varies is that not all areas have access to specified activity requirements. In the Northumbria Probation Trust that is particularly around ETE, not anything specific to women. That area does not do conditional cautioning, so there are changes across the patch as to what you can access for women. If that was a bit more joined up, we would be able to give you lots more data, because we would all be working in the same kind of regime of monitoring and collection.

**Q101 Andy McDonald:** Putting to one side the efficacy and appropriateness of non-custodial sentences and focusing on those occasions when custodial sentences are necessary, Her Majesty's chief inspector of prisons suggests that women do best in smaller open, or semi-open, establishments. Given that, do you share the disappointment expressed by Baroness Corston to us in December at the Government's decision not to accept her recommendation to establish small custodial units for women?

**Jackie Russell:** Yes, absolutely.

**Peter Kilgarriff:** Very much.

**Jackie Russell:** We have heard that small custodial units would be expensive, but what we have not seen is a fully costed proposal of what that would look like. You also have to remember that that proposal was based alongside other proposals that would have reduced the prison population. Whereas there are 4,000-plus women in prison today, the small custodial model was about asking questions such as: how many of those women should not be there because they are there for breach of an order that would not have resulted in prison anyway? How many of those women are there on remand? How many of those women are there for under three months, or under six months? Once you start to deal with those women appropriately, your prison population drops, which gives you a proper model, and it is that model that should have been costed for small custodial units. We have not seen

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that; we have just been told that it is too expensive and it will not happen. We are very disappointed that that proposal has not been looked at seriously.

**Q102 Andy McDonald:** Have there been any improvements in the regime? Have you been able to identify any?

**Peter Kilgarriff:** It is difficult to see them. Some women's prisons have been closed since the publication of the report. That has had the effect of sending women to prison further away from their homes and causing an increase in the numbers in some women's prisons. That goes against what the chief inspector was saying and what we believe.

**Q103 Andy McDonald:** Presumably, if we are on a trajectory of trying to reduce the prison population and the number of sentences being smaller, isn't that going to result in women who are in custody being much further away from home in any event?

**Joy Doal:** Not if there were local small units.

**Peter Kilgarriff:** The norm that Baroness Corston argued for, and that we would like to see, is that non-violent female offenders are not sent to prison but are dealt with in the community. There seems to be evidence that not only is that cost-effective but it is more effective in terms of reducing reoffending, and in terms of the well-being of the women. There is evidence that women who have offended who work with women who have not offended—in other words, at a generic women's centre, not a women's centre that is seen primarily as a women offenders centre—develop much better.

**Q104 Andy McDonald:** Are you really saying that, if we are serious about trying to improve the position on reoffending, we should stop doing what doesn't work and spread out what does work?

**Jackie Russell:** Yes.

**Peter Kilgarriff:** Yes, absolutely.

**Joy Doal:** That would make sense.

**Q105 Mr Llwyd:** Ms Doal and Ms Spurling, would you describe your particular projects, with a bit about the history, the actual work and the funding?

**Sharon Spurling:** Support for Women Around Northumberland got together to bid in 2009 when the second phase of the money from the Corston coalition came about. What made us a little different was the area we worked in. The county of Northumberland—I've got to get this right, haven't I?—is 5000 square kilometres with a population of 310,000 and big areas of rural living and rural isolation, with some pockets of quite severe deprivation. We saw that the recommendations for a women's centre would not work in Northumberland, so we developed a virtual women's centre, if you like. At that time we called it the virtual one-stop shop. Because of the diversity of Northumberland and the women and communities within it, we wanted to develop a partnership rather than have just one organisation. The organisation I work for, Escape Family Support, works with drug and alcohol users on addiction, and their families and carers, which is great for a cohort of women but not for everybody. We also got together with the Women's Health Advice

Centre based in south-east Northumberland, because they had a more generic and holistic approach around women's health and well-being; Fourth Action, which is a social enterprise that works in north Northumberland mentoring women into employment and training; and finally Relate. When we first came up with that idea it sounded a bit odd; everybody thinks about relationships and repair. Relate was about that, but it also had expertise in counselling—generic counselling and sexual therapy—so we brought those partners together and put our bid in for Northumberland.

We hit the ground running in about February 2010. We realised at that point that the monitoring and evaluation was not great for all the projects. We were feeding into the centre but not really getting much back. In our first year we decided to bring in an independent evaluator, Dr Chris Hartworth of Barefoot Research and Evaluation. He was able to say that at the end of the first year we had a 70% reduction in reoffending for the women we worked with. We had about 122 referrals over the year. Those were women who had offended or who were at risk of offending, and also women who had offended again and again. We built the project from there.

We have some particular issues in Northumberland. We have a real problem around supportive accommodation for women, which is almost non-existent. Women have real issues to do with travelling around to access services. Our premise was always to take the service to the women. That would mean that, if we had to go to Kielder Forest to see a woman, that is what we would do; if it was in Berwick or Amble, our workers would go out and see the woman in the community. That really helps to engage women back in their local communities as well, so they become a bit more valued in the community. People see that they are tackling some difficult issues and coming out the other side.

I want to describe for Members the distances around Northumberland. If we had a women's centre in just one place—in, say, Blyth, which is in south-east Northumberland—and we had to bring a woman from Berwick in to the service, it would be the equivalent of saying to a woman sitting here, "You need to go to Brighton to get that service." That is never going to happen; those women are never going to do that. In rural communities in particular, it is so important that the services are delivered in those local communities—and by people from those communities as well. One of the ways we get around the expense of travel is to employ people from those local communities or we develop mentors or volunteers who live in those communities.

**Chair:** It is music to my ears to hear there is recognition that you can't meet the needs of somebody in Berwick—or for that matter in Haltwhistle or Kielder—just because there is a centre in Blyth. It is not feasible.

**Q106 Mr Llwyd:** I am acutely aware of the problems of delivering in the rural setting, and what you say is quite encouraging. The model seems to work throughout the large expanse.

**Sharon Spurling:** Yes.

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**Q107 Mr Llwyd:** Can you say a brief word about funding before I ask Ms Doal to say a word?

**Sharon Spurling:** You will know that the funding has changed over the last three years. It was with the Ministry of Justice originally, then moved to NOMS, and this year it has moved to Northumbria Probation Trust. I want to say at the outset, in relation to the 70% reduction in reoffending, that we did another sample in 2011. We sampled women on suspended sentence orders who had worked with us. Not one of those women went back into custody. However, just before Christmas, I received a letter from Northumbria Probation Trust saying that they had cut our money and our grant funding would end on 31 March this year. When I look at the consultation document “Transforming Rehabilitation”, it says, “We’re going to do this with prime providers, and that’s going to happen before 2014.” When I look at that, and I hear what is happening to other women’s community projects—they are being rolled on, and some might go out to tender; I understand that our pot of money will be going out to tender soon—I get a bit confused about what is happening. On the one hand, it looks as if the whole of support for offenders is going out to tender, but, equally, the trust seems to be putting that money out for tender now. So we’ve got 10 weeks.

**Q108 Mr Llwyd:** So you are supposed to put in a tender, presumably.

**Sharon Spurling:** Yes, presumably—for a service to start on 1 April.

**Joy Doal:** We are in a very different position because we are in a city. It is quite different being in an urban area. Because of that, we are able to develop a physical one-stop shop. We have quite a large centre, which used to be a school. As we have gradually grown we have built other bits on to it, but we are able to attract a range of partners to work with us. We have two further education colleges that come in and deliver their courses with us. The homeless charity Crisis delivers courses and provides a mental health practitioner one day a week. We have drug treatment like Addaction, the A-Team for alcohol and a full range of partners. Birmingham Settlement provides debt and benefit advice two days a week within the centre. We have co-located offender managers and a co-located mental health practitioner now as well. That is a massive advantage, as you can imagine, because it is all there in one place.

This all came out of some prison inreach work that we were doing in the days when there were women at Brockhill. We saw that in the first 48 hours when women came out of prison they had so many appointments to go to. They would be running across the city to go to different appointments—their probation appointment, and going to this and going to that. That was when the idea arose to put everything in one place. The woman has everything pretty much in one place and she can attend everything. Women were failing in those first 48 hours just because of having to manage the appointments. The women we are talking about tend not to have Filofaxes and diaries, or to have everything in order. Oftentimes they do not remember what they are doing tomorrow. There are huge advantages in having everything in one place. We get

those services in completely free of charge, because it is meeting an alternative funding stream. The college has a target to reach a hard-to-reach client group, so it is able to deliver its service free. Equally, Crisis is funded somewhere else to provide those services, so it is a win-win. The probation service is now giving us a grant to provide something. Obviously, it does not pay for everything, but the added value to that probation grant is huge. It could not provide all those services across the board.

The advantage of having such things as a crèche on site is massive. Those women can come, leave their children and have that support. If you have to go and sign on and do your supervision appointment at a probation office, there isn’t even a box of toys or a nice waiting room. You are sitting in a waiting room with all the male offenders. Most of the women have been victims of domestic violence and/or sexual abuse, rape, child sexual abuse and so on. Sitting there with a group of male offenders is not a nice environment in which to be waiting for your appointment. Simple little things like being able to come into a women-only space and receive support are so important. To create that safe space has been key.

We are able to do so much more outside the funding we get from NOMS currently, because we can attract other funding. We go to four women’s prisons on a regular basis and provide through-the-gate support, but that is funded by the Big Lottery on a four-year grant, and it goes down each year. My problem is that, when it goes down each year, I cannot get that other slice refunded because, rightly, the Corston coalition are independent funders. I am writing bids to all their pots and they say, “No, it’s a statutory responsibility.” You can understand that, but, unless the statutory responsibility group steps up, that is threatened. Our crèche is threatened, because we have Children in Need funding to run the children’s work that is finishing, and we have been refused a further grant. So that is under threat as well.

**Q109 Mr Llwyd:** Overall, what would you say the future holds in terms of the percentage loss of funding? In other words, how much are you short from the next financial year onwards?

**Joy Doal:** Our budget last year was about £750,000, and I have managed to secure nearly £400,000.

**Q110 Mr Llwyd:** So the shortfall is pretty substantial.

**Joy Doal:** Yes.

**Q111 Mr Llwyd:** And you are still working on it.

**Joy Doal:** Yes—madly.

**Jackie Russell:** The probation contribution to Anawim has already been identified as going down by 17.7%. Originally it was going to go down by 30%, and Joy was asked to put together a proposal based on a 30% reduction. The reality is that they are now saying it is a 17.7% reduction. Probation’s budget is just a part of that £700,000.

**Q112 Mr Llwyd:** But surely it is a false economy, because the work you do is saving money, isn’t it, when you analyse it pound for pound?

**Jackie Russell:** Yes, of course it is.

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**Joy Doal:** An awful lot of money. It is like what happens with social services. We get shedloads of referrals from social services, and no money from social services. Yet let me give you one example of one family. We have a project called Reunite, which is about helping women when they come out of prison. We have a partnership with Midland Heart, which is a social landlord. When a woman comes out of prison, the housing provider says it will provide a property large enough for her to have her children with her, provided that she can get them back. What normally happens is that someone comes out of prison as a single woman in terms of housing, and she is housed in a one-bedroom flat. Social services say, "You can't have your children back because you haven't got a suitable property—and you can't have a suitable property because you haven't got your children." Reunite is there to get over that barrier, so Midland Heart provides us with a property that is large enough so that she can have her children back.

At the moment, we have a family of six children, all in social services care in different foster homes. We have managed to secure a four-bedroom house through Midland Heart. We have worked with the family; we have dealt with the issues and done parenting with the mother. We have been to all the case conferences and sorted everything out. Those six children are being returned to her care. For just that one family, that is probably a saving of £1 million.

**Chair:** I think Ms Spurling wants to come in on this.

**Sharon Spurling:** We would lose £160,000, which is not much in the great scheme of things, but it would be a lot for the women of Northumberland. We did a social return on investment exercise last year that was funded by the LankellyChase Foundation. For every pound of that £160,000 invested, we were able to show there was a £6.65 return on social value, which was equivalent to a benefit of £314,662 to the state, but a massive £748,000 benefit to those women. That is the benefit around all the other stuff you do with the women to move them away from offending for ever. Our £160,000 will stop on 31 March, and that will have a huge impact on women in Northumberland.

**Mr Llwyd:** I am very grateful to you for putting that on the record.

**Q113 Chair:** Isn't this such an imaginative and promising area, where both general fundraising and social investment bonds have a potential appeal, that there must be quite a lot of people who, if they got to know about your kind of work, would see it as something that they wanted to support, either by giving or by loan investment?

**Witnesses:** Yes.

**Q114 Jeremy Corbyn:** I want to ask you about the effectiveness of the centres. When you are doing monitoring or an evaluation, what weight do you put on the rates of reoffending as opposed to any well-being index you could apply to the woman concerned or her family?

**Sharon Spurling:** The programme was always about diverting women from custody and reducing reoffending, so quite rightly we have placed a heavy weight on that. When we have done an evaluation we have concentrated on those aspects. We sampled it by

finding out what the women were doing six months before they were engaged with the project, and then what their arrest or conviction rates or charges had been once they had been engaged with the project. We have also used soft outcome stuff, which is around improvement in their family relationships, self-esteem and confidence-building. The model we have used for that is something called an outcomes star—a well-evidenced model that can track, with the woman herself, her progression in a number of different areas. Normally, there are about 10 points, which include offending, drug and alcohol abuse, social networks, family and relationships. We have used that to be able to assess what progress a woman has made in the time that she has been engaged with the project, in comparison with the six months before she started with the project.

**Q115 Jeremy Corbyn:** Apparently, where there are women's centres, the reoffending rate is 8.82% compared with a predicted 9.09%. Do you think that is a significant difference?

**Jackie Russell:** NOMS did.

**Jeremy Corbyn:** I know NOMS did but I am asking you.

**Jackie Russell:** The difficulty is and always has been with this evaluation that there is not really a coherent approach to evaluation and the data. That oversight went way back to when the £15.6 million was granted for two years. There should have been built into that something that put in place a data capture system that would have value to all the agencies. That did not happen. Different performance management regimes were imposed on the projects and kept changing as well. There has been a huge problem with this data. That is why my answer is that NOMS did it, because, to me, the data you see in our projects makes more sense. When Joy tells us that she has a 1% reoffending rate, that is significant. Sharon will be able to tell us her reoffending rate, and that is significant. The data that NOMS captured was about their actual assessment of the value of projects. They did that for only one full year because they kept changing it, so there is no trend data around that. What they showed in their returns was that figure, and they call it statistically significant. Therefore, in terms of evidencing it to the people who are making decisions, i.e. NOMS and probation, that has some currency; in terms of sitting here and talking to you about success rates, the data that the projects have for themselves makes more sense. Does that make sense to you?

**Q116 Jeremy Corbyn:** It does. Where do you think the geographical gaps are concerning the provision of women's centres? What is your view about access to women's centres, or other appropriate services, by black and minority ethnic women? What is the ethnic make-up of the customers or clients you are dealing with?

**Jackie Russell:** There are huge geographical gaps. If you look across the country, there are 31 funded projects across England and Wales. You have to do the geography yourself, and it just does not come near to every magistrates court. To go back to what Sir Alan said earlier, you want every magistrate at least to have

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the option to refer to a provision like this, so the gap is huge. You might see some clustering a little around the cities, but you get projects like SWAN, which have been addressed through a partnership approach so they cover a big geographical area. The gaps are everywhere.

In terms of access to different protected characteristics—the black and minority ethnic community is probably the most significant—some of our member organisations offer specific services, but, because there are so few anyway, we have to rely heavily on the services that we have got understanding those support needs themselves. We are way back in terms of where local authorities and understanding was before the race relations work, but we are way advanced in terms of how we support women.

In this context, it is the fact that the individual is a woman that is very significant; the ethnic background is not so significant. Of course it is important, but when a woman is an offender and needs support around offending, her affiliation, if you like, is to a group of women as opposed to black people. The things that come out that need addressing are more about her gender than her ethnicity, but that does not ignore the fact that there are things about her ethnicity that are very important. So the projects have that sort of understanding, and different projects will engage different people from the communities in which they exist. That is important because you are supporting women in that community context.

One of the important things about desistance—Sharon talked about this; Joy did not, but I know it happens at Anawim—is that you need to connect a woman to a different social community setting from the one she was in before.

**Q117 Jeremy Corbyn:** I am sorry to interrupt you, but is there a significant difference between the outcomes for minority ethnic women as opposed to white English or British women?

**Joy Doal:** No.

**Jackie Russell:** In the projects, no.

**Q118 Jeremy Corbyn:** Not that you observed; there is nothing there.

**Jackie Russell:** No, nothing observed.

**Joy Doal:** No. Obviously, you have to monitor the ethnicity.

**Jackie Russell:** Again, you will also have some specialist projects. For instance, we have Hibiscus, which is working for foreign nationals and provides extremely important support for them. One of the recommendations Baroness Corston made was a strategy around foreign nationals. There is a really important difference there in terms of experience and outcomes, where those women are going and what their future is like. So that is different. But having 31 in the country does not allow a lot of room for specialism. The 31 are specialisms themselves because they are specialisms for women.

**Joy Doal:** If they were funded properly, you would be able to give an even better service. There are challenges.

**Jeremy Corbyn:** We have got that message.

**Joy Doal:** For example, if somebody needs an interpreter, we cannot afford to pay for them; it is not going to happen. The most that probation provides is a mobile phone and the language line. There are barriers like that, but that is the same for probation. If the funding was there, we could give a better service.

**Q119 Jeremy Corbyn:** Most foreign national prisoners are actually in London, aren't they?

**Joy Doal:** Prisoner-wise, yes. I am thinking more of community sentences. Particularly for Romanian women with absolutely no English, that can be quite a challenge. It is very difficult for them to engage in any meaningful activity. The same issue arises across all of probation. In unpaid work, we find it very difficult to engage Romanian women in work parties, even at the level of what paint brush and tools to use and explaining the very basics. It is very difficult.

**Q120 Steve Brine:** We are now going to talk about payments by results, which I sense you are all chomping at the bit to do. Before we do that, I am finding listening to you, Joy, this morning a deeply depressing exercise. It is nothing against you.

**Joy Doal:** I am sorry.

**Steve Brine:** No, no, it is absolutely nothing against you; it is just deeply frustrating. We are not in politics just to seem to be going round the same circle. In your opinion, Joy, does anybody in government get it? Could they possibly?

**Joy Doal:** I don't know.

**Steve Brine:** Be blunt with me.

**Joy Doal:** Probably not. We have a couple of hotels on the Hagley Road in the middle of the red light district that are used to house people. We often joke that we would like to put somebody like Mr Cameron in one of those for a week to see how he copes, but the experience of normal life, which is normality for a lot of the women that we deal with, is so far removed from here. It is very hard.

**Q121 Chair:** At least one present Minister, Iain Duncan Smith, did try to find that out.

**Joy Doal:** Yes, but without a film crew and everybody else, and the fact that you know you have a bank balance behind you.

**Chair:** I do not think he did it mainly with a film crew, if I remember rightly.

**Q122 Steve Brine:** That is just the process of government. Clearly, you cannot have a Government do that; they wouldn't be able to do anything else.

**Joy Doal:** No, no, of course you can't; I understand that.

**Q123 Steve Brine:** But you have relatively new Ministers at the MOJ and a relatively new Administration. The previous one lasted for 13 years. Did anybody in the previous Administration get it?

**Peter Kilgarriff:** Yes.

**Sharon Spurling:** I think that people want to get it, but without having a strategy around women it is probably difficult for everybody.

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**Q124 Steve Brine:** But it is merely your opinion on the strategy, which you have backed up with various evidence. Mr Kilgarriff, does anybody in government care? Clearly, that is your opinion on this.

**Peter Kilgarriff:** It is my opinion. I think this is too low down their priorities at the moment to care.

**Q125 Steve Brine:** Why do you think that is?

**Peter Kilgarriff:** It is my opinion. Part of it is about an ideological fix on diversifying the service provision. One of the things that really annoys me, if I might use that word, is the Government's insistence on never making a distinction between for-profit and not-for-profit in the private sector. When the "Transforming Rehabilitation" paper came out and talked about the private sector, it meant Serco and SWAN. SWAN's inability to engage in this agenda is widespread; it absolutely characterises the voluntary sector, particularly perhaps in the field of criminal justice, because, numerically, most of the voluntary sector agencies are tiny and very dependent on grants. There are one or two large beasts, but even those cannot put in the capital to wait for payment by results. Serco and G4S, for example, might be able to. That refusal to distinguish between the for-profit and not-for-profit private sector is extremely annoying, and it is a refusal. We have asked Government to make this distinction, because it is a very important one, but in public pronouncements it is never usually made.

**Q126 Steve Brine:** On the new PBR regime, what role would or should CIFIC have?

**Peter Kilgarriff:** I did not envisage CIFIC having a role in PBR in any formal way. Trusts were one of the main investors in the Peterborough social impact bond. I hesitate to say it, but you used the word "depressing". We would try to put a brake on some of the PBR proposals, because there is something about the speed with which Government are saying this is working. It is not known whether it is working. For example, Peterborough is over a seven-year period. It is nearly into its third year, but there is no strong evidence yet. The evidence on the community-based work as well needs to be given time, and time needs resources. We are asked to prove a reduction in reoffending within a year. You can talk about individual cases and can present that.

Mr Corbyn's question was about evaluation. I am not sure whether you were asking whether the centres themselves were satisfied with their resource, but usually it is the funders who say, "These are the evaluation criteria you have to use." If the evaluation criteria on this work are a binary measure, which is that you are either in prison or out, or you did or did not go to prison, and it does not take into account the complex journeys and stages of development and improvement in people's lives, then I do not think it will work.

**Q127 Steve Brine:** Jackie Russell, much of the written evidence we have received as a Committee and the terms of this inquiry were designed under the tag of local commissioning, which now seems to be moving towards a more national commissioning functioning. How will that affect your work?

**Jackie Russell:** We wanted services for women to stay at a national level. What we see happening this

year with probation trusts confirms that is what should have happened. You have heard from Sharon about her funding issue; you have heard from Joy about hers. I met with 21 of the 31 projects just before Christmas, and talk about depressing—that was really depressing. I wrote up the sorts of things they were saying. The majority of them had been told that they were seeing 30% to 50% cuts in their services. Projects were being told, "You are going to have a reduction, but we now want you to cover the whole trust area." So, for Joy, that would be Stafford down to Coventry, Wolverhampton and Birmingham. There are some very big centres there and that is one of the big areas in terms of numbers of women offenders. Some were told that. Some were told, "You're going to have all the women referred to you", so they would become the probation office for women. There is a whole range of different things.

Essentially, what has happened with the money that has driven this is that NOMS have passported it to probation trusts without managing the process. We come to Peter's point about time. A timed-managed process might have been more effective, but they have just passported it to probation trusts. They have actually passported it to clusters of probation trusts. At the moment, 20 out of 35 probation trusts received funding like this. They have now passported it to five clusters. Say, for argument's sake, that within those clusters there are seven probation trusts. Maybe two of them previously had projects; maybe five of them did not. The argument has now gone that that money has to be split among the seven probation trusts.

Not only that, but in some probation trusts they are splitting it down to their local delivery unit. We are seeing services that were previously supported but cost quite a lot. It was £160,000 here; Joy's was about £250,000. A £250,000 service has now got one twenty-fifth of the budget that has gone to the cluster. For instance, in Reading, it means that Alana House has now got £16,000. You cannot even employ someone with £16,000. We have seen appalling behaviour but an unmanaged process. In an unmanaged process, it is a free-for-all for the money, so what is the easiest route? The easiest route is to spread it out and be done with it.

**Q128 Chair:** But can national commissioning work for you?

**Jackie Russell:** National commissioning is what they had last year, which is NOMS commissioning that. NOMS do not want to do that, so they are moving it further away. I think a national contract could work, but that brings you back to the PBR problem. If there was a national contract at the moment and it was not NOMS but a prime provider or a large organisation, the problem is that it is driven by profit. On employment issues, we have projects working in prisons. For instance, Working Chance works in Holloway to support women in employment; Working Links is also in Holloway. I have visited that. The Working Links worker sat in the office reading the paper. The Working Chance organisation was working on a workshop with women to connect them to employment. It is Working Chance that gets them into employment and Working Links that takes the credit and the money.

That brings me on to another point. I have heard it said by the Minister that the voluntary sector needs to get

more commercial. He quoted that an organisation had spoken to him and said that it was only being offered a contract with a prime, which would mean they would lose money. His response was, “Why would you take it?”

You have the voluntary sector here. They take it because they are concerned about the woman. They are working there because they are concerned about getting that woman into employment, not about saying they are providing a service that takes somebody else’s outputs and claims the profit. There is a real need to understand the motivation behind voluntary sector organisations and why they behave in a way that is not necessarily commercial, because by behaving commercially they have to walk away. That is what PBR is doing.

**Q129 Steve Brine:** All of which is why the coalition—your coalition, not our happy family—says that what is being planned is a confused jigsaw without any clarity of vision.

**Peter Kilgarriff:** Yes.

**Q130 Chair:** That brings me to something you both said earlier. Is it your belief that the Government are not going to produce, as they said they would, a strategy for women offenders?

**Q131 Steve Brine:** Before you answer that, perhaps I may raise the gloom from my depression and let in the sunlight. Last week, when the statement on the rehabilitation revolution was put out, one of the MPs said, “Will the Justice Secretary assure me that he will use the consultation period to reflect carefully on how a payment-by-results method will need to be adapted to meet the particular needs of women offenders?”, to which he replied, “I can give the hon. Lady that assurance.” He went on to say they recognised completely that there were different challenges for adult males, young people and women in prisons. He mentioned the new Minister, the Member for Maidstone and The Weald, Helen Grant, a former member of this Committee and now at the MOJ, who has taken responsibility for women in prisons. Does that provide any sunshine?

**Peter Kilgarriff:** We have asked to meet Ms Grant but she has said, “Not yet.” Obviously, she is new in post and needs to get a handle on her brief. I spoke earlier about PBR. There have been attempts to look at this. We have attempted to look at what we might do with PBR. Was it feasible to do something with women? Because of the small numbers it seems a really difficult thing. There may well be possibilities, though, outside the criminal justice system on some of the issues like child care and children going into care. There may well be some possibility of PBR on particular issues that affect women going into the criminal justice system, but it is difficult to see it replicated on a greater scale.

**Q132 Steve Brine:** Coming back to the Chairman’s question, you said you did not believe there would be a women offender strategy, which the Government had long since promised.

**Peter Kilgarriff:** They did promise.

**Q133 Steve Brine:** Do you not believe them? I guess in a way it is a “Does anyone care?” question.

**Peter Kilgarriff:** I do not think we will get a strategy. At the very best, we will get a set of guidelines for practitioners. Even that is difficult now, because for the practitioners, the probation service, it looks as though nearly all the women—Joy’s and Sharon’s clients—will be shifted out of the responsibility of the probation service, if what is in the document comes to pass. It is difficult to know to whom you will be talking. One of the more depressing things we have found in talking to policymakers, civil servants and Ministers is that there is very little leadership from the top at the moment. In talking to officials, they see their role as advising, guiding and helping, and there is no real leadership.

**Chair:** In relation to women.

**Peter Kilgarriff:** In relation to women; that is what I mean, yes.

**Q134 Chair:** Your contention would be that leadership is really being exercised by taking forward the payment-by-results programme and is determined mainly by the predominant part of the criminal justice system, which is men.

**Peter Kilgarriff:** Yes, absolutely.

**Jackie Russell:** There was an opportunity before Christmas when the Ministry of Justice put out a contract for infrastructure organisations in VCS to develop an action plan by March for how the VCS could be better engaged in PBR. The reason I say it was an opportunity is that Women’s Breakout did express interest and did not succeed in that. There will be various reasons of course, but it was an opportunity. Our expression of interest was to say, “So far, you have designed everything around men and tweaked it for women. This is an opportunity to look at PBR through a women-specific sector, which will have the same issues as other small voluntary sector organisations; so we will have transition and transferability.” I think only two of us bid for that and Women’s Breakout did not secure the contract. It was a lost opportunity. Even though we might not have had a strong organisational size behind us, we were very specific and focused into one area, which could have been a microcosm of the sector as well. So I think that was an opportunity lost. Loraine Gelsthorpe and Carol Hedderman, who are both academics—I know Loraine submitted written evidence to you—produced a paper for the *Probation Journal* just before Christmas about why PBR did not work for women. You may wish to refer to that as something that may help you.

In response to your question, “Does anyone in government care?”, it is very difficult for people to understand what goes on for those who are not in their experience. If you look at government, it is people, isn’t it? Government is people. If you look at the lives of those people, often they are quite narrow; they are not lives that can in any way connect to women offenders and women at risk of offending, with that chaotic sense of their lives and that trauma that they have gone through. Their whole experience is very difficult to connect to. For instance, if you were sitting here looking at services for older people, you could think, “Well, this might be my parent”, or, “This is where I’m going to be.” We all know older people and

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can connect to what is being said. Because in this area you cannot, it is really important to hear from those people themselves and those close to them.

**Chair:** Which we as a Committee do of course in evidence sessions.

**Jackie Russell:** Yes, exactly, but other than that it means Government do not get it unless they listen.

**Q135 Chair:** I have just one quick factual point. Have any of you found that the private sector is coming to you? If I was in the private sector, I would be heading straight for some of you to find out what had been successful and see if I could engage your services. Is that happening or not?

**Joy Doal:** No.

**Jackie Russell:** That has not been the experience of projects to date. Where they have come to the projects, it is often to take from them and then go away and do something without the projects.

**Sharon Spurling:** In the voluntary sector there is the saying “bid candy”.

**Nick de Bois:** They copied it.

**Jackie Russell:** Or they put in a bid but we never hear from them again.

**Q136 Nick de Bois:** I am afraid that happens all too often in the commercial world in all sorts of aspects. You have a great skill to offer. Have you approached any of these people for whom you seem to have almost a complete disregard and do not welcome? I refer to the Ciscos and so forth. That is a perfectly reasonable position, but have you ever thought, “Let’s turn this on its head. We can make them better by going to them and showing what we can do to persuade them to work with us”? I am not saying it is desirable, but have you ever thought about that?

**Sharon Spurling:** We do. Part of Escape—the wider project—was approached by Pertemps People Development Group as part of their NOMS contract. For me, it is a very good relationship with them. They absolutely understood that we were not going to achieve a huge amount in putting people into employment but we were going to achieve something. We were going to

achieve a lot of wrap-around support for those chaotic drug and alcohol users who are offending, and we have, but they also respected us. The service fee that we get is 70%, and there is 30% on the PBR for our hard and soft outcomes. We are quite engaged with it as well. We know we are not struggling to try to turn over lots of people quickly. We are not cherry-picking people we know will get outcomes; we are working with everybody, but we are supported by them. I have had some very bad experiences with other prime providers, but I have to say how it is on that particular contract.

**Q137 Nick de Bois:** I always get troubled when ideology becomes a barrier, as opposed to saying, “Well, it is here. Whatever the rules are, let’s make them work for us rather than get too obsessed about the ideology holding us back.” We can argue about it for years, but we could look much more at evidence-based solutions, and that is why we have all been depressed but intrigued by what you have had to say today. I would hate to think that one precluded the other.

**Peter Kilgarriff:** I did not mean to give the impression that I disregard Serco and G4S; I don’t at all. I accept that they are big players, and any feelings or beliefs I might have about the privatisation of punishment are not very relevant. Not very many companies are interested in doing this, but a group of trusts did meet with Sodexo regularly. I used to convene trusts that worked in this field. We met with Sodexo and talked with them about their relationship with voluntary sector agencies delivering services in prisons. There is a benefit in that particular co-operation or collaboration. Some 25% of the women in prison are managed by Sodexo. They run four women’s prisons. If you could get their top brass to agree to a particular service in one prison, it is quite likely to be spread around four prisons, which never happened in the state prison service. You had to go to every prison and battle or whatever. I just wanted to say that I do not disregard them at all; I think they are a big and a growing player.

**Chair:** Thank you very much. We are very grateful to you for your help this morning.

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## Tuesday 29 January 2013

Members present:

Sir Alan Beith (Chair)

Steve Brine  
Rehman Chishti  
Jeremy Corbyn  
Nick de Bois

Mr Elfyn Llwyd  
Andy McDonald  
Graham Stringer  
Yasmin Qureshi

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### Examination of Witnesses

*Witnesses:* **Juliet Lyon CBE**, Director, Prison Reform Trust, **Frances Crook OBE**, Director, The Howard League for Penal Reform, and **Clive Martin**, Director, Clinks, gave evidence.

**Chair:** Ms Lyon from the Prison Reform Trust, Ms Crook from the Howard League and Mr Martin from Clinks, welcome. At least two of you are quite regular visitors to us, but you are as welcome as ever for the help you can give us in our inquiry on women offenders. I am just going to see if there are any interests to be declared.

**Mr Llwyd:** I should declare that I am a member of the Howard League.

**Q138 Chair:** Unless anyone else has anything to add, that is probably the only relevant interest to be declared.

To start us off, could you give us a concise view of the progress that has been made in implementing the Corston recommendations?

**Frances Crook:** Perhaps I could give an overview about my concerns as to what is happening at the moment. There was a great push towards trying to implement the Corston recommendations, particularly with the funding for the women's centres, the establishment of women's centres in the community and the political support for the women's centres, both at a local level and national level, and the organisation that was set up to co-ordinate them. That was all good grounding but it has stalled recently. My concern is that there is support at ministerial level, but I am less convinced that there is support at Secretary of State level. We are particularly worried, of course, about the funding. If women are to manage in the community, helped to change and live law-abiding lives and not come into contact with the criminal justice system, we need to put that support network in at a local level, where they can get access to the range of services that they need to deal with their families, debt, mental health, drug addiction, alcohol addiction and their homelessness. That is where the women's centres come in. If we do not have support for these centres, we are in real trouble.

We can see that over the past year or so that, the prison population has dropped by around 3,000—which is much to be welcomed and saves the public a lot of money, unnecessary money. This allows the Secretary of State to close prisons, which will of course save quite a lot of money—however the women's prison population has not fallen at the same rate as the men's. Unless there is real leadership given at a national level, we will fail to see the real changes in practice affecting so many women and their families across the country.

**Juliet Lyon:** I was pleased to be a member of the Corston review, following the deaths of the six young

women at Styal. I had high hopes at that point that the Corston review would be the pivotal route to changing what had been a very disappointing response to previous inquiries. Just briefly, in 2000, the Prison Reform Trust published the independent Wedderburn review, which had similar recommendations to those of Baroness Corston. Following that, there was Fawcett; there was a Cabinet Office review and a joint inspectorate thematic report. There were a number of reviews, all of which said pretty much the same thing, that it would be perfectly possible in relation to public safety to reduce the number of women going to prison, that the emphasis should be on proportionality in sentencing and fairness and there should be options in the community, bearing in mind that most women were non-violent, petty persistent offenders in the main and that many had primary care responsibilities for their children.

As Frances has said already, myriad needs had to be met, otherwise the offending was likely to continue. So when Baroness Corston undertook her review, particularly given the reason that it was brought into being, we had hopes. After it was submitted to the Government, there was a very long period of time before there was any formal response. Thereafter, the Government said that, in principle, they accepted—I think it was—41 of the 43 recommendations. But apart from some very distinct changes, which I draw attention to, the response has been slow. One change was stopping routine strip searching, in recognition of the number of women who had been sexually abused or experienced domestic violence. Routine strip searching was seen to be no longer acceptable. That was a reform that was possible because of the Corston review and that was important.

We then thought that Government would move on to some of the wider recommendations, in particular the blueprint for reform, which is included in Baroness Corston's review, which made it absolutely clear that you needed leadership and accountability, a preparedness to work across Government Departments, and that the solutions would not all be found within the prison system, or indeed even within the Ministry of Justice. In particular, she drew attention to the health needs of women, which we would say are paramount in relation to mental health need, substance misuse and so forth. The response has been disappointingly slow, the leadership has been largely absent and there is the kind of feeling of, "Accountability—so what?"

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29 January 2013 Juliet Lyon CBE, Frances Crook OBE and Clive Martin

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There was a commitment last year by Lord McNally to introduce a strategy on women offenders, which we welcomed. That is still awaited. I understand that the Government want to get it right, but at the same time it is very disappointing because with each month or day that passes more women go to prison who do not need to. Compare it briefly to the Scottish report by Elish Angiolini, the former Lord Advocate in Scotland, who has led a Commission on Women Offenders in Scotland. She reported that the Justice Secretary responded immediately. If I could just read the last recommendation under “Making it work”, what she required and what actually happened was that “The Cabinet Secretary for Justice reports to the Scottish Parliament within six months of the publication of this report, and annually thereafter, on the steps taken to implement the recommendations in this report.” That is indeed what is happening in Scotland.

**Chair:** Thank you very much. Mr Martin.

**Clive Martin:** I would agree with both my colleagues but would add that I think Corston achieved three things in addition to the focus on women. One was the Corston Independent Funders Coalition, which is symbolic of a civic and Government coalition to tackle a wide social problem. That included investment, buy-in and a will to look jointly at an issue. That was a huge success of Corston and that has gone very wobbly. In some ways—without wanting to use too strong a word—it could be seen as almost a breach of trust between Government and civic society, where you had an agreement on something and how we could progress.

The second is about the women’s centres themselves in terms of what the criminal justice system was trying to do, which was almost to stop the flow of people into the criminal justice system. The women’s centres were the best bet we have of doing that so far. That is now, of course, in jeopardy with the combination of a reduction in funding and confusion about the funding mechanisms by which they will exist.

The third thing I would say is that the whole role of the voluntary sector which Corston promoted and encouraged was, in our view, absolutely essential. Many women offenders have a bad and negative experience of statutory services—that is part of the reason they are not really engaged with them—and this offered a chance for there to be decent services, decency for women. Those three factors seem to have dissipated over the last 18 months. Our feeling is that progress is certainly stalling very badly. The engine is stalling.

**Q139 Steve Brine:** As to the “Transforming Rehabilitation” paper—and I am guessing everyone has read it and keeps it under their pillows at night—what is your view, and we will start with Juliet Lyon, of the implications of the proposals in that paper for any forthcoming strategy on women offenders? There is at least one paragraph in the document that relates to female offenders, which you could say is a bad thing, but you could also say is a good thing because maybe they are keeping their powder dry. What is your view on the document?

**Juliet Lyon:** I think the document itself is mixed. What we do welcome is an emphasis on rehabilitation.

That is hugely important. In particular in relation to women offenders, I think there are one or two unintended consequences that the Government need to be mindful of before they bring anything into place. The proposal, for example, to have supervision and support for people, even those serving short sentences, will disproportionately apply to women because, disproportionately, they do serve very short sentences. I suppose, because all the major reports and work that has been done that I have referred to earlier significantly say that the solutions do not all lie within prison, there are two risks. One is that the courts will feel encouraged that they can send women to prison knowing that, even though they are serving a very short time and there will be massive disruption and separation from family, they will then get the support and supervision they need. That is essentially using criminal justice as a gateway to the kind of treatment and support they have needed in the past. That is a risk that needs to be mitigated in some way.

The other thing is that, in terms of the support and supervision, it comes with a bit of a price in that there will be an issue about compliance so that, if women breach a particular requirement, then they may be further taken through the justice system and end up serving more time behind bars. I think it is a mixed blessing, although, in principle, for anyone who needs to go to prison for whatever length of time because the courts deem it essential, having support and supervision afterwards is good. So that is one area that is potentially a bit problematic.

The other area is probation itself and the proposal to fragment the service. At lot of the women’s centres I have seen—and I was at one last week with the Minister, Helen Grant, and her officials, the ISIS Centre in Gloucester—the contribution of probation is really significant. The very good centre in Bristol is run by probation. There is probation in the Calderdale centre. Again, the partnership between probation and the women’s centre is what makes it so strong and effective. I do not think sufficient thought has been given to the particular role that different probation trusts have been playing in relation to the development of the most effective women’s centres. There are specific things that are going to need attention.

**Q140 Steve Brine:** From what you have said, do I take it that you say “fragment” but others may say “introduce new providers with new ideas that can get different results” because the status quo is clearly not great? With probation leading, if two probation trusts decide to work together, pool resources and introduce new providers into it, why is that “fragment” and not “improve”?

**Juliet Lyon:** It is always important to look to innovate and you should not just accept that things are as they are, but community sentences in general are outperforming short prison sentences by a factor of 8.3%, so nearly 10% better already. It always seems to me that if the Government has a success on its hands it should look to build on that success rather than try and dismantle something. So why not try and make sure that all the probation trusts and services are up to the highest possible standard of the very best ones? Of course I am not saying do not introduce providers, but there is the

worry that the small voluntary organisations that do so well with women in the localities will not be able to bid because they are not big enough fish so they will become sub-primes or sub-sub-primes of the very big providers. I am not sure that is a good equation, either in terms of their financial resources or indeed their identity as a voluntary organisation.

**Q141 Steve Brine:** Frances, do you agree with that—“fragment” or “improve”?

**Frances Crook:** Fragment, not improve. The system, which is relatively new for centres for women, is working quite well, arguably perhaps better than the system for men. The gender-specific services provided by women’s centres, and by some other community sentences, at a local level works quite well. The reoffending rate for women is much lower than for men. There are all sorts of reasons for that, I appreciate, but perhaps it is also because those women are linked into other services so effectively. The women’s centres and services specifically for women are seen as a very holistic service, not specifically just dealing with one part of their behaviour but linking them into the back story of their lives and helping them to change. That is incredibly important, but it is not cheap: it is very specialised and gender specific and it needs to be a dedicated service for women only. That is my real concern.

If the Government’s plan is to build a national or a regional bidding system for the big corporates to run these things, as Juliet says, these firms will subcontract and subcontract. Or, they will want to run their own services, because it will be too expensive to sub-prime specific services for women and therefore women will be lumped in with men, which is unsafe for many of them. Most of the women who are involved in offending have been victims themselves and require quite a lot of careful management, with extra safety and extra care, because they have often been victims of male violence, domestic violence, pimping and all sorts of things like that. So I am not convinced that the national or regional commissioning model for managing women on community sentences or post custody, which will be almost entirely allocated to run by the private sector, will serve women well at all. We would be dismantling a system which at the moment is working well.

**Q142 Steve Brine:** Chair, with your permission, I want to ask Mr Martin about what he says in written evidence, because it is such a big question, as to what a new strategy should focus on, or we will never get on to question 3.

Mr Martin, for our benefit, is it the case, as Women’s Breakout say in their written evidence, that since May last year the Government have not involved the third sector in its preparation of this long-awaited document on women offenders?

**Clive Martin:** Not much, no; there has not been much engagement.

**Q143 Steve Brine:** They say they have not and you say “not much”. Which is it?

**Clive Martin:** There has been post-announcement consultation about certain principles. There has not

been, for example, an up-front discussion about, say, mentoring— mentoring means many different things and the voluntary sector is expert at it—such as “How could we implement it? What do we need to do to get from what is a postcode lottery to national mentoring?” There has been no consultation about that whatsoever. There has been no consultation around gender-specific services, race-specific services or anything of that nature. There has been post-the-event consultation around certain detail but not in terms of what we would think of playing to the strengths of the voluntary sector and early consultation about certain aspects of it.

**Chair:** I am lingering a bit because my question about strategy will emerge, to some extent, from some of the subsequent points that are going to be raised.

**Q144 Mr Llywd:** One of the frustrating things about this discussion is that there seems to be overall a recognition that the prison estate for women is not working; yet not a great deal is happening at the moment and some of us are very concerned about this. Several witnesses have told us, including HM Inspectorate of Prisons, for example, that women’s prisons are too big, too far away from women’s homes and do not provide the level of care which is necessary. Why do you believe that the previous Government took the decision not to accept Baroness Corston’s recommendations to establish smaller custodial units?

**Juliet Lyon:** It is because, essentially, the review that occurred was an in-house review conducted by officials who took a large prison and reduced it so that the economy of scale no longer applied and they realised how very expensive it would be to build small custodial units for women. It was an approach that failed completely to take account of Baroness Corston’s recommendations about a network of women’s centres in the community, some of which might have residential accommodation attached. Consequently, if you had looked at it from the other end of the telescope, “What could be done for vulnerable women in the community who did not represent a serious risk to the public?”, you would have been left with a very small number, albeit serious offenders, who would need to be detained in units of that kind. Then you could have looked at it differently.

The other failure was not to do it in conjunction with Health but to look at the ways in which, given the level of health need, Health and Justice could work together, and probably the Home Office too in relation to the foreign national women. So there was nothing much that was joined up about the process. It said everything about simply taking prison statistics and boiling them down. Of course, if you take a prison for 600 or 1,000 men and try and boil it down to a handful of women, it is going to be incredibly costly. So I think there were other models. I do not think there was any international overview taken of smaller units in other countries, which has subsequently been done by Women in Prison. It was one of those failed exercises. It wasted about a year. It was another year following the Corston review where that was supposedly under consideration, with a disappointing outcome.

**Frances Crook:** I would agree exactly with what Juliet said. I perhaps will say it a little more bluntly. I think there are two reasons. One is cost, because exactly as

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Juliet said, the Government misconstrued the Corston recommendations as having to build extra units on top of the prisons they already had, without recognising that the idea was to close the and end up with small units, rather like we currently have for children. The local authority-run units for children—are indeed expensive, but if we replicated that structure for women we would probably only need places for 50 to 80, maximum 100, women in those units and the other 3,900 could be released and managed in the community perfectly safely.

**Q145 Chair:** With 50 to 100, were you talking about—

**Frances Crook:** I meant women in custody.

**Q146 Chair:** Places or units?

**Frances Crook:** Places. For public safety reasons, you would only need 50 to 100 places for women in custody in England and Wales.

The other reason that the last Government failed to act, on these recommendations and this change was lack of political courage. I think they were afraid of a political backlash. It does not have to be the case; you do not have to get a political backlash. If you look at what is happening in parts of America at the moment, where the Republican party is leading on radical prison reform programmes, closing prisons and investing in community—and it has been led by the Republican right—it is possible to lead the public and talk about prison reduction in quite different terms and take the public with you. I am hoping that there will be stronger leadership given by this Government about reductions in the use of prison, which is already happening with the men but not with the women. I hope it is going to happen with the women as well.

**Q147 Mr Llwyd:** Ms Lyon, you referred to international comparators in terms of smaller units. Would you like to expand on that?

**Juliet Lyon:** I think you have Women in Prison giving evidence to you later this morning and because they have done this review of the small custodial units it would be best if they were able to respond because their document covers a number of examples. But, essentially, what we know is that we here in England and Wales are particularly keen on locking up women compared to our international neighbours, especially our European neighbours, and there have been a number of examples over the years. For example, there was a unit in Germany that was visited by *Woman's Hour*; I remember, where prison staff worked alongside welfare staff. The women were curfewed to return to that centre in the evening. The children could live there, so they were able to attend school. It was kind of a transitional place, a halfway house, between a prison and being wholly out in the community. It appeared to be working very well. It was profiled by *Woman's Hour* years ago in 2001. So there have been efforts to try and show a different way of managing women, not making excuses for crimes, not dismissing crimes, but a way of reducing reoffending.

**Q148 Mr Llwyd:** I think it is common ground that the current situation is not appropriate in terms of the

female prison estate, but do you accept there have been some improvements of late?

**Juliet Lyon:** I accept that, as things stand, women sometimes have their lives saved by going to prison. We could step from here into Holloway now and we would see women arriving in the most terrible state, women who have been sleeping on the streets, women who have been trafficked into offending, women who are so rattling with drugs, or for whom binge drinking has become something that is so habitual and they are in such a terrible state, that that period of time in prison will stabilise and sometimes save their lives and improve their health. It is a terrible indictment that for some women prison is a safer place than any options they have in the community. Often, when I talk to women in prison they are talking about whether they can escape domestic violence. There was a self-help group set up at Styal prison, for example, by the women to try to discuss ways they could escape going back into violent relationships.

I would not ever underestimate either what prison can do in the current circumstances or indeed what staff try and do. The defining difference between what happens in a large, closed women's prison and a women's centre, which you can see if you visit a women's centre, is that women in a women's centre have to take responsibility for their lives. They are given support and encouragement and often probation supervision if they are on a court order, but the whole requirement is on them to change their lives. They have to get out of debt, have to look after their children and have to address addictions or get the mental healthcare they need. As I said, all of that is with support, but they are taking responsibility; it is in their hands. Women in prison are infantilised. They often behave like girls, and they are often treated like children or young girls.

**Q149 Mr Llwyd:** What discussions have you had with the Ministry of Justice in relation to the ongoing review recently announced of the female custodial estate?

**Juliet Lyon:** We have had a brief discussion and we are hoping that next week, when we are seeing the official who is leading for women, who is coming to the Prison Reform Trust offices, that we will have further discussion. We are not clear who is leading that review. We are clear that it is intended to be radical, that we are not just talking about, "Let's look at the women's prisons and where they are situated," but rather geographically what is needed across the country, which I think would involve re-roling or closing establishments, so that there would be a more sensible picture in terms of location. It is very important that that review is joined up with the potential for and the actual provision of women's centres and other facilities for women that are provided by Health.

**Q150 Mr Llwyd:** Location is a crucial issue, isn't it, because of the proximity to family and so on?

**Juliet Lyon:** Absolutely. You are right, but the other thing, which is a very sad truth, is that women will trek across the country to take children to see their dads—they will go miles—and you meet them in visitor centres and many have travelled all day. You can visit a women's prison and be in a visitor centre and it is

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half empty. The statistics bear that out. If you look at the research, very few women have visits. Often, there is no one at home who is looking after the children who would be prepared to take them to visit their mum. Sometimes, they don't want visits. A colleague of mine at Prison Reform Trust, when she was in prison, did not want her daughter to visit; she felt it would be too traumatic and was prepared to forgo that. It was very painful, I know, for her but she could not bear her daughter coming into that environment.

**Q151 Mr Llwyd:** Is it true as well that there would be a number of kids, unfortunately, who would be taken into care due to those circumstances?

**Juliet Lyon:** Yes, but it is a smaller percentage than public perception. Records we have been able to examine indicate less than 10%. The vast majority are farmed out to family and friends. Sometimes that is successful, sometimes not. But a lot more care and attention could be paid to dependent children. It was pleasing to see the Sentencing Council changing their guidelines in relation to drugs offences and looking, in relation to mitigation, at people with primary care responsibilities, which obviously included the few men who are lone dads as well as the single mums.

**Mr Llwyd:** Thank you.

**Frances Crook:** The Howard League gave evidence to the UN special day of discussion on the children of prisoners, and we published a report on the children of women prisoners. We estimate—nobody knows exactly—that around 17,000 children every year are affected by the imprisonment of their mother. So I hope that the review will not just look at the prison estate and provision for women once they are sentenced but will look more widely at sentencing patterns and the unnecessary use of custody.

One of my concerns is particularly the unnecessary use of quite intrusive community sentences. As Juliet says, sometimes prison is used as respite care for women but also magistrates sometimes over-sentence women to very onerous conditions in community sentences because they want to help sort out their lives. They may get a woman in front of them who is very chaotic and needy and, in a benevolent way, they think that if they pile on the provisions this can help sort her out. Of course, it does not. What it does is ensures that she will breach because she cannot do it and she will then end up in custody as a result of that.

So a review of the estate cannot just look at the prison society, what happens in a prison. The answer to that question will inevitably be wrong because it is the wrong question. We do not want to look at what happens to women in prison because we want to make sure they do not go there in the first place. It is expensive and damaging and it leads to more crime. What we should be looking at in any review is a much wider vision of sentencing options, sentencing practice, community provision, funding arrangements and gender-specific services.

**Q152 Yasmin Qureshi:** Good morning. I want to ask questions regarding reducing the use of custody and expanding community-based provisions. Despite all the changes that have been taking place in the last number of years—and there seems to have been

agreement or cross-political consensus on this issue about trying to reduce the number of women in prisons—as the Howard League has noted, there has been no real discernible impact on the number of women in prison, and in fact the number of women who are imprisoned who are assessed as being at a higher risk of harm to themselves and others is about 3.2%. The Lucy Faithfull Foundation has expressed that perhaps sometimes too much emphasis has been placed on women who have not committed serious offences and not enough on the vulnerable women. Do you agree with the fact that the progress that has been made since the Corston report came out in expanding the network of community centres and diversion schemes has not impacted on the number of women in prison? What do you think, realistically, can be done, in addition to what has already been done, to help keep vulnerable women from custody and from the criminal justice system itself? What practical further steps can be taken?

**Clive Martin:** There is such a leadership gap here. I will give you an example which I think demonstrates that. I chair something called the Ministry of Justice Reducing Re-offending Third Sector Advisory Group. We were asked by Crispin Blunt to prepare an overview on behalf of the voluntary sector of what we saw in commissioning for women's services and how we could redesign the system, which we did. That was submitted. Despite it being requested at that level, there has been absolutely no engagement from the Ministry of Justice around that, so much to the extent that in December we decided to have a public conference: 120 people came; Dame Helena Kennedy gave the keynote address; it was chaired by Dame Anne Owers; and no one from the Ministry of Justice even turned up at that conference. So there is a yawning gap in leadership in the sector.

The reason I made that point is that years ago Professor Rod Morgan did some research around how, unless sentencers are kept aware of issues to do with who they are sentencing, the type of sentences they give and so on, it falls from their agenda. There has been no consistent leadership around this issue for a long time. We do not see it in training programmes for the judiciary, and we do not see community alternatives to custody being promoted in the media.

Returning to the previous discussion, things like small custodial units do not sound like prisons, so people shy away from promoting them. It is really difficult just to point to one thing, but what I think we can point to is a general lack of taking this issue seriously as something that can be progressed at almost every level from political and official level right the way down. That is what needs to be addressed, and it is where my colleagues here and other colleagues in the room from the third sector are really trying to push on this agenda because it is quite difficult to see where that leadership is going to come from.

**Q153 Yasmin Qureshi:** Leaving the issue about the leadership to one side—say you had a fantastic leadership—what we are asking about here is what practical things can be done? What further do you think can be done to try to reduce the number of women in prison? We hear there are women's centres coming up.

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We know there are all sorts of programmes in place to ensure that women do not end up in custody, but they do. So I was thinking about the practical issues. If you had a perfect wish-list and a perfect leadership, what would you like—what are the three things you think could be done—to reduce the number of women in custody?

**Frances Crook:** One thing I would like to do is to abolish the short prison sentence for women—I would like to do it for men as well—and that would make a big difference. The average prison sentence for women from magistrates courts is eight weeks. It is nonsense. It is interesting is that the number of men sent to prison by magistrates has dropped very significantly over the years, by a quarter each year, but the number of women sentenced to prisons by magistrates has only dropped by about 10%. So magistrates are still sending far too many women for prison for very short periods of time. It is incredibly distressing for the women and it is very expensive for the taxpayer. The Howard League is currently doing some research on this, so I am giving you early figures which we put together arising from Freedom of Information requests and, which we will be publishing. If we could get rid of short prison sentences and do some work with magistrates—because they are the gatekeepers to the system—we could then end up closing prisons and reinvesting that money in community services for the women. It would reduce crime, save lives, help children and help communities and community safety. Everybody would benefit from that. So the short prison sentence is the key to changing the system for women.

**Chair:** We are running a little short of time, but there are a couple of supplementary points on this which I wanted to allow for. One was from Mr de Bois and the other from Mr Chishti.

**Q154 Nick de Bois:** This is a minor diversion, but to the main point, Mr Martin. You have mentioned that you are on an advisory panel to the Ministry of Justice on this subject, the third sector.

**Clive Martin:** Yes.

**Q155 Nick de Bois:** What is that panel called? The second question is: from what you are saying, it sounds to me like it is not just a case of not being listened to; you are not being engaged with. Have you made clear representations of your dissatisfaction and is there any point in you continuing on this basis?

**Clive Martin:** It is a question I ask myself frequently.

**Q156 Jeremy Corbyn:** What is the answer?

**Clive Martin:** In all honesty, the answer is getting to the point of why. This is a Ministry of Justice, third-sector advisory group. Publicly selected representatives from the third sector sit on this panel. The last representation was just last week about the effectiveness of this panel. It is used, as I say, as a retrospective consultation mechanism. We, in an attempt to change that last year, set about producing these things which we call “Task and Finish” papers. The first one was on commissioning, the second one was on women offenders, requested by Mr Blunt, and the third one has been on youth justice. They have all had varying ambitions. As I say, with the one on women offenders, no action has been taken on it

at all despite being requested by the Minister. So your question is an entirely serious one about, “What is the point of this?” It is something that we are continuing to raise.

**Q157 Rehman Chishti:** Clive and Frances, you have both talked about sentencing and the judiciary. Were representations made by you to the Sentencing Council about looking at the mitigating features—for example, you have the UN Bangkok rules, which were signed up to by the United Kingdom saying that issues with children should be taken into consideration as a mitigating factor—and, if so, were they then considered and have some of what have been put forward as mitigating or aggravating features been taken into account?

**Frances Crook:** We have been recommending for more than 15 years that the rights of a child should be represented in court—that there should be, in effect, a guardian ad litem or some other structure for recognising the wellbeing of the child. When you separate a child forcibly from its primary carer, in any other circumstance, apart from the criminal justice system, that child is represented and their welfare and well-being is the primary consideration. When we come to sentencing for a criminal justice purpose, that child’s well-being and welfare is ignored. It may be a mitigating circumstance but I do not think that is strong enough, and the Howard League has been recommending various different sentencing bodies that the child should be represented because, in making the decision to send a mother to prison for eight weeks for shoplifting, or some such, the well-being, welfare and impact on the three-year-old child who is going to be separated for that eight weeks should be considered and put in the balance of decision making.

**Rehman Chishti:** Sure.

**Frances Crook:** We will continue to fight for that.

**Q158 Graham Stringer:** In evaluating women’s community projects, where does the balance lie between well-being indices and reoffending statistics?

**Juliet Lyon:** One of the things that have been a bit difficult is that it is entirely appropriate to ask women’s centres to be called to account for their outcomes, but they have been continually told that they represent too small a sample to be significant. So, in research terms, it has been difficult to draw data out from the women’s centres. Some are better at collecting data than others and some have had more help than others, but I think it is fair to say that there needs to be a balance struck between well-being outcomes, health and welfare outcomes and reoffending outcomes. If you sort out things, particularly in relation to health, then the likelihood of reoffending reduces markedly. That has been shown in a number of studies, both for men and women.

I was not able to answer the question earlier about what we would do if we were to change things, but there are some things that are changing that will reduce women’s prison numbers, one of which you have alluded to in relation to the women’s centres and the health outcomes. You will probably know that the Department of Health—funding from DH, but in partnership with the MoJ—are setting up liaison

and diversion schemes in police stations and courts across England. They have a commitment to do that by 2014. They promise £50 million to do so. Those will positively advantage women. They will advantage everybody who has a learning disability or a mental health need, but they will positively advantage women because, proportionately, there are more women in that circumstance than there are men. So, in terms of health and welfare, there are some strides being taken and there are the new Health and Wellbeing Boards, which would capitalise on that.

The other thing that we have not alluded to, and I am sorry to bring it in on the back of your question, is that the LASPO Act—Legal Aid, Sentencing and Punishment of Offenders Act 2012—has introduced the “no real prospect” test in relation to remand and bail. Again, significantly more women are generally held in custody awaiting trial, sometimes in order to obtain a mental health assessment, and that is the link with your question. Magistrates are no longer allowed to do that unless they have very particular reasons for remand. If someone is facing no real prospect of a custodial penalty for their offending, then they will not be held in custodial remand, which means that women’s prison numbers are going to drop. It is the perfect time, given that they are going to drop, to do something, one, about the leadership, two, about the estate, but in particular about the women’s centres and creating a network of alternatives for the courts.

There is leadership from the new Minister, who, I think, wants to succeed in reform and has a reform agenda of her own. It is the first time in a long time that a Minister has been given responsibility for women’s prisons as a group and for women offenders. That is important, but, unless opportunities are grasped, then it will slip through our fingers. The Crime and Courts Bill was carrying an amendment, introduced in the Lords, about women, and we were really disappointed to see that the Government have just applied to strike out that amendment at the Committee stage of the Bill. So maybe the Government are failing to grasp some of the opportunities presented.

**Q159 Graham Stringer:** You took the opportunity to give a very comprehensive answer, but within that answer are you saying that the statistics that are kept now are poor and not valuable and do you have a suggestion for improving those statistics?

**Juliet Lyon:** They vary from one women’s centre to another. It is helpful having a co-ordinating group, Women’s Breakout, and it is helpful that the Ministry of Justice has wanted to try and encourage or help people to evaluate, but the fact is that, as things stand, you would not get from each women’s centre the kind of quality of statistics that you would get from the best. Again, it is a question of learning from the best. How can information be kept and how can it be co-ordinated across different local authority departments such as health and housing? Would you say it was a success, for example, that a woman who had been in a desperate state who came to a women’s centre, secured safe housing and was able to keep that safe housing because she was a good tenant, was able to look after her child, who had maybe been in and out of other arrangements, but still occasionally shoplifted because she had not

fully broken her drug habit? You need to think how we would evaluate that as a success. Her offending is beginning to drop, it has not ceased altogether, but other aspects of her life have been changed to the point that she is likely to be able to take more responsibility for her life.

**Q160 Graham Stringer:** You touched on the answers to my next two questions as well, so we can be relatively brief. Where does the shift from local to national commissioning lead us—the post-Corston agenda?

**Juliet Lyon:** The shift from local to national?

**Graham Stringer:** Yes.

**Juliet Lyon:** We referred to it earlier in relation to concerns. Potentially, it is not a good move because what we have seen, and what Baroness Corston saw in her review, is local partnerships operating on a very localised basis and quite particularly the partnerships between the probation trusts and the women’s centres, which appear to be doing very well. We are not clear yet how that will work in terms of national commissioning. It is important nationally to have some ring-fenced moneys. What is going to make the difference is money and you could say justice reinvestment—if you are closing women’s prisons, you are going to have some money available to reinvest in more effective services—and law, and I have referred to, currently, the amendment that is at least a legislative foothold for reform. But, if you cannot corral law and money, then I am not sure that just relying on national commissioning will be enough. National commissioning has a place in that it will say, “We will ring-fence moneys or insist on moneys for women and prioritise women,” but it cannot do what can happen locally and we have not seen the arrangements in terms of how it is proposed to interrelate the local and the national. But Clive may have seen that through CLINKS.

**Clive Martin:** I want to make the point that there is a distinction between national commissioning for the whole estate as it is proposed in the rehabilitation revolution—and, as a result of that national commissioning, some service or other gets devolved locally for women—compared with maintaining a national commissioning model for women separate to the general commissioning model, if you see what I mean. While there are some advantages to the latter, where there is a national commissioning model that at least can ensure that the money dedicated to those services goes to women, I think there is some potential in that. In the former model, where we are talking about bundling up probation services into 16 different lots that are let to a prime contractor—and within that lot there then seems to be some complicated thinking as to how you have rehabilitation services for people coming out of prison as some sort of subcontract to that lot, so you get the same provider and then as another sort of subcontract to that you have something for women in there—it feels like it is all devolved far too many times for it to have any real meaning and it is losing value the whole time because of the way that and profit taking and so on have to work. There needs to be a distinction between the current national commissioning model, from which women fall out as

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a consequence of that, to having a separate national commissioning women's pot that might work.

The other thing to say in the midst of all of that is that, potentially, the new police and crime commissioners could play a far more significant role in terms of women offenders than they could elsewhere because of the size, local knowledge and so on. It is difficult to see how they could influence anything that is too national.

**Frances Crook:** Can I say something?

**Q161 Chair:** Can I get clear what Mr Martin is really saying there? There are certain advantages in having a separate commissioning model for women and that, if it existed, probably would be a national commissioning model, but it brings with it all the disadvantages that you have talked about earlier of engaging local organisations and small local providers. So is it really an attractive option for you?

**Clive Martin:** The problem at the moment is that the centre has very little authority in ensuring what happens with its intention. So once something goes to a local probation trust, or so on, nothing can happen and we with Women's Breakout have suggested that, at least for the next year or two, there is a central pot retained for women's services that can be quite targeted and there can be local decisions as to how that is spent, who it goes to locally and so on. But there is a way of ensuring that that money reaches the people it is intended to reach.

**Q162 Chair:** But you have been telling us for much of the morning that the centre has not been doing it very well because what it has been doing is commissioning places in prisons for women in inappropriate parts of the country and saying to the judiciary, "Don't worry, we have plenty of prison places for women."

**Clive Martin:** No. The money for the Corston Independent Funders Coalition came from the centre, was match funded and went to the women's centres. So, in terms of rehabilitation, there is certainly potential for that to happen.

**Frances Crook:** Can I say very quickly that I think the commissioning model is very restrictive? It is treating people as if they are a garage: you bring your car in, get a service and out it goes. The trouble with people is that they are not rocket science. Rocket science is simple because it is mathematical but people are very complicated. The women's centres have been funded in a different way. They have been funded to provide a more holistic service, which is more imaginative, creative and people-centred. If we have a national commissioning model, with the Government giving money to G4S, G4S then telling the women's centre to, "Do this, and we will fund you to provide this service in this way", that will go wrong and that will be very negative. A commissioning model for the women's centres is stifling: it stifles innovation, humanity and creativity, and will fail.

**Q163 Chair:** So what should it be?

**Juliet Lyon:** If you are going to use the payment-by-results model—which is fairly untried so it is frightening and worrying that so much emphasis is being placed on it, but if you were to do that—the only way you would save the local women's centres from

disappearing as sub-sub primes would be to change the nature of the payment so that the large amount of money came first, in terms of the commissioning, and the results were then rewarded by a smaller amount of money. But the current proposals, as they stand, under payment by results, mean that a voluntary organisation might have to wait a year, or even two years, before they can claim results payments. Many of those small charities would go out of business and their trustees would not allow them to take that level of risk. You would need to change the nature of the model in order to make sure that, if you insisted on using that model, it worked.

**Q164 Chair:** We are very exercised about the commissioning model and were taken by surprise somewhat when the Government announced a national commissioning model in general in the rehabilitation White Paper. Can that model be made to deliver what you all agree needs to be delivered given that creating centres necessarily involves other kinds of local activity, other departments, other local authority departments and would appear to be something that would more naturally go with the kind of grouping that we have seen with youth offending teams, for example?

**Juliet Lyon:** Might I say something about it? I appreciate that in mentioning the Youth Justice Board we are not, it would appear at the moment anyway, going to achieve what the Wedderburn review requested, which was a women's justice board, about which Lord Windlesham contacted the Prison Reform Trust to say, "If you don't get the women's justice board, you do realise you will not secure the other recommendations?" At the time, I wondered if that was right. I now know that he was right.

It is very interesting, over the last five years, supported by the Diana, Princess of Wales Memorial Fund, that we have been able to work alongside the Youth Justice Board, the Home Office and the MoJ, as well as the local authorities with the highest child custody and work with them intensively, with the net result that child custody has dropped by 45% in five years. It is perfectly possible to drop the women's prison population, I think, in three years by a similar size. But it would be helped massively if there were such a thing as a women's justice board and the kind of drive, leadership and focus that that would bring with it. The nearest parallel is the Youth Justice Board or indeed the way the troubled families work is progressing. Even if Government will not consider a WJB, they need to use some of the elements and success of both of those to make this work. What is frustrating—and it is good that you are having the inquiry—is that we have all been here before. This is not a new problem, but there happens to be a situation now where it could be resolved. As I said, there is the potential for dropping numbers through remand, mental health and learning disability diversion and through a new commitment by Government. We have to seize on it, and civic society groups like the Soroptimists and the National Council of Women, who want this to happen, are determinedly lobbying for it to happen.

**Frances Crook:** Can I end on perhaps a note of dissent, which I think makes it more interesting? Having said

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that the Howard League is very concerned about the lack of leadership, I am less convinced that the answer lies in structural alterations. The Howard League has been a Youth Justice Board sceptic over the last 10 years or so. The Youth Justice Board initially presided over a huge explosion in the use of custody and a diversion of money from children's services to the youth justice system, and has only recently in the last few years worked with voluntary organisations, like the Howard League and the Prison Reform Trust, to reduce the use of custody. I am not convinced that structural alterations will provide an answer and the

kind of leadership we want to see for the change in the way that women who come into contact with the criminal justice system are treated. I think it is a more subtle response that is needed, a more political and financially driven response, and perhaps there are other lessons to be learned. So I am a bit sceptical about the structural thing. That is perhaps quite helpful because we do not always agree on everything, but generally we agree on what we want to see; it is just about how to get there.

**Chair:** Thank you very much indeed for your help. We are very grateful. We have some more witnesses to see.

### Examination of Witnesses

*Witnesses:* **Jacqueline McKenzie**, Chief Executive, Female Prisoners Welfare Project, Hibiscus, **Deborah Cowley**, Director, Action for Prisoners' Families, **Rachel Halford**, Director, Women in Prison, and **Sherry Ashfield**, Principal Practitioner (Female sexual abuse), the Lucy Faithfull Foundation, gave evidence.

**Q165 Chair:** Rachel Halford from Women in Prison, Sherry Ashfield from the Lucy Faithfull Foundation, Deborah Cowley from Action for Prisoners' Families and Jacqueline McKenzie from Hibiscus, we are very glad to have you with us this morning and grateful to you for giving your time to help us get a better understanding of this subject.

We have been listening, as I think you have latterly, to organisations which have worked in this field for some time, but I am very interested in your view as people in day-to-day contact with women who have come through the criminal justice system or are coming into it. Do you think the Corston recommendations, in so far as they have been implemented up to now—and that is to a very limited extent—have actually made any difference to the people you are dealing with?

**Rachel Halford:** The one key difference is the stop of strip searching now, unless it is on informed information. That is the one biggest thing. We have seen some changes within the prisons inasmuch as now there are programmes where all prison staff have women-specific training. I was thinking about this earlier—what my things would be that I would say off the back of it—and I guess it would also be investment into the women's community centres, which you have heard a lot about this morning, that initial investment and commitment to providing an alternative to custody for women. They were the key things at the beginning. Would you like to know my view on where we are now? Unfortunately, it feels a little bit like we have gone backwards. There has been a lack of movement. There is no strategy from the Government. Much has changed—I have to say, coincidentally—since you announced your Committee's inquiry. There seems to have been a lot of movement over the last few months, but, essentially, once the change of Government came into play, the initial investment into the women's centres has gradually changed. I think Clive mentioned about the Corston coalition and the commitment of money that they made in partnership. Then there were the changes, the lack of commitment around money again. The women's centres now are in jeopardy with the localisation. You have heard a lot this morning

already about there being no central driver making sure that there are these services for women. As we move forward, at the end of March this year we do not know exactly what is going to happen to the women's centres.

**Q166 Chair:** Presumably, you have been affected by the general austerity atmosphere, the funding limitations on local authorities and would-be partners in women's centres.

**Rachel Halford:** Absolutely, and, I have to say, within the prisons. We work in all 13 prisons and we have seen a huge change within them, the numbers of staff in particular. You cannot run an effective prison where there is rehabilitation if you do not have the staffing to resource that.

**Q167 Chair:** Has the gender equality duty been significant? Has it made any difference to what happens and how women are treated?

**Sherry Ashfield:** Certainly, looking from the perspective of the more high-risk women, we have seen no indication that it has made any difference whatsoever. As to the level of treatment provision that is available for those high-risk women, who we acknowledge are a very small minority of the overall female offending population, it still remains very difficult for them to access any form of adequate service provision. For example, if you had a male sex offender, there would be an expectation that they would go through a sex offender treatment programme, they would do that in custody or they could do that in the community. If you are a female sex offender who is actually sentenced, particularly to a long sentence, the probability is that the resources will mean there would be nothing available for you, either when you are in custody—

**Q168 Chair:** So there would be no programme.

**Sherry Ashfield:** There would be no programme. That filters down to the PSR stage, so, at the point at which you are going into the system, the lack of programme may mean that you do end up getting a custodial sentence because there aren't other options being made available to the courts and to the judiciary.

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**Q169 Steve Brine:** Thank you very much for coming. What would you like to see come out of the MoJ's review of the custodial estate? Maybe you would like to see it shrunk a lot, but I am keen to explore the options for managing female prisoners. What would you like to see come out of their review of the estates, starting with Deborah Cowley?

**Deborah Cowley:** Just quickly, I want to say what I thought about Corston as well, because Corston did not deal much with families of women offenders, but in so far as it did it talked about small custodial units, which people have talked about a lot already. Also, it emphasised the importance of co-operation between local social care, health services, prisons and criminal justice. We still do not have the small social, local secure units, but also for a long time there was no, or very little, meaningful co-operation between criminal justice and local services, especially prisons and local services. That has started to happen now but not noticeably specifically in relation to women's prisons, even though they are facing greater difficulties as a result of distance and also the higher needs of women that Frances Crook referred to in terms of the fragmentation of the family that happens and less likelihood of someone remaining in the family home and holding the family together.

I would like to see the small local units, but I would like to see an acknowledgment that there needs to be engagement from the very beginning with local services and an understanding, which is now coming about in criminal justice, I think, that in fact that does not mean your locality, the locality even for the small secure small unit. How small can they be? There may very well be issues about crossing local government boundaries and PCCs and so forth.

**Rachel Halford:** What would I like to see? It goes with the gender equality as well, so there is a real inequality here around the categorisation and I would like to see that reviewed. Whereas in the male estate there are A, B, C and D categories, in the women's estate there are "open" and "closed". The impact of that is that women serving slightly longer sentences are unable to move through the sentences. There are 200 and something places in open prisons. Together with that, there is a lack of women-specific programmes. What we know is that with women there is a high rate of mental health problems. The mental health diversion schemes are fantastic, but what we also know from our experience is that mental health issues are not highlighted until the woman is in prison. It is not until she has come off the drugs or she is away from the situation, the violence, that the mental health symptoms become known.

Consequently, going back to what Sherry was saying, there is a lack of specific programmes. I would like to see more investment and consistency across the estate. At the moment, there is one specific programme and that is in Foston Hall. They can take a cohort—it is a care programme—of eight to 10 women every 10 weeks. That means actually there are not a lot of women that are going through their sentence planning. What we would like to see is more programmes across the estate.

**Q170 Steve Brine:** Sherry, do you want to add anything to that?

**Sherry Ashfield:** Yes. Can I add to that that, as well as seeing more programmes, we need to look at how the programmes knit together? While I think there is a lot of advantage and forward movement in relation, for example, to the personality disorder agenda, when we look at where that fits in relation to other programmes for high risk female sex offenders or other high risk offenders, they are not actually matching up together. So you have one department that is making pronouncements about one thing but, when you check with another department about how that is going to impact on your particular client group, they do not know.

**Q171 Nick de Bois:** My questions are for Jacqueline McKenzie, if I may. Just before I ask you a general question—which is pretty much an open goal for you—I would like to put some context in, if I may, quickly. Can you tell me if you know what percentage of female prisoners are foreign national prisoners and also how many of those you believe may be as a result of trafficking? Have you got very broad headline statistics on those? You may not. I know it is a bit of a low ball to throw you.

**Jacqueline McKenzie:** Partially. The problem is always about definitions. In terms of the statistics for foreign national prisoners, for women we believe it is about 15% and it varies. There is a margin of error of 2% either way. In terms of those who are trafficked, we work with quite a lot of women who we believe are trafficked but there are still problems about the definitions. So we do not have statistics at the moment but we are in the process of conducting some research.

**Nick de Bois:** That would be helpful. It was just a statement that accompanied the "No Way Out" report and I was trying to put some context on it.

**Chair:** Before we leave foreign nationals, could I ask Mr Corbyn to come in on that? Were you going on to something else?

**Q172 Nick de Bois:** No. I was going to stick on this subject, Chair.

Your report threw up one or two successes where you felt that the stay in jail at the end, down to immigration appeals, had been shortening, which is encouraging, but overall how do you think foreign national prisoners can be provided for in any new Government strategy? What will make the difference? I would also like to know, if you wouldn't mind, to put that in context, what your concerns or positives might be about existing and future commissioning arrangements. Will it make it harder, worse or whatever?

**Jacqueline McKenzie:** What we would like to see are issues that are a step before, which are around sentencing and sentencing guidelines, because we are still seeing far too many women who would be described as foreign nationals going to prison for non-violent offences, offences where it is quite clear that they are a victim, people who are coerced into drug trafficking, people who we believe—there is substantial evidence to suggest—may well have been trafficked and also the vast number of women who are currently in prison for passport document offences. We have some clients at the moment who have recently served prison sentences because they undertook

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education in the UK and, because they were without status, used a false identity to undertake this training. They served very lengthy prison sentences as a result of this. So I think, if we are looking at reducing the overall female prison population, what people go to prison for is one of the contributing things that we can look at.

**Q173 Nick de Bois:** Can I take that example up? You said for a “fairly lengthy” time. Some people may argue—and some of my constituents may believe—that it is quite hard to get sent to prison these days. So you are saying, basically, that people are going to jail for documentation fraud. What sort of length of sentences are they getting?

*Jacqueline McKenzie:* We have come across one person who was sentenced to 24 months, but usually it is nine to 18 months.

**Q174 Nick de Bois:** But this must be pretty substantive. Was it on a commercial basis? Were they profiteering from it?

*Jacqueline McKenzie:* No. I suppose one would say that perhaps they were deemed to be profiteering because they have got an education at the expense of the British taxpayer. So there are issues—no one is saying that there aren’t—but the main one is: is this an issue that needs to be dealt with through a custodial sentence?

**Q175 Nick de Bois:** Can I ask you a process question, if I may? Someone who is a foreign national in prison is likely to be removed from the country at the end of their sentence. At what stage does immigration get involved and could you see any improvements around that?

*Jacqueline McKenzie:* It varies really. Sometimes, as soon as the person goes into prison, they are served with a deportation order because, as you know, if someone is sentenced to more than 12 months, an order for deportation is automatic, so they start engaging with immigration lawyers and they are in the process. But very often there is confusion about the person’s status. We have had people served with deportation orders who are actually British nationals, so there are all sorts of confusions, and sometimes it is not until the very end of a sentence that somebody is served with immigration papers.

**Q176 Nick de Bois:** In truth, that is a UK border issue with men, women and all sorts of people. How does it impact on women in prison so seriously? Why is it such an issue with women in prison?

*Jacqueline McKenzie:* It is a big issue because, first, a lot of those women are eventually released. Very usually—the thing that most people don’t like to hear about, but usually—they are able to assert their human rights and go on to win their cases. We certainly find this with the cohort we work with. Whether that is the case generally, I don’t know. We probably work with about 35% to 40% of foreign national women, but we do find a lot of them go on to win their cases. What you have in the process, because the system is so lengthy and so complicated, is stress factors. Nacro recently published a report which showed that there

was increased suicidal ideation with foreign national women, increased depression and low mood. A lot of that is attributed to the problems of trying to establish whether you are going to be put on a plane back to somewhere and your children are going to remain in care in the UK.

**Q177 Nick de Bois:** I am struggling to understand—and I will not press this any more, but I have constituents who have been fighting cases like this who are not in prison and I am trying to understand—why this is something of great concern to the female prison population. It is a concern to lots of people who undergo those stresses. What am I missing here that makes it such a different problem for someone incarcerated?

*Jacqueline McKenzie:* They have additional stresses because they are incarcerated, I would have thought, and often their children are put in care as a result of the incarceration and they have lost their homes as a result of their incarceration.

**Nick de Bois:** Which are all credible.

*Jacqueline McKenzie:* So there are all sorts of additional factors, but your question was specifically about foreign national prisoners, so of course this is multiplied in the general population of foreign nationals, but a foreign national prisoner is going to have the additional stress if they have immigration issues on top of having to serve a sentence for a criminal offence.

**Nick de Bois:** Thank you.

**Q178 Jeremy Corbyn:** This is a question to Jacqui. Thanks for coming to give evidence today. What sort of advice is available routinely for foreign national women in prison, and, related to that, how often will they move between different prison estates, which can lead to complications on communication?

*Jacqueline McKenzie:* Yes. In terms of the quality of advice, it varies. If I had commented on the question about what worked arising out of the Corston report, I think it is the coming together of the Corston Independent Funders Coalition, which enables the provision of services in the community to organisations like Hibiscus and many others—we are not alone in this—who are able to provide quality advice and sign-posting to women in that group. Generally speaking, most of that group are reliant on immigration solicitors and advisors—the OISC-regulated people—and we see very poor quality advice indeed. The problems of staying in the prison estate after you have served the sentence—that is, being held by the immigration service—are often prolonged because of poor immigration advice. There are instances where people really have reached the end of the road and perhaps ought to go, but, as a result of immigration solicitors taking their money and giving them false hope and putting in judicial review after judicial review, their time in the prison estate is actually prolonged. There is also the case of people moving around estates. We have lost touch with clients. I lost touch with clients in my previous incarnation as a lawyer and I have lost touch with clients now that I am at Hibiscus, so the movement around estates is a real problem.

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**Q179 Jeremy Corbyn:** When you are dealing with women who are convicted of drug-mule offences, do you have any evidence about how many of them are subsequently removed to a place of even greater danger because of returning to the place they have come from, not under threat necessarily from the authorities but under threat from the people that coerced them in the first place?

**Jacqueline McKenzie:** We do not have lot of data about that. We are going to be collecting some. We are going to Jamaica next month to look particularly at Jamaican cohorts, but we have had anecdotal stories of people under threat and we have heard of one death. But I have to put on record that we have not been able to substantiate this and will not be able to do so until next month.

**Yasmin Qureshi:** May I make a clarification about the issue my colleague over there raised about the sentencing? It is in the sentencing guidelines that, if you are in possession of even a forged passport, six months' imprisonment is the starting tariff. It is quite common to get six to 12 months in prison for document offences.

**Chair:** In that case, I think we can turn to Mr Chishti.

**Q180 Rehman Chishti:** Good morning. Under the heading "women and children", you will be aware that 17,240 children were separated from their mothers in 2010. Linked to that background, what would a family-friendly female custodial estate and regime look like? There we are—all yours.

**Deborah Cowley:** I will start off with that. The first thing is that family would not have far to travel. The family would know from the beginning where to go and what to expect. They would also know that they were able to ask for help. So there needs to be court-based information services for families so that they can get the help they need. One of the big things is that visiting would be easier in a family-friendly prison, and if your family is fragmenting that is a difficult thing. Another big thing is that children should be able to visit, and it has been touched on before. Children who are in care do get accompanied visits but often they are very few, so it might be twice a year. Children need to see their families often. Also, children have to be accompanied by an adult right the way up to the age of 18, so there are big issues in the way of children visiting and they could visit more often if that was taken away.

Another important thing I want to talk about is that a family-friendly prison would be one that asked automatically whether a prisoner was pregnant when she came in. That does not routinely happen at the moment. It does in some places, but it does not routinely happen. On finding out if a prisoner is pregnant, and also when she has nearly had the baby, there should be a particular provision made. At the moment, there is no allowance made in budgets for additional food for pregnant prisoners. There is no arrangement for them to be able to eat frequently. Also, once they have had their babies, they are expected to go back to work after six to eight weeks, which is not in accordance with what women who are not in prison would expect and it interferes with attachment, and the whereabouts of that work might be very difficult. Actually, anybody who has had a baby knows that they do not get into a settled

routine till three months. It is a really hard thing. These are some of the most vulnerable mothers in the country and I would want to make sure that they were getting the equivalent care to very vulnerable mothers in the community.

**Q181 Rehman Chishti:** Can I stop you on that? I have raised with the Minister the issue about when somebody comes into prison and they have checks for mental health, dyslexia and other health issues, because, unless those issues are clarified, the person who is in custody may not be able to communicate as effectively as they could, but also the issue of pregnancy. Aren't there any checks, like all the other health checks that are taken as soon as you go into custody? Doesn't that take place at the moment?

**Deborah Cowley:** No.

**Q182 Rehman Chishti:** Would anyone else like to comment, or should I move on to my second question?

**Sherry Ashfield:** I would like to add to that by saying that, if we are going to have family-friendly prisons, we also have to accept perhaps the less palatable aspects about risk and safeguarding. One of the concerns that I have—and I have seen it coming out in the 2011 report on female offenders in the community—is the lack of attention that is being given to safeguarding issues right across the estate and an assumption that mothers will be able to parent very effectively. A lot of them can, but there are some mothers who will present a range of different risks to their children, both in the community and while in custody. That may mean they need additional help to address some of those issues, but what we are generally seeing is that there is a lack of awareness about the safeguarding duty that all the agencies, not just the statutory agencies but the voluntary and third-sector agencies, have in relation to ensuring that all children are kept safe. That means looking at their emotional safety as well as their physical safety.

**Q183 Chair:** You are dealing with female sex offenders, among others, aren't you?

**Sherry Ashfield:** Yes.

**Q184 Chair:** The numbers are not all that large as a whole, but they do seem to get rather ignored in all the discussion about provision for women in prisons.

**Sherry Ashfield:** Absolutely, and the safeguarding issue is not just about the female sex offenders. The 2011 report by one of your colleagues, "Equal but different", was just looking at female offenders per se and one of the things they identified in their review of the prisons, the probation service and record keeping was that there was a distinct lack of detail paid to safeguarding issues. In almost half of the cases that they looked at there were safeguarding issues in relation to children that were not being addressed, and some of those issues related to the mothers themselves. So, yes, there are particular issues we are very aware of because of the high-risk category that we work with, but right across the female estate, working with female offenders, it is an issue that is quite unpalatable and very often one we don't want to think about.

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The other issue that we may not want to think about is that not every woman who has children wants to retain or resume the role as mother and primary carer. We have to train our staff to be able to hear when women are saying, "I may love my children but I may not want to resume the role as primary carer with them." In our experience, that is something that professionals find hugely difficult.

**Q185 Jeremy Corbyn:** Can I ask, coming in on this one—and thanks for the evidence you have given us—what is the view of all or any of you of how long a mother should keep her child in prison where she has a longer sentence? I have met women in Holloway who are extremely stressed at their children being taken away from them or others that feel it is right because they do not want their child in its early years developing in a prison environment. Do you have views on this? This is for women who have substantial sentences.

**Sherry Ashfield:** Again, I would like to see a system where we can respond to the individual needs both of the mother and also of the child.

**Q186 Jeremy Corbyn:** A flexible approach.

**Sherry Ashfield:** Yes. That will depend a lot on the physical location in which the children are living within the prison conditions. Some of my colleagues may have more information on that.

**Rachel Halford:** I would agree. It has to be flexible, absolutely. The location is really important. If you were having smaller custodial units or you look at some of the open prisons, then why couldn't the children stay for longer? But you have to look at the impact on the child. Hence, I think the limit now is 18 months. It is very difficult. I have worked with women who are serving longer sentences whose children have been taken away at that 18-month point, and actually for the mothers, as traumatic as that has been, they have felt that it has been for the best, not for them to be separated because there was absolutely no way they were going to be able to leave with their child, but for their child to be in a different environment, to be in a normal environment, they felt was better in the long term for their child.

**Q187 Andy McDonald:** Can I ask you about mental health and accommodation issues? The recent criminal justice joint thematic inspection of alternatives to custody for women offenders examined the work of probation and community partners and found mental health housing was generally poor. We have heard that many women are released from prison and find themselves homeless. You have touched upon some of these issues already, but what specific gaps are there currently in the provision of accommodation and mental healthcare for women offenders and those at risk of offending?

**Rachel Halford:** Accommodation is a no brainer. It goes without saying that there are huge problems with accommodation across the board. A fundamental need for anyone who is going to not reoffend and succeed when reintegrating back into society is accommodation; they need finance and accommodation. Accommodation is really limited. There are six probation hostels for women in the

country. There isn't one in London, which is absolutely insane. Anyone in London who needs to go to some kind of accommodation, like probation, would have to go to Reading or Bedfordshire.

As far as mental health accommodation is concerned, we are talking about supported accommodation and it is limited. I do not have a huge knowledge base. My knowledge base on the availability is really small and I believe that is because there is a limited availability on mental health supported accommodation. The support has been minimal across the board, but I have to say that now we have the introduction of the personality disorder pathway. What comes with that is this—and it is fantastic because this is for women who have higher mental health needs: there is an opportunity of working within the prisons, through the gate, into the community, into accommodation and into their own accommodation with specialist support. So there is an opportunity of something new happening here and it is a pathway—which is NOMS and national health—which is fantastic. We will wait to see what the outcomes are, but it is something that is happening in the prisons and in the community, and we would hope that there would be increased provision within the community off the back of this.

**Deborah Cowley:** One of the things about having a family-friendly prison would be that, if there were proper engagement with family members where possible, in terms of sentence planning, it could be a huge advantage in relation to accommodation subsequently. We have an example where a prisoner's mother was ignored when she moved to a different prison, having had a very good relationship, and her daughter was sent to a hostel next door to a men's hostel where her whole behaviour was around inappropriate sexual relationships with men and she needed support to stop that. Family members can be a really important part of that planning.

**Sherry Ashfield:** One of the concerns I have is about long-term accommodation. While you are right that the hostels do an incredibly good job for women with very complex needs and have a history of providing extremely good service provision for them, at some point they need to leave and then they move into another form of supported accommodation in the community, but usually that is quite time limited as well. I am quite interested to see where we go in terms of the personality disorder agenda because we know from working with women with disordered personalities that they need a high level of stability over a very long period of time. So the accommodation that we have is not great, it is in very low supply and also it really is very time limited and very much geared to specific points in someone's sentence.

Certainly, we have seen women who have ended up coming back into the system maybe four years after their index offence, and when we looked with them at what went wrong a lot of it was about transitional periods, moving from one form of accommodation into another. So when we are talking about accommodation we need to think not just about what happens at the point at which a woman is released but actually be projecting quite far forward and thinking, "Where will she go next and have we all the things in place that we need to?"

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**Q188 Andy McDonald:** Do you think there are some opportunities with the proposed national commissioning regime, working alongside local arrangements, to plug these gaps to some extent? Do you have any optimism that that may happen?

**Rachel Halford:** In what way?

**Q189 Andy McDonald:** We are talking about new arrangements coming on board for probationary rehabilitative services. Can they address these gaps that you have identified?

**Jacqueline McKenzie:** They will only be able to address them with the provision of more accommodation and more housing and, as a step before this—which is also problematic and which we think perhaps is more to do with prison or possibly probation and of which I think the members of this Committee must be fully aware—arrangements for women coming out of prison are not always very well organised. For instance—and we do not just work with foreign nationals, by the way—this is an example of a non-foreign national who was released from prison about three weeks ago, who had nowhere to go. She was a victim of domestic violence so could not go back to what was her family home. She could not find any accommodation and we spent, I think it was, two to three days literally trying to find her somewhere, which included walking up and down the high street trying to book her into bed and breakfast at our own cost, which we had great difficulty doing because she had no ID because her ID was at the home that she shared with her former partner. So the arrangements that are made before people are released are equally as important as the ones that happen afterwards and the long-term housing plans and so on, and that ought to be part of any new strategy.

**Rachel Halford:** Absolutely. We are looking at some really big implications as we move forward, so it is important that that plan is in place. For many women, particularly returning to London, for example, they want to go back to their local communities—that is where their support networks are—but we have the universal credit system, so we have this cap on benefits. We have women who are, on a daily and weekly basis at the moment, having to leave their accommodation. Because there is no social housing, they are in private accommodation. That was a fantastic answer and it has been a solution that has worked really well; and now, all of a sudden, they are being evicted from this private accommodation because the benefits cap has meant that they cannot afford the accommodation and the only accommodation we can find them that is appropriate is right out in the sticks in the outer boroughs, so they will lose all their contacts. We have women who are not eating so as to provide the extra rent, the top-up for the rent, because their benefits don't cover it. That is just so that they can stay where they are familiar with and feel safe.

**Q190 Andy McDonald:** It seems to be a matter of common sense that, if you have improved access to better accommodation and better mental health services, that it is going to impact upon the rates of reoffending.

**Rachel Halford:** Absolutely.

**Q191 Andy McDonald:** Can you give any evidence that would support that proposition or is it simply a self-fulfilling statement?

**Jacqueline McKenzie:** It is not just self-fulfilling. For instance, our client would have got into shoplifting—which I think is what she was in prison for originally—if we had not been there to pick her up, because she needed to find somewhere to sleep for the night. What was she to do? That is a real and very current example.

**Rachel Halford:** Exactly the same, we have many examples of projects that we run. We work with Through the Gate and mental health specialist projects, where we engage with the women prior to them leaving the prison, engage them with the local communities, walk beside them and encourage them. One of the things that we find when we work with women is that a great many find it really difficult to form relationships—and they have. They find it very difficult to engage with the statutory services—that is, community mental health and probation—and what they need is the support of an independent voluntary organisation that is going to work with them to engage with the other agencies, to help them understand the need and the benefits for them of engaging with these other agencies. So we have projects.

I can give you an example of a project we ran just outside Manchester: 47 women came through the project, Through the Gate. At the end of the year, 46 still had not reoffended. It is proven and that is just one example. It has been proven time and time again that, walking beside a woman, with Through the Gate support to enable them to address their issues and reintegrate back into society works, absolutely works.

**Q192 Chair:** Thank you very much. Did you wish to add something?

**Deborah Cowley:** Sometimes it is very difficult to prove that the intervention you have provided, the particular accommodation or whatever, has resulted specifically in lower offending or desistance. I am very keen that we should be able to look at the research evidence that there is of the relationship between, for instance, accommodation or strong family ties and desistance and to be able then to point to intermediate indicators and say, “This person is accommodated according to good practice,” or, “This person has established or maintained strong family ties and therefore we can deduce that there will be less reoffending.” That is often overlooked. It means also that for interventions that have more than one outcome, both accommodation and family ties, you can turn both ways. So people working on strong family ties can turn to the Prison Service and say, “Look at what is happening. This is a strong family.” But you can also turn to the “troubled families” team or to children's health and say, “This is what has been achieved here, too.” It is a way that we can stop compartmentalising everything and produce more than one effect.

**Chair:** Thank you all very much indeed. We are very grateful to you for your evidence.

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**Tuesday 5 March 2013**

Members present:

Sir Alan Beith (Chair)

Steve Brine  
Rehman Chishti  
Jeremy Corbyn  
Nick de Bois  
Gareth Johnson

Mr Elfyn Llwyd  
Seema Malhotra  
Graham Stringer  
Mike Weatherley

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**Examination of Witnesses**

*Witnesses:* **Liz Calderbank**, HM Chief Inspector of Probation (Acting), **Val Castell**, Magistrates' Association Sentencing Committee, and **Liz Rijnenberg**, Chief Executive, Wiltshire Probation Trust, and Probation Chiefs' Association Lead for Women Offenders, gave evidence.

**Chair:** Welcome. We are very glad to have the help this morning of Liz Calderbank, the acting Chief Inspector of Probation, Val Castell from the Magistrates Association Sentencing Committee, and Liz Rijnenberg from the Probation Chiefs Association, who are here to help us with the work that we are doing on women offenders. I ask Mr Llwyd to open the questions.

**Q193 Mr Llwyd:** Good morning. Would you please give us your overall impression of the progress that has been made in implementing the recommendations of the landmark Corston report?

**Val Castell:** The word that I would use is variable. In some areas there has been considerable progress, and in other areas not very much at all. I use the word "areas" in two senses, because there have been differences geographically with what has been implemented, and there are also some parts of the Corston recommendations that have been implemented much more fully than other parts.

Geographically, there has been a lot of work on the part of NOMS to bring some existing women's projects under the NOMS umbrella and to help other projects start. In some areas of the country, that has worked extremely well, but other areas of the country still do not have any specific women's community sentence provision. The area where there has probably been very little progress has been in trying to bring about smaller custodial units for women.

**Q194 Mr Llwyd:** In your evidence to us, you refer to the Corston report's highlighting of the fact that no fewer than 80% of women in prison have one or more mental health problems. There is a prevalence out in the community as well. Have you seen any evidence that something is being done to tackle that?

**Val Castell:** Yes. Certainly, in my area we have a much better provision these days; we have a mental health worker at the court. We still have a problem with borderline mental health cases, where the mental health worker says, "Well, actually there doesn't seem to be any clinical problem." Of course, a lot of these things can be exacerbated by things like custodial sentences, so it may be that some of these problems would not become apparent until later on in the process. Yes, there have been improvements; and, yes, we do have a mental health worker in court. That does

not necessarily mean that these problems show up at that stage, and I think that there is more still to be done.

**Q195 Mr Llwyd:** I take it that, overall, this is very patchy; it depends where you are. It is a postcode lottery almost, isn't it?

**Val Castell:** Yes. Again, a lot of the women's projects do work with mental health problems, but they are not everywhere. I know that when Baroness Corston gave you her evidence, she talked about Missing Link in Bristol. It does a lot of work with women who have mental health difficulties. It only works with the Bristol magistrates court; it does not work, for example, with our court, which is next door, in South Gloucestershire, so you have a clear difference in the assistance that women are getting in one area and in another.

**Liz Calderbank:** My overall impression would be to say that probation trusts have had difficulty in sustaining momentum following the publication of the Corston report. Certainly, what we saw at the time of the field work undertaken two years ago was considerable energy, particularly at a strategic level, in taking initiatives forward. That was led by the cross-government women's group and a number of champions at national and local level.

At the time, the criticism that we made of this was that, although there was a lot of work happening strategically, it was only just beginning to cascade down to an operational level. You will recollect from the report that we were quite critical of some elements of practice that we saw. What we also saw, of course, was the growing emergence of women's centres and the work that they were doing, and the various other initiatives that were coming along.

I would very much agree with Val's description that it is patchy. It was patchy then, and it is still patchy as far as I can see. The difficulty of maintaining this momentum at a time of considerable organisational change, and the prospect of considerable organisational change, is really quite a challenge.

**Liz Rijnenberg:** There has been a huge impetus to improving awareness that women require a different and distinct approach. The development of women's community projects has been far-reaching, in terms of providing a range of pathways for women in one single place.

The issue is that the funding for those projects is still fairly limited; and there are a few areas that still do

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not have a women's community project. That said, NOMS has provided some money for 2013–14 to extend women's community projects to a few areas, particularly in the south-west—to Wiltshire and Dorset. I think that the absence of the national women's team in NOMS has led to a standstill in the development of the strategy. It would be really helpful if representatives in Departments across Government had a set of joined-up targets to ensure that all the needs of women are met. One of the issues that causes me particular concern is the fact that we still do not have the resources necessary to support women and their children to prevent them from going into custody and to prevent those children being cared for by other people. Val mentioned the importance of residential alternatives for women, and this is something that we should try to drive forward as part of a wider strategy.

**Q196 Mr Llwyd:** In several pieces of evidence that we have received in connection with this inquiry, there has been concern that this problem is not recognised across various Departments, as you rightly highlight.

**Liz Rijnenberg:** That would be an excellent idea.

**Q197 Mr Llwyd:** That's a pretty succinct answer.

**Liz Rijnenberg:** It's not a complicated notion, is it?

**Q198 Chair:** It is also an interesting answer, because I think that Mrs Grant would say that she was the lead Minister.

**Liz Rijnenberg:** Well, yes.

**Val Castell:** I think that she would also benefit from being backed up by people with a clear duty to lead in the various different Government Departments.

**Q199 Mr Llwyd:** As a one-time practitioner myself, I am obviously interested in the sentencing process. May I ask, Ms Castell, whether there has been a difference of approach by magistrates in the way that they sentence women since Corston?

**Val Castell:** There has, in those areas that have had access to alternative sentences, especially in those areas that have had the intensive alternative to custody pilots running in them. I shall refer to IACs instead of trotting out the full name of intensive alternative to custody all the time.

Where you have had the IACs running, there has been a very clear lead from the probation service to make sure that magistrates know the implications of using custodial sentences as opposed to alternatives, where possible. There has been a great deal of very good work on putting together robust alternatives, and magistrates have had faith in those alternatives and have used them. Where you have not had IACs running, there has been some use of community sentences instead of custodial ones, but that has been limited by the fact that the community sentences have only been alternative community sentences for women; they have not been custodial alternatives.

We tend to approach sentencing in quite a linear way, and our sentencing guidelines tend to lead us down this route. It's low-level risk; it's final discharge; it's medium-level; it's community sentence; it's over the custody threshold. If you have come to the point in the sentencing guidelines where it says, "This offence is

so serious, you're over the custody threshold," then, when looking for community alternatives, you tend to be looking for something that is more robust than a standard community option. By and large, even where women's sentences exist, if all they are offering is a standard community option, that still does not really give us all the options that we need to look at custodial alternatives.

**Q200 Mr Llwyd:** Would I be right in thinking, for example—this is something that I have raised before in the House—that people who are drug addicted who go on a community sentence will breach, unless they are taken off drugs to begin with, because of their chaotic lifestyle. That is inevitable, is it not?

**Val Castell:** I would not say completely inevitable, but it is quite likely. If somebody breaches, it does not necessarily mean that they would automatically go into custody, because we look very carefully, when somebody comes into court for breach, at what probation is telling us on the breach report. If somebody is trying but finding it difficult, that is a very different story from somebody who is not trying at all. If somebody is trying and finding it difficult, we will look to see whether we can let the sentence run and whether we can get it completed, and to see whether there are ways that we can help with getting it completed. Custody very much tends to be a last ditch, if somebody really is not complying.

**Q201 Nick de Bois:** I would like to turn, if I may, to the current approach to women offenders. My question is directed first to Ms Calderbank—and to Ms Rijnenberg, if you wish to follow up on this.

Can you explain what sort of provision is made by trusts for women offenders serving community sentences in areas without a women's centre? Is there a notable difference in levels of performance—or should I say outcome?—between areas that have gender-specific services and those that do not?

**Liz Calderbank:** The answer to that question is the same as the one before. It is actually very variable, as you would probably anticipate.

**Q202 Nick de Bois:** May I help? I was sensing that we were coming on to that ground. I suppose that the question is whether there is a discernible general shift between the two—where there are services or not. I suspect that you will point out that each area is very different. I suppose that I am looking for a pattern.

**Liz Rijnenberg:** I do not think that we have any statistical evidence of notable differences in areas that do not have women's community centres. We have national data in relation to reoffending and short custodial sentences, but it is questionable whether that would be comparable across trusts. The important thing is the added value that you get from a women's community centre, because you have a number of services all in one place, which is very important.

In areas where there are no community centres, the probation trusts and local partnerships have done what they can to provide the best possible service. For example, in Swindon in Wiltshire, where there is no women's community project, Barnardo's runs a service at one of the family centres, where women can go and

be seen by their probation officer. Again, you do not have all of those resources geared towards women in one place, and they are not women-only environments.

**Liz Calderbank:** What we were seeing in terms of the inspection programme, and have seen since, is that, in those areas where there are no women's community centres, some have responded very imaginatively and creatively in setting up, say, unpaid work projects exclusively for women, and with women supervisors. At the time of the inspection, we asked why that was not universal practice, because it seemed eminently sensible to us. We were told by some areas that it was because of the difficulty in recruiting women supervisors. I have to say that that seemed a very inadequate answer.

We have also seen some areas where the probation trusts themselves, although not setting up women's centres, have set up significant provisions for women, which have worked very effectively. There are ways of addressing the same kind of needs.

**Q203 Nick de Bois:** I applaud the aims, but I suppose that I am pressing for whether there is any way in which we will be able to work out its effectiveness—for example, by reductions in reoffending or breaching. I do not think that many would disagree with the sense that this is the right thing to do, but I am looking for some evidence that it is working.

**Liz Calderbank:** That is quite thin on the ground, unless Liz can enlighten me. Certainly, at the time of the inspection, we were quite critical of the fact that, despite all the work that had been undertaken, little attention had been paid to what kind of performance measures you were going to have.

**Q204 Nick de Bois:** You would agree that we should try to do that.

**Liz Calderbank:** Yes, to see what was effective or not. As a result, although probation trusts were doing all this work, they were not sighted as to what was having the most impact. That has been a key issue in terms of its sustainability.

**Q205 Nick de Bois:** Let us leave that, if we may. That has been very helpful.

The gender equality duty has now been replaced by a broader equality duty. To what extent have statutory equality duties assisted in the development of services, to prevent women from offending, at a local level? To give you a broader remit, how visible is gender in local strategic discussions about offending? Can you give me a feel for that?

**Liz Calderbank:** They certainly help to concentrate the mind. Of course, the probation trusts and others working in the field are subject to a whole number of statutory duties, which can but generally don't set up potentially conflicting priorities. That is where the importance of champions and leadership from the centre kicks in, particularly when you are looking at work that cuts across Government Departments.

**Q206 Nick de Bois:** Do you think that it drives people to pay attention, as opposed to it being done in a prescribed way?

**Liz Calderbank:** It is a way of holding them to account, to actually taking the work forward.

**Q207 Nick de Bois:** Did you want to add anything, Ms Rijnenberg?

**Liz Rijnenberg:** It would be useful if there were cross-departmental Government targets for outcomes for women offenders. The Equality Act could be used as a lever to ensure that needs are more prominent and that tangible outcomes are driven forward.

**Val Castell:** If it was not for that statutory duty, the numbers of women would be too small to encourage a lot of these provisions to be made. That has very much driven a lot of the work on that.

**Liz Calderbank:** That is a very important point. The existence of the gender duty is extremely significant.

**Q208 Nick de Bois:** It is not over-prescriptive, in the sense that it is there as a benchmark and drives work on the ground. As yet, we are not sure what evidence there is for outcomes, but we sense that it is going in the right direction. Is that a fair summary of what we have been exploring?

**Liz Rijnenberg:** It is an option within the joint strategic assessments that probation, with all the local partnerships, is able to raise women's equality as an issue, along with the other protected characteristics of individuals.

**Nick de Bois:** Thank you very much.

**Q209 Jeremy Corbyn:** A lot has been said since Corston about reducing the number of custodial sentences for women, and indeed the length of them. Realistically, not an enormous amount has changed in terms of the number of women prisoners. What more do you think can be done—this is for all of you?

**Liz Calderbank:** May I start? The process needs to start further back. We are talking about women offenders, but we should be looking at adolescents and teenagers, and looking much more at preventing those problems from occurring. We should be focusing our efforts on looking at girls who are excluded from school aged 13 and 14, because by the time that they are 16 and 17, too often, they may have one or more children and be well on the way into pathways that will take them into offending and custodial sentences.

For me, the focus of this work needs to be pulled much further back. There is a particular issue for us about girls and young women in the criminal justice system. I was talking to colleagues at the university of Liverpool, in the psychology and health in society section, about work that they are doing on the increasing number of girls involved in violence and in under-age drinking. Of course, all of these are going to be pathways into custodial sentences. We have to pull our efforts further back, and start them sooner, if we are going to be effective.

**Val Castell:** I think that there will be a knock-on effect. If you can reduce the number of mothers going to prison, then the learned behaviour over generations will gradually improve as well.

**Liz Rijnenberg:** I agree very much with what has been said. We need to focus much more on children and young people, particularly young women. A huge number of young women who go into care subsequently end up

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in the prison system. We have heard already about the success of the intensive alternatives to custody. By the end of 2011, that project had been successful in reducing the women's population, and it has been able to re-role one of the women's prisons. We are at the point now where we need to be working on small residential units for women so that they can work on their substance misuse and mental health issues can be dealt with. Short prison sentences always mean that those issues don't get addressed. Communities need to own and work with these women and their families. Unless we can provide the judiciary with viable alternatives that are robust, women will continue to be sent to prison, because it is felt that there is not sufficient protection in the community.

**Q210 Jeremy Corbyn:** A couple of things come from that. One is what is being done to engage young women before they get into the criminal justice system, and why we still have so many short sentences, which seem to be completely useless and probably counterproductive in every sense. Linked to that is what discussions you are able to have with magistrates and judges about sentencing policy. There is an indication that some magistrates excessively sentence women, whereas they would not excessively sentence men. I do not know. Is this your experience?

**Liz Rijnenberg:** Yes. Probation trusts at a local level have very good relationships with magistrates and will keep them regularly informed of new developments in terms of services for women offenders, such as bespoke interventions or specified activity requirements.

The impetus, the strategy for driving that, which came from the NOMS women's team, and all the work that was going on with local criminal justice boards, has dissipated a bit. That needs to be driven forward at a strategic level. At the same time, it is important to have greater awareness within the Church and with local politicians, in terms of the needs of women being raised, because all that feeds into support for different sentencing and new ways of doing things.

**Liz Calderbank:** I am not able to support or deny, as you suggest, that magistrates excessively sentence women—that there is some kind of ideological process—but that was certainly one of the things that we were very alive to when we did the report. It was one of the hypotheses that we looked to test out.

I cannot say that it does not happen, but in all the cases that we looked at where we thought that the sentence appeared on the face of it to be somewhat harsh, when we explored the case back—we were able to do this because it was part of a joint inspection process—we found very good reasons for why the sentence had been imposed. I throw that into the mix, as it were. It may happen, and it may continue to happen, but we certainly did not find any evidence of that.

What we did find was evidence of women going into custody for short terms of imprisonment for breach of orders, for offences that would not of themselves have attracted a custodial sentence. If you look at the bulk of the women offenders subject to probation, although their level of breach is similar to that of their male counterparts, they will generally have committed a much lower level of offence than the men. You would not expect them to be receiving the same level

of custodial sentence on breach or sentences being breached at the same rate.

**Val Castell:** I would add a couple of things. There are always some who will just not comply with the sentence that they are given. You have to have somewhere for them to go. When we are telling somebody that they have a community sentence, we say, "You must comply with the terms of the order. If you don't comply, you will be brought back to court and sentenced in some other way, which may well include custody." We are holding that up as the ultimate if they do not comply with the terms of their order. When people come into court and we are told in the breach report, "We can't tell you much because we've never seen them. They have not even arrived for the initial interview," there comes a point where you do not have anywhere much else to go. Bearing in mind what Liz said about looking at the individual cases, it may appear on the face of it that some things are harsh, but when you look at the individual cases it turns out to have been perhaps not the best sentence but the best available to the court at the time.

The amount of information that we get in court is very much dependent on what a woman is prepared to divulge to the probation service and the defence solicitor. Some find it very difficult to open up. It is another area where, if you have a women's centre and they have been working with this woman beforehand, they will have been able to build a relationship with her and get her to divulge information that otherwise she would not. We can only sentence on the information that we have available to us. We cannot make assumptions: this is a woman, and therefore she is a mother, she is vulnerable, and all the rest. We know that that may be the case for the majority, but we cannot assume it. We have to work on the information that we have in court.

**Q211 Rehman Chishti:** We have touched on mental health. I have a few questions on mental health and accommodation. How do probation trusts currently seek to provide for the accommodation and mental health needs of women offenders?

**Liz Rijnenberg:** With great difficulty. We work in partnership, as far as we can. In London, there is the Together Women project, and across the country there are various mental health projects that work closely with women's community centres. It is a really difficult issue. We are looking forward to seeing the diversion schemes come into place in the courts from 2014. We also have the personality disorder strategy under way. However, there are still huge gaps in supportive accommodation for women and, as a consequence, many end up going into custody because there is no alternative for them.

**Liz Calderbank:** A number of the women in the approved premises also have mental health problems. The work that they do is generally of a very high standard. The approved premises offer a good service, but they are right only for a certain proportion of women, not all. The gap is in the more general provision.

**Liz Rijnenberg:** Yes, it is in the more general provision. Liz is right. The six approved premises that we have for women obviously do a very good job, and most of them have mental health CPNs on site, but that is

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a very small number—probably catering for no more than 100 women.

**Q212 Rehman Chishti:** You also have organisations like Reunite that do some good work. In terms of the overall proportion of work that Reunite does, how extensive is that? Do a lot of women have access to housing through Reunite?

**Val Castell:** I do not have any particular information on that. I look to my colleagues.

**Liz Calderbank:** I guess that it will be organisations like Reunite and others working in the voluntary sector. There is the opportunity under the arrangements of “Transforming Rehabilitation” to bring those in, but a lot will depend on how the commissioning arrangements work out. Of course, this is work that is currently in progress. It is of key relevance that small minority sections are going to be dealt with.

**Q213 Rehman Chishti:** We all agree that they do a great job, but I am trying to get some understanding of how extensive their work is around the country. If you cannot say anything further, I shall move on to my next question.

**Val Castell:** I know that Missing Link, which I mentioned earlier, does the same sort of work; it deals with accommodation and mental health issues.

**Liz Calderbank:** One of the strengths of working with them is that there is a very wide range of different voluntary groups operating in different parts of the country that have grown up according to local need. That is very powerful.

**Q214 Rehman Chishti:** I move on to my next question. What specific gaps are there currently in the provision of accommodation and mental health care for women offenders and those at risk of offending?

**Val Castell:** Unfortunately, having just said that I do not know the extent to which Reunite is operating, I am afraid that I cannot answer that question either. I do not know what the current provision is, to be honest.

**Liz Calderbank:** It is not an area that we have come across to a huge amount. I would anticipate, however, that as well as the challenges of working with women with mental health problems and accommodation needs, those women will often have children. Again, it is looking at the range of provision that is suitable for their needs.

**Q215 Rehman Chishti:** I move on to my third question. How do you envisage local commissioning arrangements—for example, relating to health and housing—fitting alongside the proposed commissioning arrangements for probation and rehabilitative services? Could these new arrangements potentially plug the gaps?

**Liz Calderbank:** The question is where to start with this.

**Q216 Rehman Chishti:** Start wherever you want.

**Liz Rijnenberg:** We feel very much that national commissioning is not the way forward for women’s services. A lot of the things that we have talked about this morning have demonstrated and evidenced that the strength for women is in local commissioning, with

lots of services coming together under the auspices of women’s community projects to ensure that all the gaps are closed, all those pathways are met and those services come together. It is hard to envisage our national commissioning model doing that. It would be very complicated to ensure, across all areas, that all the needs of different women were brought together under one national commissioning model.

**Liz Calderbank:** Within the commissioning arrangements, there will have to be a strong focus on the local elements. We have seen that all the way along, how it has grown. Local commissioning is looking across partnerships with what are effectively local organisations like local authorities and health services, and we will have to include them to be effective in dealing with all groups of offenders. Women probably highlight that.

If you look at it from the perspective of the voluntary and social care sector, it could be either a huge opportunity or a tremendous threat, and a lot of the outcome will depend on how the arrangements are taken forward, and on whether the commissioning arrangements take account of the demands of working with what are effectively minority groups within the criminal justice system and the need to resource those effectively and ensure that they are sustainable.

In doing this, we must also look at the groups themselves. I was talking last week to somebody from Asha, the women’s centre in Worcester. I was told that they have 16 different funding streams coming in. All those 16 funding streams will have 16 different arrangements for monitoring, data collection and so on. This is for an organisation whose strength is very much in the delivery of front-room work, not in the back-room practices of data collection and so on. If we are going to be commissioning services from those bodies, we have to be mindful of the demands that we place on them and resource them accordingly, otherwise we are going to crush them.

**Liz Rijnenberg:** One of the reasons that it does work at the moment is the role that probation has as a co-ordinator of all those services. We very much bring them together and work through local partnerships to make sure that everything is joined up. Under the “Transforming Rehabilitation” proposals, it is quite likely that all that will be fragmented.

**Q217 Gareth Johnson:** My questions arise out of information given in answer to Mr Chishti. You say that you do not really favour national commissioning—that you are more for local solutions. What success have you had in negotiating local agreements with providers? For example, have the police and crime commissioners got involved in local commissioning to provide services for women offenders?

**Liz Rijnenberg:** Yes. All probation trusts are working with local PCCs to ensure that there is input, through the joint needs assessment, in identifying what needs women have locally. Certainly, in my area and in adjoining areas in the south-west, we are working closely with PCCs to do that. It would be a very positive way forward for local commissioning to remain the responsibility of probation trusts, police and crime commissioners and local authorities. Together, through needs assessment locally, you can identify very clearly

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what is needed. It is different in different places, so that would be a very sensible approach.

**Q218 Gareth Johnson:** I am not clear why you feel that it would work at the local level but not nationally. You say that there are differences in different areas, but what would work in London that would not work in Liverpool, for example?

**Liz Rijnenberg:** London is a very different place from Liverpool, and London is a very different place from a small shire. It gets complicated when you commission nationally and then try to hold people to account at all sorts of different levels under all sorts of subcontracting arrangements. It seems sensible to hold that accountability at a local level. In any case, accountability would need to be local.

**Liz Calderbank:** Just to be clear, I didn't intend to say that I don't favour national commissioning, because I am aware of its impetus in terms of the cost-cutting issues behind it. However, I think very firmly that, whatever model we choose, if we go down the national route, it very much has to have a very strong local element, and it has to be informed by local commissioning for the reasons that Liz has given.

If you look at the development of services across the country, you have a number of national services, but within each of the different localities and areas, particularly within the voluntary sector, you get voluntary groups growing up in response to local need, plugging the gaps that they perceive in local authority and national services. The national commissioning model cuts across that, and cuts across police and crime commissioners, and the latter are probably still too early in post for us to have a distinct idea of how they will proceed.

**Val Castell:** The Magistrates Association has gone down a slightly different route. In our response to "Transforming Rehabilitation", we suggest that, as far as commissioning women's services is concerned, it should be done nationally. The reason for that is because of the gaps that are there.

We think that a strong central steer is very important in making sure that you get a more consistent provision across the country. If you are not careful, what can happen with doing it too locally is that each local area becomes quite city-centric, and you end up again dealing with majority numbers. If you are not careful, you will be dealing with most of the women—those in the main cities—while the ones in the more rural areas tend to be left out, whereas, if you are looking at it on a national basis, you will be thinking that for the cities we need this sort of model and for the more rural areas we need that sort of model, and you would probably get a more consistent approach.

**Q219 Gareth Johnson:** Surely, it should be right to share best practice.

**Val Castell:** Oh, yes.

**Liz Calderbank:** Yes, yes.

**Liz Rijnenberg:** Yes.

**Q220 Gareth Johnson:** My next question follows on from what you said earlier about how the probation service can cater for minority groups among women offenders. To what extent are you able to cater for

the specific needs of particular minority groups among women offenders? Is there anything that you specifically have to do, or anything that you are able to do, in order to satisfy the needs that are there?

**Liz Rijnenberg:** Yes, and I think that this is true for most probation trusts. We use information to identify the needs of women, and then we often work closely with local voluntary organisations to provide bespoke services for women with particular needs. We are quite successful in doing that. We have a range of different activity requirements that we use with women from different minority backgrounds. We have a range of different services that we can put in place for women with mental health problems, in terms of where we provide the resource and how we do it. We are quite good at that.

**Liz Calderbank:** Certainly, we saw that the women who posed a high risk of harm to others formed only a small proportion of the whole—probably only in the region of 1%. As Liz said, we have seen some very good and very detailed work in putting out bespoke programmes for these women and taking them forward. The difficulty, of course, comes once their the statutory involvement with the probation service ends, signposting these women to other services and getting them picked up and ensuring that there is that continuity of work. Again, that takes us back to the need for a cross-departmental approach.

**Liz Rijnenberg:** The value of community projects is in that continuity of service—because women come into them before they offend, and perhaps when they have offended and they have an order of the court, and they can carry on with that support afterwards.

**Q221 Seema Malhotra:** I want to focus on comments that you have already made on national commissioning and payment by results. The White Paper in January that envisaged national commissioning received quite a mixed reaction for the impact on women offenders, with some favouring national commissioning arrangements but being concerned about payment by results. What are the implications for the post-Corston agenda of the Government's decision to shift the locus of commissioning for its rehabilitation revolution from local to national? What impact do you foresee the current proposals having—for example, on the existing probation inspection regime?

**Liz Calderbank:** I shall deal with the inspection regime first, and then turn to some of the comments on payment by results.

We have been anticipating these changes, although it has obviously not been possible to see their exact shape or form for some time. Our next inspection programme will start in April of this year and will roll out over the next four years, so we will actually cover the period of transition up to 2017. It has been specifically designed to be sufficiently flexible to take on other providers as they come on stream.

As you are aware, our role is very much to focus on the work that is being undertaken with the offender, and to look at the quality of that work regardless of the management and arrangement structures that are behind it and deliver it. We look at what is on the ground, what is happening with the individual. That is what we see as our particular contribution to this work.

That will continue, and the inspection programme will pull on other providers as they come into the field. Our aim is to undertake this as seamlessly as possible.

We are very committed to any organisation that works with offenders being subject to the same independent scrutiny, with it being held to account for delivering the same standards of practice. That is what we will be looking for. We will not be looking for any kind of drop in performance during the period of the transition; we will be looking for performance to be maintained and improved. That will be our aim.

**Q222 Seema Malhotra:** The Magistrates Association has been quite critical. Is there anything that you would want to add?

**Val Castell:** Our problem is what you define as a result. We are very much aware that for some offenders a reduction in offending is actually a much bigger result than complete desistance is for others. It is not a purely numerical thing. You can be succeeding with somebody just by having reduced their offending slightly if there is somebody who has been offending persistently.

There is also a difficulty with what you define as offending. Are we only talking about the offenders that come to court? People can commit offences and be dealt with by way of out-of-court fines or cautions; other people commit offences and sometimes shops will not even prosecute shoplifters but go after them for money in a completely separate way. They have still offended, but that is not being counted. That is where our fears lie—in how you count the results.

**Liz Calderbank:** It goes back to what I was saying about payment by results. It could be both an opportunity and a threat. A lot of it depends, as Val has been saying, on how you define the results. It is an opportunity to focus attention on the result that you want.

One of them clearly must be a reduction in offending, but how do you get there in terms of people who are living very complex and chaotic lives? If you set the bar too high, it will have the impact of excluding them from the services and pushing them towards custody again. If you set it at a more incremental level, and you look at the different factors that we know work to address criminogenetic needs, factors that contribute towards offending, then you have an opportunity for focusing services on those.

A lot of it depends on how you actually set up the payment-by-results schemes. You also have to take into account the level of work required in resourcing them. I spoke to a voluntary group getting women who had offended back into work. The challenge was having to go through all the things that you would expect—of getting them a job, but once they had got the job of actually making sure that they turned up every day until they got into a pattern of doing it. That involved going and getting them every day, taking them to work and staying long enough to make sure that they had got over the initial thing of going in.

**Val Castell:** There is also a lot of work being done on “pre-offenders”, women who are at risk of offending. Of course, work that is done for that might not even show up in the stats, because they will not have committed offences yet, but if they are prevented from doing so that will reduce the overall offending rate. That, surely, is of merit.

**Liz Calderbank:** Ultimately, these things will save us all resources. They will save resources on criminal justice, mental health and across a whole range of things, but they are expensive.

**Q223 Seema Malhotra:** You talked about the opportunity of payment by results. Are there ways in which you could see payment by results possibly acting as a lever for gender-specific provision being made more rationally across the country?

**Liz Calderbank:** Yes. If it was written in that way, it could be.

**Liz Rijnenberg:** Improved accommodation, mental health—

**Liz Calderbank:** Yes, and pulling in services. Some of the women’s centres are very keen on the notion of payment by results because they are very confident in the services that they offer and see it as an opportunity of getting some regular sustained funding. Of course, that does depend on whether what they are offering is recognised within the scheme.

**Liz Rijnenberg:** A binary measure for women would not take account of improvements in their well-being, or their psychological and social factors, or give some consideration to the wider outcomes, such as that there could be fewer children in care and fewer young girls going into the criminal justice system. If PBR could be built around something wider, that would help.

**Liz Calderbank:** The threat is that, if it is just rebrokering the existing arrangements, it could end up excluding more than including. That is the threat.

**Q224 Graham Stringer:** Given a blank piece of paper, how would you configure secure and community-based provision for women offenders?

**Val Castell:** Very quickly, there are probably not that many who need very secure accommodation. I would tend to concentrate on putting the high security in place only where it is really needed, and try to focus more on support and assistance for the others.

**Liz Calderbank:** I would put as much into prevention as possible, and use secure units, where necessary, as a specialist provision. I would put more on the prevention side, particularly in relation to schools.

**Liz Rijnenberg:** Yes, a strong focus on prevention, and ensuring that where there are families with existing offenders the children are supported. We want a dynamic approach to women when they are presenting with a difficulty. A range of resources surrounding them at any particular given moment when there is a difficulty would be the best way of solving some of the longer-term problems. Quite often, at that crucial point when they need help, they do not get it and things get worse. It is something about redesigning our approach to this particular group of women offenders.

**Q225 Graham Stringer:** Given those views, what different strategy for women offenders would it lead to, compared with the suggestions in the “Transforming Rehabilitation” paper?

**Val Castell:** It fits in quite nicely. What the “Transforming Rehabilitation” proposals are going to lead us towards is a bit more of a blurring between community and custodial outcomes. That could work two ways. It may mean that there will be less

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inclination to send somebody into custody because you will see that they are doing much more of the same sort of thing, and we will not have quite this linear approach that I spoke of earlier. However, it could go the other way: if you also have the rehabilitative element, it could lead people to say that there is not the harm in a custodial sentence because you have the other work going on as well. It could go either way.

**Liz Calderbank:** We need to be very careful about the proposals in relation to the under-12-months cases and support post-release. I totally applaud the notion of giving support post-release, but if it is part of statutory supervision, as we have seen before in the proposals for custody plus, the danger is that you end up increasing the prison population, as Val has

been saying. The emphasis on custody and support can be very attractive, and you may see an increase there, but the other element of it is that people will be coming back for breach, again for offences that are of a relatively low level.

**Val Castell:** We feel very strongly that it should be up to the courts to decide whether there is a supervision period after short-term custody, especially where you have had somebody going into custody because of breach or something. Then they come out into a supervision period, then they breach that, and you have a yo-yo effect if you are not very careful. It is something that the courts would welcome having available to them, but we would like it as an option to be put in place when we feel that it is suitable.

### Examination of Witnesses

*Witnesses:* **Nick Hardwick**, HM Chief Inspector of Prisons, and **Eoin McLennan Murray**, President, Prison Governors' Association, gave evidence.

**Q226 Mr Llwyd:** Good morning, gentlemen. Mr Hardwick, in your written evidence, at paragraph 13, you refer to some improvements post-Corston. In particular, routine strip searching has gone, there is reception on the first night, and a range of physical health treatment and management of women with substance abuse problems. You then go on in paragraph 16 to list some very serious concerns, quite rightly, on a recent inspection. What is your overall impression of the progress in implementing the Corston report since it was published?

**Nick Hardwick:** As you say, there have been improvements that have made a significant difference to women in custody. The most striking bit of evidence in support of that is the reduction in incidents of self-harm. In the last year for which I have figures, there was a reduction of 8%. That is a significant factor. Self-harm among women now makes up 30% of all self-harm incidents, whereas it used to be 50%. The number of self-inflicted deaths last year was two, compared with four or five the year before.

These are real tangible improvements in the conditions for women in custody. However, when you go into a women's prison, to me at any rate they appear as shocking now as when I first went in. The self-harm levels may be down to 30%, but that is still a strikingly high quantity of self-harm. If you are on one of the wings during association and talking to women, you see it—you see the scarring on their arms. In fact, with everyone you talk to you see the levels of mental health problems, and you hear about problems with distress caused by separation from their families, all of those sorts of things.

The fundamental things that Corston talked about, it seems to me, are that you have women in prison who probably should not be there in the first place, and that those who are there are in prisons that are too big and in the wrong place, and that is because there has not been the drive from the centre to sort that out. Those criticisms—those fundamental strategic criticisms—remain as valid now as when Baroness Corston made them a few years ago.

**Eoin McLennan Murray:** I do not disagree with what Nick has said. The female population in terms of numbers is under 5% of the total population, but the needs of women are obviously very different, and that was clearly recognised in the Corston report. The proposals, suggestions and recommendations made in the report were common sense, and the Prison Governors Association embraced many of those ideas. In terms of implementing many of the recommendations that fell within the remit of the governor, good progress has been made, but that progress is dwarfed by the magnitude of the changes needed to transform custody for women in this country.

**Q227 Mr Llwyd:** I realise that Mr Hardwick was here for the earlier evidence session, but none the less I would like to ask the question. Have you detected a lack of strategic impetus relating to women offenders since the NOMS women's team was disbanded? What do you think should be done to re-energise the process?

**Nick Hardwick:** I do think that there has been a lack of impetus. In some things, notably, provision for women is lagging behind. For instance, the benchmarking standards to date have not made any distinction between women's and men's prisons. My understanding is that they are now developing benchmarking standards for women's prisons. They are not in place yet, but you would think that that was something that they would want to do in parallel. There are other examples where there has been a lack of impetus.

It is a good thing, I think, that Helen Grant has been appointed as Minister with responsibility for women, but she needs behind her machinery with sufficient weight to make an impact not merely within the Ministry of Justice but at a cross-departmental level. I think that the dismantling of the women's team, given the cross-departmental nature of its work, has been a significant problem.

**Eoin McLennan Murray:** We used to have an operational head in charge of women. It was like an area manager's position, so all the governors from the women's estate would have a clear operational head and there used to be regular meetings. We do not have

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that any more. NOMS has gone through a number of different facelifts with the budget cuts and the general reorganisation. The current temporary head of the women and equalities group, which it is now called, is a gentleman called Chris Barnett-Page, but he is not an operational person, so we still have no operational lead that can galvanise and basically lead the operation.<sup>1</sup>

**Q228 Mr Llwyd:** Interrupting you very rudely, if he is not an operational person, what on earth is he?

**Eoin McLennan Murray:** I am not suggesting that he is not good or anything like that, but he is not from the operational side of the business. He is from the policy and administrative side.

**Q229 Chair:** I had the same thought in my mind. It is about his background, not his function.

**Eoin McLennan Murray:** That is correct.

**Q230 Jeremy Corbyn:** Thank you for coming to give evidence today. The female prison estate as currently configured and resourced is barely adequate for the needs of women prisoners. How do you see it developing? Do you see more smaller prisons and smaller units, or do you see a continuation more or less of the current estate?

**Eoin McLennan Murray:** There is just about to be a review of the female estate by NOMS. Certainly, the Prison Governors Association would like to see the Corston recommendations put into effect. The population is so small and so dispersed over the country that visiting arrangements are obviously very difficult, and much more difficult for women than for men, so the effects of imprisonment on women are much harsher in that respect.

We would like to see smaller units. First, let me say that we do not need so many women in prison, bearing in mind that something like 52% of the serving population are serving less than six months, predominantly for non-violent offences. We feel that most women could be dealt with in the community. It would reduce the prison population significantly if that was adopted. Furthermore, because you would have a much smaller population, it would make no sense—

**Q231 Jeremy Corbyn:** I am sorry to interrupt you, but by how much could it be reduced? How much smaller could it be?

**Eoin McLennan Murray:** I made a note on that. It shows that 36% of women who are currently serving are for handling and theft and that 81% who are currently serving are for non-violent offences. We could be quite radical and say that we would reduce the population by something like 80% if you just put women who were a danger to society into custody. The others could be dealt with in a community setting.

**Q232 Chair:** Forgive me, Mr Corbyn, but is it not part of the problem that the courts want to demonstrate in some clear way that the handling and theft behaviour,

which may be persistent if it has led to a sentence, is something that society is not going to accept? There is a problem about the courts being satisfied that they have an alternative to achieve that.

**Eoin McLennan Murray:** The question is, what do we mean by punishment? Do we not want to reduce the chances of women reoffending? Currently, 50% or just over reoffend within a year. If the aim of the Government is to reduce reoffending, they should be fairly pragmatic and follow what works. If you were to do that, you would not necessarily want to look at just punishing people. There are lots of ways to reduce reoffending without just punishing people. In fact, just punishment does not have much of an impact on reoffending.

**Nick Hardwick:** To add to that, it is not just a question of smaller units. That is feasible within the current estate, but it will not be enough in itself. It is also a question of who works there, and the training and competences and selection processes for those people. Even if you have smaller units, if you simply take staff out of the predominantly male estate and put them in women's prisons and expect them to carry on in the way that they did, that would not have the desired effect.

**Q233 Jeremy Corbyn:** My next question was exactly that. What do you feel about the dominance of male staff and male working methods in women's prisons? Do you think that there ought to be some better or changed training and benchmarking of staff arrangements in these prisons?

**Nick Hardwick:** I think the balance is wrong. That is something that we repeatedly raise in inspections. The gender balance of staff is wrong. It is really striking at a practical level. I remember being at a prison one evening and going to the mother and baby unit. They had one male operational support grade supervising the mother and baby unit. That simply was not appropriate. That has happened at two establishments. There is a variety of things like that.

My view is that one could draw up a list of competences or criteria so that you could accredit staff to work predominately in the women's estate. It is important, particularly if what you are looking at is a model where you may have women held in a smaller unit that is attached in some way to a bigger male establishment, that you do not have staff simply shifting between the two, taking the attitudes and working practices of one to the other. It is not enough simply to develop smaller units. You also have to have a distinct staff cadre, who have the skills, competences and the sympathy or empathy to work with women prisoners.

**Q234 Graham Stringer:** What are the particular problems that women foreign nationals have in prison, and how could their situation be improved?

**Nick Hardwick:** To some extent, they are the same as for other women but exacerbated. The issue, for instance, of separation from family is a greater one for foreign national women. Often, in my experience, foreign national women—this is a generalisation—tend to have larger families, more children. If you do not have any other visits, you will, I think, be permitted one five-minute telephone call a month to your family.

<sup>1</sup> Note by witness: Chris was an operational grade in the past but has never been a substantive governing governor. He has worked at Prison Service HQ in a non operational role for several years now and was recently appointed as Temporary Head of the Women and Equalities Group.

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If you have a partner and a number of children, that is not particularly helpful. If you have a visitor, perhaps a relative here comes to visit, you do not get your free telephone call.

There is also an issue with trafficked women. What we find is that a significant number of women prisoners have been trafficked at one point, and there is not enough awareness among staff about referral to the appropriate mechanisms. There are issues about translation and interpretation services, where often people simply do not understand what is happening. It is not merely a language thing but that people may perhaps have very different expectations of what a prison environment will be like. There is a range of issues for foreign national women prisoners that makes their experience worse than for others.

**Q235 Graham Stringer:** Many of these women are potentially subject to deportation and need advice on how to appeal. That is partly what I was looking for in my question. Do you think that these women get the right level of advice and service, and how could it be improved?

**Nick Hardwick:** No, they do not get the right level of advice and service. They need that, and it would be a significant help. Some of them would be better going back to their own country.

What we find is that often some of that advice and support is provided by quite small voluntary organisations like Hibiscus, but their funding is under a lot of pressure. Those sorts of organisations are getting squeezed out by some of the new funding arrangements. There is a risk there, but, if what these organisations are doing is helping a woman to move successfully back to her own country, that is in everybody's interests.

**Q236 Seema Malhotra:** I want some clarification. Did you say that all women prisoners, or was it just foreign nationals, get five minutes a month on the phone?

**Nick Hardwick:** Yes, you get one free five-minute telephone call per month. If you can pay, if you have money, you can make as many telephone calls as you want, although obviously the cost would be greater. If, for instance, you are here on your own and you have no family sending money to you in prison, you get one five-minute telephone call a month.

**Q237 Seema Malhotra:** Do you have any statistics on how many women use only that single five-minute free period and do not make any other calls?

**Nick Hardwick:** I do not have statistics on that, but it is certainly something that we regularly come across in our inspections.

**Eoin McLennan Murray:** May I add something on foreign nationals? On the male side, they have prisons that specialise and just hold foreign nationals, so the level of service tends to be better there because they have very good links with the Border Agency. On the female estate, two prisons are designated, one in the south and one in the north, that will take foreign nationals. Downview is in the south, but I cannot remember the name of the one in the north. There will probably be better provision there than in other prisons, where that specialism has not yet evolved, but

you could make improvements to the female estate by doing more of what we see in the male estate, in terms of specialising so that you meet the needs of foreign nationals.

The other issue for foreign nationals is that many of them do not know where their final destination will be. Sometimes, they do not know whether or not they are going to be deported, which means that their resettlement plans can be in disarray. You can end up discharging people who stay in this country, for whom no arrangements whatsoever have been made. That is another dilemma.

**Nick Hardwick:** There is often the assumption that women will be deported at the end of their sentence, as with foreign national men, so no resettlement or rehabilitation work takes place. In fact, many are allowed to stay in the end, so they will be released back into the community sometimes without the support, supervision and preparation that other prisoners will have. Even if they are going back to their own country, some resettlement would be worth while in reducing the risk that they reoffend.

**Q238 Chair:** In general, it would make more sense for them not to be excluded from resettlement?

**Nick Hardwick:** Absolutely. I do not understand the logic behind excluding them. It is wishful thinking, it seems to me, and it does not work in practice.

**Q239 Steve Brine:** Mr Hardwick, you touched on this earlier when you talked about, for want of a better term, collocated provision on one site, so instead of smaller prisons or bigger prisons, having collocated prisons. What might a family-friendly female estate regime look like—a family-friendly estate, as families need fathers, too? What do you think a family-friendly female estate might look like?

**Nick Hardwick:** Leaving aside the questions of location and smaller units, there is a whole lot of work around enabling women to maintain contact with their families. At a practical level, those are the sorts of things that we have been talking about, like phone calls and stuff, and that is important.

There are also visit arrangements. We recently inspected Hydebank Wood prison in Northern Ireland, which had some problems. One of the things that they did well there was that some women were allowed six-hour visits with their families pretty much unsupervised. They have a little unit attached to the prison where the women can cook for their children, and can care for them and mother them in an ordinary kind of way. Those sorts of more imaginative visit arrangements would be important, but added to that is support for women in developing parenting skills if they have not had the opportunity to learn and develop them beforehand.

The other issue is around mother and baby units in prisons. The ones that we see that are run by voluntary groups or charities seem to work better than others. However, there is still an issue for most, with a preponderance of discipline officers in uniform providing supervision, which is not appropriate. It is also striking that mother and baby units are not fully occupied. There is a significant number of vacancies, and I do not understand the reason for that. I would

have thought that there was demand, and I do not know whether the fact that there are so many unfilled places is an administrative problem or whether there really are not the women who could take up those places.

**Q240 Steve Brine:** Mr Murray, do you have anything to add?

**Eoin McLennan Murray:** It can be difficult to provide family-friendly visiting arrangements. It takes space and it takes resource and time, and obviously all these things are sometimes a scarcity in prison. You have to think of other ways of addressing it.

A more imaginative use of release on temporary licence, or ROTL, for women would be a very good way of ensuring that there could be pleasant contact in good surroundings. We have already said that women do not pose the same kind of risks that men do, so you could be far more imaginative. Historically, we used to be more imaginative with the use of temporary release for women. That would be one way of facilitating visits.

The other would be to utilise IT more. We live in a world of e-mail, and we can censor e-mail electronically. Why couldn't we provide e-mail facilities or video conferencing facilities? Why couldn't we make these technologies more accessible, particularly to women and to foreign nationals, so that they can maintain contact? It is not that expensive, and it is something that you can monitor very closely if you are concerned about security, but we seem to have an aversion to embracing some of these new technologies. They would offer cheaper and quicker solutions to some of these long-term problems.

**Q241 Steve Brine:** Skype, for instance.

**Eoin McLennan Murray:** Yes, Skype, absolutely. And it is free, as well.

**Q242 Steve Brine:** The hardware is not free, but—

**Eoin McLennan Murray:** We usually have the hardware in most prisons.

**Q243 Steve Brine:** As an adjunct to this, starting with Mr Hardwick, I want to ask you about the treatment of pregnant women—that is if you conclude that they should be anywhere near the secure estate in the first place.

**Nick Hardwick:** On your last comment, there is a big question about whether they should be anywhere near the secure estate in the first place, but, assuming that they are, there are three areas that I would touch upon. One is, in a sense, the appropriate level of professional antenatal care. From the health point of view, women should be getting care and supervision, in the sense of people being aware of what is happening to them and what their needs might be, and those needs should be being met in a sympathetic way.

Secondly, there is the more general question of support, that staff should be sympathetic to those women's needs. A lot of these women may end up being separated from their children after the birth, and they will be anxious about what is going to happen. All of those sorts of support needs need to be met. There is a role sometimes for mentors, and you see other women prisoners providing that support. Thirdly, there

are some practical things around clothing, the mattress on the bed and other practical things to make life easier for pregnant women that just get forgotten.

It is about professional care, antenatal care and providing the right sort of links with safeguarding out in the community. It is about more informal support for women who are anxious and upset, and it is about practical things and about how the prison operates.

**Q244 Steve Brine:** What is your experience, Mr Murray? How do we treat pregnant women in the secure estate?

**Eoin McLennan Murray:** They are generally treated the same as non-pregnant women—although I should qualify that, because the medical support that pregnant women receive is good. Pre-natal health care provision is good, and they are monitored, but in terms of regime facilities, there is not much difference between how pregnant women and non-pregnant women are treated.

**Q245 Gareth Johnson:** Mr Corbyn has covered some of the areas that I was going to speak about, including on small custodial units, but I have a couple of questions arising out of what you said earlier.

When the President of the Prison Governors Association says that 80% of women in custody should not be there, I tend to sit up and listen. Mr Hardwick, you also said that there are women prisoners in custody who should not be there. My question, arising from that, is that it is not really your role to say whether or not people should actually be in prison. Surely, your role in serving society is to ensure that our custodial units are effective and are run well, rather than actually saying, "These are the people who should be in prison; these are the people who should not." That is for judges, is it not?

**Nick Hardwick:** I am not saying who should or should not be in prison. I did not put a number on it. My view is that prisons need to be able to care for, and hold safely, securely and decently, the people that they have. At the moment, there are women in prison for whom the system does not seem able to provide appropriate treatment and conditions. To be helpful to the Committee, I would say that one of the reasons for that is that there are women in prison who could be better dealt with outside in the community. However, I have a different role from that of the PGA, and on the whole I steer clear of sentencing decisions. You are right, however, that we comment on the treatment and conditions of people once they are in prison.

**Eoin McLennan Murray:** You are right in what you say, from our perspective, from the practitioners' perspective. We just see this revolving door and continual reoffending rates. What we are looking at is how to reduce reoffending and therefore prevent further victims. One of the things that we think is that, if you just put women in prison in the numbers that we are doing, you keep on exacerbating the problem.

We would like to see that problem resolved, and we believe that one of the ways of resolving it would be to have different disposals. I am not saying that they should not be dealt with by the courts, but just that what is meted out by the courts we believe should be more appropriate in terms of reducing future reoffending

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rates—and more effective in terms of changing the lives of these women.

**Q246 Gareth Johnson:** The reason why I raise that question is that prison governors have a crucial role in preventing reoffending, working with people while they are in custody. I understand that prison governors are frustrated at seeing the same faces coming back again and again. Surely, it is for prison governors to deal with the people whom they have and do what they can to improve their anti-reoffending programmes. It is not to say, “Well, four out of five of these people should not be here, and the courts have got it wrong.”

**Eoin McLennan Murray:** Again, you are right. That is exactly what prison governors do. Regrettably, however, most of what we do is ineffective, partly because they are such short sentences and because of the resources required. There are resources, but you do not have the time to meet some of the needs of the women, and they could be met more appropriately elsewhere. There is a better solution to this. That is the point that we are making, but at the moment we seem to be fixed on locking people up, and we do not believe that that serves society.

**Nick Hardwick:** May I add one brief point? There is one group of women in prison now who definitely should not be, and that is at the more extreme end, with women who have the most acute mental health problems. It seems to me that they should be cared for in a hospital rather than in a custodial establishment. If you go to a place like the care unit at Styal, where the level of mental health distress is extreme, I defy anyone to come out of that and say that prison is an appropriate place for these people. They should be cared for in a hospital.

**Gareth Johnson:** We need to make that point, Mr Chairman.

**Q247 Chair:** What are the implications for the post-Corston agenda of the Government’s decision jointly to commission rehabilitative provision across prisons and probation?

**Nick Hardwick:** I have said on a number of occasions that there is a hole in the Government’s thinking more generally about rehabilitation, because what happens in prisons seems to be very much a second order priority in the proposals as a whole. The proposals neglect the role that prisons should play in preparing prisoners for release and reducing the risk that they reoffend. There is much to applaud in the proposals. The role that prisons will play, and how the community providers will link up with what happens in prisons generally, has not been properly thought through yet.

Things are more acute for women’s prisons. The reason is this. Because of the location of prisons as they are now, women prisoners are less likely to be released

into the area in which they are held. If you are a woman offender who lives in the west midlands conurbation, there is no local prison in that area from which you can make the link between the prison establishment and the community. You are likely to have women going back to that area from a whole range of different establishments, and it is not clear from the proposals as they currently stand how that link will be made between the prisons and community provision. That is a problem for all prisons, but it is particularly acute for women’s prisons. If you ask the MOJ, they will say, “Yes, we recognise that that is an area where we still have to do more work.” They will acknowledge the point, but I would say that they need to get on with it and solve that problem.

**Q248 Chair:** Is it not the reality that the proposals have been drawn up to create better links and more through-the-gates care for male prisoners but that, when applying it to the female estate, one immediately comes up against the fact that the female estate, in most people’s view, is wrongly configured?

**Nick Hardwick:** Precisely so. It will be difficult enough in the male estate. There is talk, which would be a good thing, about trying to organise prisons on a regional basis, but you are still going to have male prisoners held in prisons away from the areas to which they will relocate. Unless you radically change where women are held, the women’s estate, that problem is going to be more acute.

The whole business about prisons, and women’s prisons in particular, has almost been forgotten in some of the thinking, and there needs to be some catching-up on it. It goes back to the point about leadership. You feel that you are always having to remind people about this issue, rather than it being at the forefront of their minds.

**Q249 Chair:** Does that have any implications for the existing prison and criminal justice joint inspection regimes? You do quite a lot of joint inspections, do you not?

**Nick Hardwick:** We need to see the arrangements in detail, but we work very closely with the probation inspectorate at the moment and we go into prisons together. That is quite profitable, because, certainly when we are looking at rehabilitation, at the moment what we tend to look at is the process—they are doing the sorts of things, or not doing them, that ought to be improved. If we can link that up with what the probation inspectorate is doing in the community, we can come to a more definite conclusion, and that would be helpful. The relationships that we have at the moment can be developed to work in the new system. I am looking forward to that.

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**Tuesday 26 March 2013**

Members present:

Sir Alan Beith (Chair)

Steve Brine  
Jeremy Corbyn  
Mr Elfyn Llwyd

Seema Malhotra  
Andy McDonald  
Graham Stringer

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**Examination of Witnesses**

*Witnesses:* **Helen Grant MP**, Parliamentary Under-Secretary of State for Justice, **Ian Porée**, Rehabilitation Programme Director, Ministry of Justice, and **Michael Spurr**, Chief Executive Officer, National Offender Management Service, gave evidence.

**Chair:** I welcome the Minister and Mr Spurr back to the Committee and welcome Mr Porée. We have bones to pick with your officials about how the Committee should be kept informed of things that are happening, but we do not propose to spend this meeting talking about them, because we are more interested in the direction of travel in the document that was produced on Friday. Although brief, it has a direction of travel that most of us very much welcome. I ask Mr Corbyn to open up.

**Q250 Jeremy Corbyn:** Thank you very much for coming. You will be pleased to know that yesterday the Committee had a very good visit to HMP Styal and Adelaide House. We understand that you will be visiting Adelaide House in the near future.

**Helen Grant:** In May—and Styal as well.

**Q251 Jeremy Corbyn:** Excellent. I hope you will be as impressed as we were with some of the work that has been done.

**Helen Grant:** I am looking forward to it.

**Q252 Jeremy Corbyn:** The Secretary of State has twice told the Committee that he has separated ministerial responsibility for men and women in prisons. Has this happened? How is it working in the Department at the moment?

**Helen Grant:** Yes, it certainly has happened. It reflects the fact that he sees clearly that women have specific needs and certain issues that have to be recognised. He decided to put me in charge of women in the criminal justice system. My colleague Minister, Jeremy Wright, is responsible for men in the criminal justice system, so there is definite separation.

**Q253 Jeremy Corbyn:** In your view, what are the specific needs of women in prison?

**Helen Grant:** I think that women offenders are a highly vulnerable group. They commit crime—not always, as I was quoted in one of the papers, but often—because they are highly vulnerable and because of earlier failures to protect and support them. They often have different needs from men. They are more likely than men to be victims of domestic violence and sexual abuse. They are more likely to self-harm and to have mental health problems, and they are more likely to be primary carers at the time and date of sentencing. We are therefore dealing with a different situation. If we are going to be really serious about reducing reoffending,

we have to address some of the root causes that lead women to offend. We have to deal with those causes, whether they are drugs, alcohol or domestic violence.

**Q254 Jeremy Corbyn:** In the light of your first few months as the Minister, what do you think the system does and does not do well in respect of women prisoners and potential prisoners?

**Helen Grant:** In the last few months, I have had the opportunity to visit a number of prisons. I have been to Holloway and Eastwood Park in Gloucester. Prior to becoming a Minister, I went to East Sutton Park, which is fairly near my constituency. I have been to the Elizabeth Fry approved centre, and I have been able to visit the ISIS women's centre in Gloucester, Alana House in Reading and the Minerva women's centre in London. To be perfectly honest with you, I have seen some very good practice both in prisons and in the women's community facilities that I have been able to visit.

To give you an example, when I visited Holloway, I was able to see women being prepared and made ready for work, in terms of clothes and producing CVs, which is absolutely key. They are then linked into an organisation through the gate called Working Chance, which I have also been able to visit, so that, on release, a woman has a much better chance of finding a job. Of course, when a woman finds a job, it gives structure to her life and puts some money in her pocket. As they say, there is also pride in her progress, which is absolutely key in reducing reoffending. That is an example of very good practice that I was able to see in prison.

With regard to the women's community facilities, which I like very much, I saw some fantastic partnership working when I went to the ISIS women's centre in Gloucester. I was able to sit in on part of a drug rehabilitation session where the women were challenged to change their life, which is what these facilities can really do. Many still see them as slightly easier options, but they are not—they really do challenge women to address the issues that caused them to offend in the first place. That was very good practice that I saw there. I also saw women being helped to break the cycle of domestic violence. As I am sure you know, many women in prison have been victims of domestic violence. Speaking as someone who was a domestic violence family lawyer for 23 years prior to becoming a politician, I know absolutely what domestic violence can do to a woman. It absolutely

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crushes self-confidence and self-esteem, which are the prerequisites, of course, for aspiration, motivation, success and, as far as we are concerned here, stopping reoffending. Unless you can get that self-confidence back and get rid of the perpetrator—the person who is pulling you down—the chances of being able to move on are much reduced. I hope that has answered the question. I have seen an awful lot of good practice.

**Q255 Jeremy Corbyn:** I agree with you about Holloway; it is in my area and I have visited it. What are the weak areas in treatment of women prisoners, in your view, from what you have observed so far? What do we not do well?

**Helen Grant:** Can I bring my colleagues into this? I have with me the chief executive of NOMS, on my right, and Ian Porée, who is dealing with our “Transforming Rehabilitation” programme and is in charge of commissioning. They may well have some interesting comments on where we perhaps need to do better.

**Michael Spurr:** I think we have been getting better at targeting our interventions to meet the specific needs of women, but there is still more to do on that. What we call our philosophy of segmentation is really about trying to identify the specific needs of an offender group and then ensuring that we are putting resources into meeting those needs. For a long time, we did not do anything like sufficient work with women.

Over recent years, we have accelerated the work we have done to look at the specific needs of women. That has led us to develop particular programmes such as the CARE programme, which is running at Foston Hall at the minute and will run at New Hall. It targets women with complex needs after offences of violence against the person and is aimed specifically at those particular women. We are identifying the people who need that type of programme. For example, we have been doing work in the community with Women’s Aid to develop the freedom programme for women who have been involved with domestic violence. Again, that is a very specific, targeted programme to meet particular needs. There is still further work to do in that area, as we get better at understanding it. There is still not sufficient evidence about what the specific needs of women are; to be quite frank, there is a frustrating lack of it. Only in recent years have we really targeted the group and looked at what are the gender-specific issues that we should be tackling. I think that is the area for further development, although I want to make the point that we have been tackling that area and, I would have to say, have made some considerable progress in it.

**Q256 Chair:** Can I be clear about your ministerial responsibility? When the Secretary of State came in, he talked about being responsible for women in prisons. Does that extend to women offenders—women in the criminal justice system—generally? That is a question to the Minister.

**Helen Grant:** That is certainly my understanding of it.

**Q257 Chair:** This is really a question for Mr Spurr. Might it not be a good thing if you were more ready to be frank about the weaknesses in the system, rather than rushing to claim the credit for the areas

of improvement? Obviously, we are also interested in those.

**Helen Grant:** Are you addressing Mr Spurr?

**Chair:** Any of you can answer the question, but it arose out of Mr Spurr’s earlier reply.

**Michael Spurr:** I did say that I thought we needed to do more in that area. Equally, I wanted to say that it was not something we had just thought about and were not working on. The response to the question was that I do think we need to do more to target the specific needs of women. I do not think I was being overly-defensive—I was trying to demonstrate that we had recognised the issue and were working on it. If I may say so, I do not think it is unreasonable for somebody in my position to say, “We have identified something that is wrong and are trying to put it right.” If I were not doing that, you would be asking me why not.

**Helen Grant:** On that matter, I think considerable improvements and advancement have happened in the last six years, since Jean Corston’s report. A lot has happened; I may be asked about that later. There is also recognition of the fact that, just because there have been improvements, it does not mean that we are there. Sadly, women are continuing to get involved in crime, chaos, havoc and family breakdown, with children going into care and repossessions, and there are still a lot of women in prison. As long as that is the situation and as long as I am responsible for this part of the portfolio, of course we will have to do more. That brings me back to why we have published the strategic priorities. It would, I hope, explain some of the content as well.

**Q258 Andy McDonald:** Good morning, Minister. We have heard from a lot of witnesses in the course of our inquiry that, effectively, in the absence of visible leadership, progress on the Corston agenda has stalled. Do you accept that, before your appointment, the MOJ did not give women’s offending the attention required to maintain progress on the Corston recommendations?

**Helen Grant:** No, I don’t accept that at all. I think there has been considerable movement on the Corston recommendations. The Government have accepted 40 out of 43 of them. Michael at NOMS has implemented many of them. We have embedded gender-specific standards, training and initiatives right across the prison regime. Michael referred to a superb facility that runs in conjunction with Women’s Aid that really helps women in the prison regime to address issues such as domestic violence. We have also ended routine full searching of females. We have established a women-specific conditional caution. I think that is a very good initiative, because it allows a woman to be effectively assessed—to have a full needs assessment at one of the women’s centres. We have actually reduced the female estate by 400. NOMS has invested £3.78 million in the funding of 31 women’s centres around the country, the vast majority of which are doing a very good job of tackling the root cause of female offending. I would have to disagree—I think a lot has been done. I am pleased with it, but of course we need to do more.

**Q259 Andy McDonald:** How have your approaches to other Government Departments on these matters been received? Is there the critical mass of women

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Ministers that Baroness Corston thought was crucial to progressing this agenda?

**Helen Grant:** For example, I sit on an interministerial group on human trafficking and an interministerial group on violence against women and girls. Another of my colleagues at the MOJ—I cannot remember which one; it might be Jeremy Wright—sits on the interministerial group on homelessness. For a start, there is that. It does not do any harm at all—in fact, it is very beneficial—that I am a Minister in the Justice Department with responsibility for women in the criminal justice system and also one of the Ministers for women and equalities, so you have the overlap there. Going forward, the new powerful advisory board I referred to in my strategic priorities anticipates membership from criminal justice partners and stakeholders but also from other Government Ministers and officials, which will allow us together to pull all the levers we need to pull right across Whitehall to get the job done that we need to do.

Coming back to specifics on that—it started well before my time, so I cannot take credit for it—very good interdepartmental work is happening with Health on certain liaison and diversion services from police custody and from court. We are working with Health on some very good pilots for intensive treatment-based alternatives to custody. We have been working with the Home Office on the violence against women and girls strategy. Of course, we also work with DCLG on its troubled families strategy and trying to stop intergenerational criminal behaviour. There is quite a lot happening, but that is not to say that we cannot do more.

**Q260 Andy McDonald:** On the latter point, who has ministerial responsibility for those women who are not yet in the criminal justice system but are at risk of entering it? Does that fall within your remit?

**Helen Grant:** To a certain extent, on the fringe. Some of those women will be attending the 31 women's centres, so we will have an opportunity to try to catch and divert them at that point.

**Q261 Andy McDonald:** Was that by accident, though? Is it the case that no direct responsibility was laid out to say that that comes within somebody's remit and it just happens that the women's centres necessarily embrace women who are in the system and those who might be at risk?

**Helen Grant:** No, it is part of the responsibility, and there is work to be done. However, it is not just the responsibility of the Ministry of Justice. It will be the responsibility of a number of other Government Departments, as well, to deal generally with vulnerable and high-risk women.

**Q262 Andy McDonald:** You mentioned the advisory board. Who do you plan to have sit on that board? Have you had any thoughts on that? Are you planning internal structural changes at official level to support the work of the new board?

**Helen Grant:** On the basis that we have not sent out the letters to those whom we want to have on the board, it would probably be wrong for me to jump the gun and announce that to you today without telling them. I hope

the Chair accepts that. As I said, it will be made up of critical criminal justice partners and stakeholders, other appropriate Ministers across Government and high-level officials. We will have our first meeting in May. The meetings are likely to be every quarter.

**Q263 Chair:** When the Government proposed to set up an advisory board for youth justice—a decision that was overtaken by events, of course—this Committee was given a clear assurance that any recommendations of the advisory board would be made known to this Committee. Will that kind of assurance be given in this case as well?

**Helen Grant:** Could I take advice on that and write to you this afternoon?

**Q264 Chair:** I see Mr Spurr shaking his head sideways.

**Michael Spurr:** I cannot see any reason why we would not share recommendations.

**Helen Grant:** I cannot see any difficulty.

**Chair:** Clearly, the Government recognised in relation to the youth advisory board that the whole point of the board was to put forward recommendations that could then be not only presented to Ministers but examined and often, no doubt, supported by this Committee in the process that would follow. It is quite important that we have that access.

**Q265 Steve Brine:** Let us turn to community-based provision. Last week you announced the additional £300,000 for women's centres, although it was mentioned in the House earlier in March in response to a question from Fiona Mactaggart MP. How has that £300,000 been allocated?

**Helen Grant:** It will obviously be in addition to the £3.78 million we spent last year and have committed to again going forward for 2013–14. It is a funny word, but really it will provide additionality, putting services and facilities where they are not at the moment. I also mentioned it at Justice Questions, because I think it is something that we need to do. I want a deepening and strengthening of services at certain facilities as well.

**Q266 Steve Brine:** It is a lot of money in normal parlance, but it is not a lot of money if you are talking about additionality for gaps in service and strengthening existing service. It will not go far, will it? Would Michael like to add to that?

**Helen Grant:** I would like him to do so, but I would also like to say something. We already know that more money than the £3.78 million plus the £300,000 will go in, because some probation trusts are committing their own resources to women's community centres that, rightly, are probably having to do the same or more with a little bit less. They value the service and are saying, "Okay, we will make up the difference." Examples of that are Thames Valley and the London Probation Trust. It will become clear as we go forward, but we are talking about minimum amounts. I think that is positive.

**Michael Spurr:** This is the only set of money that we have ring-fenced in the whole of the NOMS agency budget—around £3.5 million on top of the baseline provision for probation trusts—for women's services.

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Last year, the probation trusts added £180,000, which is what takes it to £3.78 million this year. We have said that the whole of what was spent last year above the baseline provision will be ring-fenced. The baseline provision is what standard services for women will be provided from. I think that is really important. The work that has been going on has been to extend provision, particularly in those trusts that had not had any additionality through the original £3.5 million. I know there was a lot of concern about what was happening with the services, as discussions were taking place with women's centres and others. I met the Corston funders, and we have provided complete transparency about where we are in those negotiations. I know that the National Audit Office is going to look at what has happened with that money. I welcome that, because I think it will demonstrate that more money is actually going into this. Of course, it would be great to have a lot more money to put into this area, but we have a reducing budget. To be able to ring-fence and increase the amount of money that is there for additionality is a success in what is an important area for us.

**Q267 Steve Brine:** With a challenging budget, what has NOMS been doing to monitor the effectiveness of the women's centres? What information do you hold about their effectiveness in reducing reoffending, for example?

**Michael Spurr:** There is a limited evidence base at the moment for their effectiveness in reducing reoffending. As you will appreciate, it requires clear measures and time to be able to say what impact has occurred. Quite frankly, we have not had the clear measures in any of those centres and the data that would enable us to evaluate them on a reducing reoffending basis.

**Q268 Steve Brine:** Why not? Because you have not had enough time to do so? How long has the oldest of them, for instance, been there?

**Michael Spurr:** About three years. The reality is that the individual centres themselves have not collated the data. They have done some work on evaluation; the women's turnaround projects, for example, were evaluated. It did not conclude that we were able, with the data that were available, to say that these had reduced reoffending. However, it did conclude that there was value in the centres; most people would recognise that. On the softer measures, there was general agreement that what the centres were doing was positive for the women who were there and that, generally, they fit a "What Works" agenda in terms of building social esteem and engaging people, particularly early on in their offending lives. At this moment, we have indications that these are positive, but we do not have evaluative evidence that demonstrates that they are reducing reoffending. We have set requirements for collation of data from the centres as we now go forward with formal contracts. NOMS has been involved directly with the centres only for the last two years. We have now set data collection requirements that will enable us to have a better evaluation of how the centres are operating going forward.

**Q269 Steve Brine:** You can see my concern. We as a Committee are trying to put together a report backed

by evidence to support policy moves. Although you are saying that there is general agreement that they are building self-esteem, if women are going out and committing more crimes, but doing so with confidence, that does not really satisfy me. I was slightly surprised, to be honest, when we went to Adelaide House yesterday. I concur with Mr Corbyn that it was very impressive. The unit was led with strength and confidence by a very strong woman called Pat Thomas, who was very much the matriarchal figure. However, when we asked about their success rate, they did not know. Then, when I asked about their being recommissioned, she said that you were about to recommission them for another 12 months. On the basis of what—a general feeling that they are doing good things?

**Michael Spurr:** They take difficult-to-place women who would struggle to find accommodation and support on the outside. Relatively small numbers are involved. Getting proper evaluated statistical evidence with small numbers and cohorts is always difficult. Reoffending data in themselves are difficult to collate. Generally, you need relatively large cohorts that you can match against similar cohorts to see whether or not a particular intervention has had an impact. What the centres are doing is broadly in line with our wider "What Works" evidence base. We are looking to refine that and get better evaluated data, but you should not stop doing work that is broadly in line with the "What Works" agenda.

**Q270 Andy McDonald:** You say that because it is a small number it is hard to evaluate. We are sitting here wondering why that should be. We would have thought that a smaller number was easier to evaluate, as there would be smaller numbers to track, reflect on and report on.

**Michael Spurr:** Individual centres will talk about their individual women and say, "We have had success," but, in statistical terms, to be able to demonstrate that that particular intervention has been the cause of that success, you have to be able to match the people with whom they are working with a similar cohort of people they have not been working with. That is what I meant. That is harder to do with smaller numbers than with a larger cohort of people.

**Helen Grant:** I think we are going to be in a position to do that very soon, because since April, we have been monitoring the referrals that have been made from the probation trusts to the 31 women's centres. In a few weeks' time, we will have a year's worth of data. Then we will be able to compare the reoffending rates of women who have been into the women's centres, for example, with those of women who have not.

**Q271 Steve Brine:** I suppose I am trying to separate out the 31 women's centres from the six approved premises. Those are the more hard-core end, aren't they?

**Michael Spurr:** Approved premises are primarily around protection, as opposed to women's centres, which are more open—for those who run the risk of offending, as well as for those who have been offending. It is equally difficult to evaluate the specific impact they have made on that group. However, as I said, we are collating data and looking at a range of

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measures. The softer measures, relating to individuals' response when they come back—how they involve themselves in employment and so on—do matter. We are collecting those data now, which should give us a better understanding going forward.

**Steve Brine:** There is something else, but we will move on.

**Q272 Chair:** Can I look at the issue of deaths in custody, which was, of course, the starting point for Corston? There has been some improvement on that, but the INQUEST group published a research report highlighting serious flaws in the learning process following inquests into deaths in custody. It identified patterns in cases of deaths in custody: histories of disadvantage and complex needs; inappropriate use of imprisonment; isolation from families; prison being unable to meet women's needs; poor medical care; and limited access to therapeutic services. Incidentally, those are all things of which we saw the opposite yesterday, as better attention is being given to them there. However, that range of criticisms, the continued high rate of deaths in custody among women and the very high rate of self-harm all suggest that you have some way to go yet. Do you agree? What are you doing about it?

**Helen Grant:** Lessons always have to be learned. We take the findings from coroners' inquests very seriously indeed. Of course, this information has to inform our policies, initiatives and strategies. Again, this is Michael's area, so I ask him to comment.

**Michael Spurr:** I do not think it is fair to say that we do not try to learn lessons from coroners' inquests or, indeed, incidents as they occur. We have a group within headquarters—the safe custody team—that looks specifically at incidents of self-harm and deaths in custody and is dedicated to learning from those. Overall levels of both self-harm and deaths in custody have reduced. With self-harm, that is particularly because of reductions in the female estate; it has actually gone up in the male estate, with young men, but it has come down significantly with women, in terms of both the number of women who have been self-harming and the number of incidents of self-harm. The number of deaths is relatively small, because the female estate is relatively small. You therefore have to be very careful about statistical analysis, but thankfully there have been fewer deaths. The overall rate of suicide is as low as it has been since the mid-80s. That is not completely by accident—it is because we have been trying to learn lessons.

We work very closely with INQUEST. The Ministerial Board and Independent Advisory Panel on Deaths in Custody have supported us in that work. We sit with INQUEST and others and look at what learning we can take out. The reality is that an awful lot of what the report from INQUEST said, which I do not disagree with, acknowledges the very complex needs that women have. The whole issue around mental health—the vulnerability that women have when coming into custody, which puts them at a much greater risk of both self-harm and, therefore, potential suicide—makes it necessary to do the type of work that I was talking about earlier to identify the specific interventions that we can develop to address those needs, and that can

make the difference. The type of support groups that we put together for women to address, in custody, the whole issue of abuse that many women have suffered are things that we neglected for far too long; we have been trying to do more of those. I do not think that we are resting on our laurels at all. Do I think we have further to go? Absolutely, because every incident of self-harm and every death is unacceptable from anybody's perspective—we do not want that to happen. In no way are we where we want to be, but I believe that we have been making progress on that.

**Q273 Chair:** It has long been this Committee's view that initial training for prison officers is too limited. To what extent do you give additional or special training to those who are going into the women's custody estate?

**Michael Spurr:** Since 2007, we have developed specific women's awareness training. I will not disagree with you that we would like to be able to give our staff a lot more training and professional development. The Committee has made that point before, and I have agreed with it before. There is an affordability issue. I cannot hide from that, but we have developed specific women's awareness training, which I think has helped. It goes along with the whole line of trying to get gender-specific arrangements in place for managing the women's prison population, which, it is now fully accepted, is different from the mainstream population we deal with, which is obviously dominated by men.

**Q274 Chair:** Do you think that the rough balance of male and female officers in the women's estate is right? Do you have a view on what it should be in most institutions?

**Michael Spurr:** It is about right. It is about 60% female and 40% male. On both male and female, I would not want it to be very different from that; around 60% to 40% is about the balance that you would want for the specific gender of the population. In some prisons where the figure is slightly below 60%—not by much—I would want it to be up to 60% women in the establishment. That is a reasonable benchmark for what we think operates properly, while being able to provide equality of opportunity for women to work in male establishments and for men to work in female establishments. Equally, we must recognise the specific needs of the population, as obviously there are certain functions that can be carried out only by somebody of the same sex as the offender. It is a necessary requirement, therefore, to have a higher proportion of the gender that we are managing in a particular prison.

**Q275 Chair:** Are there any problems with getting that balance right?

**Michael Spurr:** There have been. The problems normally occur if you re-role a prison and have the wrong mix. We have not done that for a while. We went through a period in the 1990s and early 2000s when we were changing men's prisons into women's prisons; that is when most of the issues occurred. You may then have the wrong balance, and switching that over is difficult. Of late, we have not done that. The only re-role has been the other way—out of the female estate, for Morton Hall to become an immigration removal centre—so that is less of an issue. We recruit to the

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60:40 balance as a reasonable and proper justifiable demarcation.

**Q276 Mr Llwyd:** That is interesting, because yesterday the governor of Styal prison said that he was hoping to improve substantially on the 60:40 balance, to increase the number of women. I do not know whether he is going against the flow.

**Michael Spurr:** He is not necessarily going against the flow, and he may want to have more female officers there. You asked me what I thought the balance was. In general terms, both for men's prisons and for women's prisons, 60:40 is about what I would accept. I would be worried if we had a balance that was over that. That does not mean that, from the governor of Styal's perspective, he would not want more female officers. That is fine, but we also have to be fair to staff. I have to be able to justify why you would appoint a woman rather than a man to an establishment if there is equal opportunity. That is justified in order to be able to maintain a proper balance, but generally that balance is about 60:40. That is what we have said on both sides. We have not differentiated and said that you need 70% women in a female establishment but only 60% men in a male establishment; we have said that it is about 60:40 for both.

**Q277 Mr Llwyd:** Presumably there would be some discretion for the governor to vary that in certain circumstances. Are you talking about an average, across-the-board figure?

**Michael Spurr:** We have a 60:40 broad ratio. We then have to follow proper employment law in terms of whom we appoint. Generally, as long as we are not breaching an employment law, people can flex that to some degree.

**Q278 Chair:** Presumably, governors and managers in prisons have the best idea of how far a shift in the balance would help them to manage the problems they have in the prison, rather than some sort of arbitrary figure that sounds about right and fits neatly with maintaining equality of opportunity for staff.

**Michael Spurr:** I have to take an overview. You asked me what the broad proportion is. Governors have some discretion to flex that. Not everybody is at 60:40; some are better than that. There are a few that are slightly below and that I want to bring up to the 60:40; that is entirely legitimate. I would not say that you have to be at 60:40. I am saying that that is a reasonable breakdown of what the balance should be.

**Q279 Andy McDonald:** I am sorry to labour the point, but the information we were getting yesterday at Styal was that the outcomes would be better. There was a gender-specific issue of women relating to women that brought about improvements and the default setting with male officers was not the same, in terms of how they would deal with any issue that arose. There would be greater empathy in talking through issues, rather than an iron curtain coming down to say, "This is how it must be." The advice we were getting was that the outcomes were better, in terms of handling behaviours, when the ratio was higher than 60:40.

**Chair:** It was also the case that the presence of positive male role models was significant and important.

**Andy McDonald:** Yes.

**Michael Spurr:** People will have different views on what the right proportion is, but I cannot say that you have to have 100% women in a women's establishment. That is wrong—it is actually not legal.

**Q280 Chair:** That is not the view that was put to us.

**Michael Spurr:** Indeed. You asked broadly about our benchmark, which is 60:40. That does not mean that a governor may not think, "Actually, because of the way this establishment is set out, I might need some more women." As long as there is a rational reason for that, there is some flex within it.

**Q281 Mr Llwyd:** We were a little concerned when the Secretary of State told us, in effect, that this whole policy area was not really one of his top priorities. He also said that we would not see the long-awaited strategy published this side of the summer. Does the new document we have just had constitute the strategy, or should we expect to see a fuller, maybe cross-departmental, strategy later in the year?

**Helen Grant:** I can reassure you that this area is absolutely one of my priorities. It is very important to me. We have done a lot of work on this area since I became a Minister. Officials have not stopped. I have visited numerous facilities and institutions, met criminal justice stakeholders and partners, and participated in round-table meetings. It was my great desire, as the Minister responsible, to let this Committee and others, at the very least, see our top-line priorities and, as Sir Alan said at the beginning, the direction of travel. That was very important to me as the Minister responsible for this area. The Secretary of State supported me in relation to that wish and request. A number of Government Ministers had promised this strategic priorities document; the MOJ business plan had referred to it. I do not really want to get bogged down in semantics, but it is about priorities. I cannot say it is a full strategy, because it is not. It will be the board—this powerful new advisory board—that will make things work and come up with a strategy. These are my ideas—my aspiration for improving outcomes for women in the criminal justice system.

**Q282 Mr Llwyd:** What approach will you take to consulting relevant stakeholders on your objectives?

**Helen Grant:** Of course we will use the new advisory board to take forward the various priorities, strategies and ideas that we have. We will have a good mix of people and organisations—outside and inside Government—on that group, which will challenge, consider and look at the priorities. If the priorities withstand that, the group will drive them through to delivery. That is how it will work.

**Q283 Mr Llwyd:** My colleague, Mr McDonald, has touched on this, but I will ask you about it. Your strategic objectives focus primarily on women who are already involved in the criminal justice system. What exactly do you mean by a whole-system approach?

**Helen Grant:** Could you explain that a little bit more, please?

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**Q284 Mr Llwyd:** Heading number 4 in your document refers to a “whole-system approach”. I am not absolutely clear about that. I would have thought that a whole-system approach would encompass those already in the criminal justice system and women and girls we might work with to prevent them from offending.

**Helen Grant:** I am just reading it now.

**Mr Llwyd:** If these are your ideas, Minister—

**Helen Grant:** Bear with me one moment. It is what it says, really. It is about working with partners inside and outside the criminal justice system and trying to improve the life management of women, too. One example of that may well be something that has come out of our “Transforming Rehabilitation” reforms. We are now proposing as an idea that, for those who have been in prison serving short-term sentences and for whom at the moment there is no conditional licence on release, there will be conditions, assistance and support on release to make sure that, from the day they move out of the incarcerated location, they are directed into education, into a job or to a place where they can get housing or treatment. That is really what we are referring to.

**Q285 Mr Llwyd:** I think that is crucial and absolutely laudable; there is no doubt about that. However—this is something that does concern us—in the overall approach, should there not be some concentration on attempting to prevent young women and girls going into the system in the first place? That is the point I am getting at. Can you look again at whether we should include that particular part in an overarching strategic document? We all know that, if you are able to deal with something at an early stage, it is far better than when somebody enters what is sometimes called the revolving door.

**Helen Grant:** That is a point well made. Of course, a number of reviews are happening at the moment. There is not just the work that we have been doing on women offenders. There is the whole “Transforming Rehabilitation” agenda that Ian is leading on. We are reviewing the female custodial estate as well, which will impact on what you are saying. There is also the work that we are doing with women’s centres. It is important to recognise that not only ex-offenders use these centres; women and girls who are on the brink—on the edge of offending—are also directed to them. Again, that may be a good example of additionality and deepening and strengthening the service that we provide. I take on board what you have had to say.

**Michael Spurr:** It is also worth mentioning the work that we have been doing with the Department of Health on diversion arrangements for mentally ill people. The Department of Health is continuing to commit £50 million to extending services for diversion before court, at police custody suites, and at court. That is aimed primarily at diverting people away from the criminal justice system before they enter it. I believe that will have a significant impact on women in particular, because the aim should be to move people into treatment services rather than into the criminal justice system. That is probably the most obvious example of joint, cross-Government working. We have got commitment from the Department of Health in a

critical area that will make a big impact for women. I am sure that, as the Minister said, the Department of Health will play a critical part on the advisory board on women that the Minister will chair going forward. That will be the type of arrangement we will need to have with other Departments to take forward the whole-system approach that has been set out.

**Q286 Mr Llwyd:** I think you would agree that the 31 women’s centres that we have are a vital component of all of that.

**Michael Spurr:** Exactly. That is why we have continued to fund them.

**Q287 Mr Llwyd:** How do you respond to the suggestions from some witnesses that the scope of the review of the female custodial estate should be widened to look at the actual use of custody?

**Michael Spurr:** I do not think there are any plans within the Department to look at the sentencing framework, which would be a much wider review than this is intended to be. The reason for this review, agreed with the Secretary of State, is that we are looking to rationalise the whole of the custodial estate. We have to make savings; that has led us to close some prison establishments. Inevitably, women’s establishments are smaller and high cost, but it would be foolish to think that we will just consider those establishments and the way that we are managing women alongside everything else we are doing for the male estate. The rationale for the review is specifically to look at how we can operate the custodial estate for women more effectively and at what opportunities there are to do things differently within the women’s estate, taking forward further the work I have already spoken about that we have been doing on segmentation—looking at how we are using the resource, what individual establishments should specialise in, whether we have the right type and size of establishments and whether we can find ways of delivering the services that women need better and at less cost, to be frank. We have to look at how we can reduce cost as well, but I do not want to reduce service provision for women; I actually want to do the reverse—to improve service provision for women. The review is unashamedly looking at how we are currently managing within the custodial estate. The sentencing framework is much wider. The review was never intended to look at that.

**Q288 Mr Llwyd:** I am heartened by what you said earlier about the money going into mental health and so on, but I was told yesterday by a senior member of staff in Styal that over two thirds of the women there are not a danger to anyone in society or to themselves. I wonder whether we should really get to grips with the people who are there. The people who should be there should be there, but those who should not should definitely not be there.

**Michael Spurr:** There is no question but that we want to ensure that sentencers have strong, good community options for women. Those include things such as the programme for domestic violence that I mentioned earlier. As we develop our community provision, it is important that we have specific programmes and interventions for women that mean that sentencers

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feel that, if necessary, they can sentence a woman to a community penalty rather than to imprisonment. We should have the type of diversionary arrangements that we spoke about earlier. That is absolutely key to what we are doing at the moment—the right sentence for each individual, man or woman, but particularly providing sentencers with specific options for women, where they are able to use them. The women's centres play into that as well, when it comes to having specified activities for women in the community. For example, we have developed an acquisitive offending programme that is targeted at women and delivered in the community as an alternative, potentially, to a short prison sentence. It deals with stealing from shops and so on, which is often a particular offence for women to drive a drug habit or other peoples' drug habits. I think that is important.

**Helen Grant:** As you have seen from the document, a key element of the priorities—in fact, it is listed as priority number 1—is to provide this robust, punitive, community option for sentencers. From the conversations that I have had with many magistrates, they would often like to sentence a woman to something in the community, but, because there is nothing or there is a worry that the sentence is not credible enough, on occasions the woman will go to prison. As you said, there are some prisons in the country where low-risk women are currently incarcerated. If we can provide more robust community sentences, for a certain category of low-risk women those could be a very good alternative to custody. However, I also make the point very clearly that these sentences have to have a punitive element. The type of punitive element I am thinking of is something like curfew, unpaid work or tagging; there has to be an element of punishment. If these work and we can drive them through, which is one of the elements the advisory board will focus on, we could see a number of low-risk women in the community, dealing with the issues and being challenged to change their lives, and not in prison.

**Q289 Chair:** Do you recognise that one of your tests is to present to the public—and, indeed, the judiciary and the media—the reality that it is possible to construct alternative sentences for women that are more challenging and more likely to reduce reoffending than a short spell in a women's prison?

**Helen Grant:** Yes, I do. I have a recollection of sitting as a member of your Committee—it may well have been in this room—more than a year ago when we heard evidence from an ex-offender, a young man who sat where I am sitting now, who said that what he had to do in his community sentence was more challenging and more difficult in some respects than the time he spent in prison. It is a challenge, because these sentences are not fluffy, easy options. As I said, they have to challenge the woman to change her life, really to get a grip, to get out of these awful relationships and to get off the drink and the drugs. That is the only way we will get better numbers and reduce female reoffending and everything dreadful that, I know as a family lawyer, goes with it. That includes children in care and homes repossessed—havoc.

**Q290 Graham Stringer:** It is six years since the Corston report. We have had the Bradley report and lots of warm words from Ministers in different Governments, but the number of women imprisoned remains about the same. Why?

**Michael Spurr:** It is not quite the same.

**Graham Stringer:** I said it was about the same.

**Michael Spurr:** It is 5.8% down on a year ago, which was sufficient to enable us to close one women's prison. I guess that is about the sort of conversation we have just been having—being able to demonstrate to sentencers that there are proper alternatives that meet the requirement of the offence and in which they have confidence. We have been working hard to do that. The women's prison population is relatively small, so a small reduction is still significant. A 5.8% reduction in the overall population in the 12 months up to last week, when it was 5.8% down on what it was a year ago, is a significant improvement, but obviously we have to provide the places and punishments in the community that will satisfy sentencers that they can properly discharge their responsibility to meet the requirements of the offence. The population of women in prison has gone down, we have closed some places and we are doing more to strengthen community punishments in the way the Minister has described.

**Q291 Graham Stringer:** Targets have gone out of fashion a bit, but what do you think would be a measure of success in reducing the number of women imprisoned?

**Helen Grant:** In reducing the number of women in prisons?

**Graham Stringer:** Yes.

**Helen Grant:** That is what I want.

**Q292 Graham Stringer:** As a figure, presumably, one fewer person would not be a success and a 50% reduction would be a success. What would be your measure of success?

**Helen Grant:** As many as possible—as many as is right, not forgetting, of course, that there are some women who commit very serious crimes and need to be locked up for their own good and the good of society. We do need prisons, often they can serve a very good purpose and they are there. However, as was mentioned earlier, we believe that there is a group or category—I cannot give you a precise number, I am afraid—of low-risk women who could be rehabilitated and moved on to a better life by serving a punitive, robust sentence in the community and, perhaps, using one of the excellent women's centres we have or some other women's provision to challenge them to change their lives.

**Q293 Graham Stringer:** I accept that, but it is very difficult for this Committee to measure or judge whether or not you have been successful if you are not prepared to give a ballpark figure that would be judged a success. I accept that murderers will remain in prison for some time and that there is a group of women for whom prison is not appropriate. Do you have any ballpark figures for that?

**Michael Spurr:** We are judging success on reoffending, as opposed to prison numbers. The Secretary of State

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has been very clear that that is the objective. Women's reoffending rates are lower than men's; that is positive. Overall, the rate for women is 19%, including all forms of conviction, compared with 29% for men; that includes cautions and so on. The focus is on providing the right alternatives for sentencers in order to be able to meet the needs of the offence. As the Minister said, we are working on strengthening alternatives in the community, but we have not set a target for what the prison population should be. Our aim is to reduce reoffending. I expect that reducing reoffending should lead the prison population to reduce. It has been reducing for women, which is positive, for that reason.

**Helen Grant:** It also needs to be remembered that who goes to prison is a matter for the independent judiciary. It is not a matter for Helen Grant or for anyone else. That is how it will have to remain. The judge has access to all the circumstances and facts of the case and will have to weigh them up and make a decision. What we want to do for that judge—that sentencer—is to give him or her the maximum number of options possible in terms of where they send a woman.

**Q294 Graham Stringer:** I understand that, but earlier you talked about diversion strategies. I do not know whether you want to expand on that or whether you could talk about reducing the use of custody for breach—where women are sent to prison for breaching their terms when they would not have been sent to prison for the original offence.

**Helen Grant:** There is a widely held perception that many women in prison are there for breach of a probation order or a licence for relatively minor offences, but I have some figures before me that say that, in 2009, 13% of women received into prison on immediate custodial sentences were received for breach of a court order, compared with 12% of men. The figures are not good, but they are, perhaps, not as high as some would make out.

**Q295 Graham Stringer:** I have one last question. You talked about the measure of success being a reduction in reoffending. Are you still publishing statistics on reoffending after two years?

**Michael Spurr:** The main reoffending figures are published on a one-year basis—that is the annual cycle. We can track reoffending over two years or longer, but the statistics that are normally quoted for the percentage of people who reoffend are for reoffending after one year.

**Q296 Graham Stringer:** Are they publicly available after two years?

**Michael Spurr:** Yes.

**Q297 Mr Llwyd:** Mr Spurr, earlier you used the word “segmentation”. What has the NOMS segmentation exercise revealed about the size of the gaps in the service provision that the new commissioning arrangements under “Transforming Rehabilitation” will be expected to plug?

**Michael Spurr:** I am not sure that the segmentation work is what is driving the “Transforming Rehabilitation” programme; Ian could and should speak about that in a moment. Segmentation identifies what the particular

needs of offender populations are and where we should target our limited resources to make best impact on that. It is true for both men and women. We look at offender group reconviction scores, take the highest-risk people in terms of chances of reoffending—those at scores of over 50—look at what programmes and interventions we are providing for those individuals, and make sure that we are targeting the right people to go into the right programmes. From a women's perspective, for example, we were targeting women at Drake Hall prison, which is in Staffordshire. We had a thinking skills programme—a cognitive-based programme—there. When we looked at the needs of that population, we saw that they were a lower-risk group and were not benefiting from that programme as much as others would have, so we switched to a programme called FOR, which focuses on practical resettlement for women. That is what we mean by segmentation.

The “Transforming Rehabilitation” programme is addressing a different issue. Many providers may well use some of the data and evidence that we have produced on what makes the biggest difference, but it is about changing the way we deliver sentences in the community and radically restructuring them so that we are able to extend provision, as you are aware, to all offenders in custody, including those serving short sentences. That will impact particularly on women, because there are a disproportionate number of women, compared with men, serving short prison sentences. I will ask Ian to say a word about the “Transforming Rehabilitation” programme, just to make that point clearer.

**Ian Porée:** Picking up from what Michael was describing, earlier you asked what some of the areas are where we think we can still bring in significant new improvements in how we work with women offenders. It would be in that area of managing the transition from within custody back into the community and having a proper through-the-gate or managed model, where, essentially, you have understood the needs of the woman, prepared the release process and then supported the woman, on release, back in the community. The “Transforming Rehabilitation” programme will look not only at bringing in scope those offenders serving short custodial sentences but also at putting in place a through-the-gate service that helps to support the individual through that period of time. At the moment, there is very little through-the-gate provision available from custody back into the community. What the reforms propose is to put in place that level of support. As Michael has already said—

**Q298 Mr Llwyd:** Could I interrupt you rudely for just one second? Are you saying that the intention would be for everyone, when they go through that gate, to have the necessary back-up? Both you and I know that it is absolutely crucial that it is there, otherwise within hours there is a tendency to reoffend.

**Ian Porée:** That is the intention—essentially, to commission the services across England and Wales, which put in place that through-the-gate provision for everybody released from custody, including those serving short custodial sentences, as the Minister set out, so that for the first time they will receive that

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support. At the moment, many do not receive that through-the-gate provision. Of course, in order to take on board that additional scope of services with the group of offenders who currently do not receive these services, we will need to transform the whole system so that it can provide these services. Part of that would be to open up the provision to a much broader range of providers. It is entirely conceivable—the Minister used this example earlier—that a new rehabilitation services provider starting work in custody would join up provision through to something like the women’s community centres, because it would be a very logical support model to work with someone on the inside as well as post-release. The ambition of that is to reduce reoffending. If that is successful, year-on-year reductions in reoffending should reduce the demand within the system.

**Q299 Mr Llwyd:** I go back to the Corston report. How would you respond to the view held by the Lucy Faithfull Foundation that the Corston report has resulted in too much emphasis on women who have not committed serious offences? If you agree, what do you plan to do to address this?

**Helen Grant:** At whom are you directing the question? Would you like something from all of us?

**Mr Llwyd:** Whoever wants to shoot back.

**Michael Spurr:** I do not think it is fair to say that the review led to an over-emphasis and focus on women with less serious offences. The vast majority of the population in women’s prisons—as, indeed, in male prisons—are serving relatively short sentences and will be released, so it is not unreasonable that there has been a specific focus on that group of offenders, many of whom are repeat offending and, therefore, cause a lot of damage and difficulty for the public. It is right that we would do that.

We have been looking to develop better interventions for individuals in the higher-risk group of women. In fact, very early on, in answer to Mr McDonald’s question about segmentation, I mentioned the CARE programme, which is a very specific programme aimed at women with complex needs who have committed serious violent offences. That was not there before and has been developed specifically to address some of those complex needs. We have closed the women’s unit in Durham prison that held category A women but provided very little for any of those high-risk offenders. We have developed an alternative set of arrangements, including what we now call restricted status. We have a personality disorder unit for women in Low Newton prison, called the Primrose unit. We have a therapeutic community provision for high-needs, high-risk women in Send prison. We are working to develop further the personality disorder work on which we are working in partnership with the Department of Health. That will extend provision into Foston Hall and, as a progression unit, into Drake Hall prison, and provide provision in the community in Crowley House, which is an approved premises in Birmingham. I do not think it is fair to say that we have neglected the high-risk women. I think we now have a range of interventions that are much better for those women than was the case in 2007.

**Helen Grant:** There is the embedding of gender-specific standards. For example, every woman, whether she is high risk or low risk, is offered a pregnancy test when she enters prison. That is a small example, but there are many examples of where Jean Corston’s report has done an enormous amount of good right across the piece in terms of offending and the level of offending.

**Q300 Mr Llwyd:** I move on to another recommendation of the Corston report, which is the provision for foreign national prisoners. Do you plan to devise a distinct strategy for these women, as the recommendation suggests?

**Helen Grant:** We have done quite a lot on this; I know Michael will have something to say as well. We recognise that foreign national prisoners carry additional burdens that may be connected with language, culture or feelings of isolation. Those are huge, particularly when you are in prison. I know that NOMS—I think this is where Michael will say some more—works very closely with charities that support female foreign national offenders, both in the community and while they are in prison serving their sentences. In addition to that, the Government want to make greater use of prisoner transfer arrangements, which will enable foreign national prisoners to be moved from the prison here to their own country, where, of course, they can be supported by friends, family and children. Again, that will be a big part of the rehabilitation process. A number of allowances are also made with regard to extended visits, the amount of money that can sometimes be used on telephone calls and sometimes—not all the time—use of official phone lines and phones in offices to make calls abroad. It is a special area, and we take it very seriously indeed.

**Q301 Mr Llwyd:** Mr Spurr, did you want to say something?

**Michael Spurr:** Not really, other than that I think the work we are doing with UKBA is also important to identify. Part of the strategy is to have clarity for all foreign national offenders, men or women, about their status, which is a huge issue early on in the sentence, and then to work to that position, particularly if it will mean removal to their home countries. We need to identify what that means and to work through it with them. That is the only point I would add to the Minister’s answer.

**Q302 Mr Llwyd:** I will make what to some people might be a strange, tangential point, but to me it is not. In Styal yesterday, there was a big banner outside one building on which the word “Welcome” was displayed in every language on earth, apart from Welsh. I wonder why.

**Helen Grant:** Did you alert them to that fact?

**Q303 Mr Llwyd:** I did alert them to it. Bearing in mind that there are Welsh prisoners there, I thought it was rather strange, but that is by the by. This is the final question from me. What do you believe is required to better support women’s relationships with their children? This is probably for the Minister.

**Helen Grant:** Women retaining, maintaining and having enduring relationships with their children is

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huge. It is massive in terms of stopping them offending and reoffending. We put £360,000, I believe, of grant funding into an organisation called Action for Prisoners' Families, which provides voice and support to a number of very good voluntary sector charitable organisations that work with children and families of offenders outside in the community and in prisons. It is very important that we do as much as we possibly can in this area. I have been reassured and encouraged to a good extent on my various visits to prisons when I have asked about this issue. They tell me of the family days that they run, homework clubs, release on temporary licence and, in some locations, parenting programmes, so that, even though they are incarcerated, offenders can improve their parenting and maintain those very important connections. On children and babies, there is another aspect. As I am sure you know, we have seven mother and baby units around the country. They provide places for 77 women and 84 babies, to allow for twins.

**Mr Llwyd:** We saw them yesterday at Styal.

**Helen Grant:** I saw one when I was at East Sutton Park. There was a young lady there with twins, and it was very interesting to see how she was managing. The absolute aim with mums and babies is to make sure that the mum achieves the same very good level of help, care and support in prison as she would in the community. From the organisations and the mother and baby units I have looked at, there certainly seems to be a considerable amount of care and support. Mothers are usually—in fact, always, unless it is a great surprise, of course—admitted to these units in advance of having their babies so that they can start preparing to become parents and can engage in pre-natal classes. They are not required to start work and to engage in the various programmes until around six weeks afterwards, subject to their own health. Then they will, of course, be encouraged to go back to work and to get involved in the programmes. We have Ofsted-registered child care to take care of that and of the babies.

**Q304 Chair:** Who is conducting the review of the custodial estate, and when will it be over?

**Helen Grant:** It is being conducted by a lady called Cathy Robinson, who is a very experienced former prison governor of Feltham. I believe it was announced on 10 February, and it has begun.<sup>1</sup> They are now doing analysis and sorting out meetings. We expect a report by the summer.

**Q305 Chair:** Her Majesty's Chief Inspector Of Prisons has spoken and written about women he says are "distressed, damaged or disturbed", for whom he says prison is "simply the wrong place" and "simply unacceptable". Where should such women be held—in what kind of institution?

**Michael Spurr:** If the courts send them to prison, we have to hold them in prison. If they are displaying mental illness, we have arrangements with the NHS to transfer women who require secure psychiatric care to those places. As we said earlier, the issue is to ensure that the right sentencing disposal is provided by the courts. That is a matter for the courts. If they send them

to prison, we have to ensure that the regimes and the care that they receive in prison are appropriate. The chief inspector's concern was that some of the people there would be better, I guess, in hospital rather than in prison.

**Q306 Chair:** Actually, there is a distinction between those who have clear mental health issues, who can be referred to the mental health side, and those who have clinically untreatable personality disorders, who represent a potential danger and have a high risk of reoffending.

**Michael Spurr:** That is why I mentioned the work that we had already begun and are expanding with the NHS on personality disorder. It includes the Primrose unit in Low Newton, which will be expanded to a personality disorder unit at Foston Hall and Drake Hall. In the east and west midlands, we are rolling out support in the community for those who have personality disorder; I mentioned Crowley House approved premises in Birmingham. All of that is being driven in partnership with the Department of Health, with Department of Health funding, to make better use of the funding that has been used in the NHS on personality disorder, recognising that an awful lot of people with personality disorder end up in prison and that it is in everyone's interest to provide support, both in prison and when they go back to the community, to minimise the risk that they could create and cause to the public.

**Q307 Chair:** Does the review of the custodial estate presume a reduction in the number of women in prison?

**Helen Grant:** No.

**Q308 Chair:** So there is no set direction of travel for the review of the custodial estate.

**Helen Grant:** It is a review that will look at the location, the geography, the accommodation, the fitness for purpose and the number of regimes across all 13 prisons. It is being considered very carefully. I would not want to make any assumptions about what Cathy Robinson will come up with or recommend. We have just asked her to have a very good look at it.

**Q309 Chair:** Will she look at an issue like this one—whether the prison system as we currently understand it is the right place to deal with this category of prisoner?

**Michael Spurr:** No, she will not look at that. As I explained earlier, it is not a review of sentencing options or the potential alternatives; it is a review of how we can best use the custodial estate. She will, of course, take account of prison population projections. That is important. With a small estate such as the female estate, there always has to be some flexibility of use, because small changes can make a big difference. With a small estate, you have to have enough flexibility to be able to respond; that is one of the reasons we are doing the review. Rather than simply saying, "We have a few spare places, so we will close a few more at the moment," we need to look at how we are using the places to get best impact for the women that we hold in custody.

**Helen Grant:** She will certainly look at alternative configurations.

<sup>1</sup> Correction by witness: The review of the women's estate was announced on 10 January 2013 and not 10 February.

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**Q310 Chair:** In a rather cumbersome sentence, your document refers to “the scope, within existing financial constraints, for improved sentencing options...that would give sentencers robust community sentencing options”. It is a peculiar sentence, but I think you are getting at something you said earlier. What the courts will do depends on what is available to the courts.

**Helen Grant:** Yes, I think that is right.

**Q311 Jeremy Corbyn:** I turn to the last section of questions, on “Transforming Rehabilitation” proposals. Do you think they should be incentivised specifically for women prisoners?

**Helen Grant:** Ian is leading on this, so I will let him make some comments. However, from what I have seen already in relation to these proposals, I am very encouraged; in fact, I am very excited. The “Transforming Rehabilitation” document refers right at the beginning to the need to consider the needs and priorities of women and says that they must be recognised. We have held two “Transforming Rehabilitation” events specifically geared to female offenders. I chaired and spoke at one and was able to participate in round-table meetings. We also have—sitting behind me, in fact—a senior official with extensive experience of dealing with female prisoners, who has been employed in the “Transforming Rehabilitation” team to work with that team and with me to drive through that agenda. One of the positive elements that I have seen coming through already from the “Transforming Rehabilitation” agenda is something I touched on before. At the minute, there is no support and there are no requirements—there is no licence—when those who have served sentences of less than 12 months are released. We are now saying that they should have support and that there should be a lot more. As you know, more women prisoners than men serve short sentences, so I am feeling very encouraged, because I feel that female offenders will be disproportionately benefited by that particular policy.

**Q312 Jeremy Corbyn:** Do you think there is a case for separating commissioning between the male and female prison system and estate?

**Helen Grant:** I will let our commissioner respond to that, if that is okay.

**Ian Porée:** The rehabilitation reforms, in particular, provide an opportunity essentially to commission these services across a much broader range of providers from all different sectors. Our priority will be to commission the services in a way that incentivises whoever the providers are to reduce reoffending. I think there is an opportunity for them to offer services at a local level and in a much more joined-up way. The benefit of doing that is that the overall scale of the system will mean that we will get a better set of services if we commission for all offenders, as opposed to individual segments. As Michael said, the women offenders are a much smaller segment. However, as the Minister has just said, we will set very specific commissioning priorities, focused on the needs of women, so that, whoever the successful future providers of these services are, they will have to demonstrate to us that

what they offer for women offenders is credible and is likely to meet the objectives of reducing reoffending.

**Q313 Jeremy Corbyn:** Minister, earlier you mentioned the question of mentoring of prisoners, which I personally welcome and support. There seems to be quite a complicated set of organisations and systems that every prisoner goes through, women prisoners included. Is there any overall monitoring of what happens to each prisoner from the point of conviction right through to the point of care after release? It seems to me that there are an awful lot of holes and gaps through which a prisoner can quite easily fall—at one level, not being met at the gate of the prison on the day of release, right through to post-care.

**Helen Grant:** It is difficult.

**Michael Spurr:** The whole point of the “Transforming Rehabilitation” reforms is to address that very issue. The point is that there is no one organisation, particularly for the short-sentenced offenders who have been in prison, that holds the ring, will provide that support and can join up the range of good voluntary, third sector providers and others who work with this group of offenders and ex-offenders. The whole point is that there will be absolute clarity about who has responsibility in the future, because a provider will have that responsibility. Whether or not they are paid for what they have done will depend partly on the results that they achieve. They will, therefore, be incentivised by their contract and by the payment mechanism to ensure that they are co-ordinating, holding the ring and engaging with others in communities, because they will be successful only if they do that.

**Q314 Jeremy Corbyn:** From what point are they engaged with the prison?

**Michael Spurr:** We are still working through it, as we have to respond to the consultation. This is my thought, as opposed to where we are in a Government response, because we have not concluded the Government response to the consultation. I think that, effectively, for anybody who is in an establishment for three months and less, the provider organisation will need to work with the individual in custody from at least the three-month point before discharge. They will then work with the individual going into the community as well.

We are looking at the options. One of the things we are considering—I think this is doable—is to identify specific releasing prisons. Having a stable prison population, as we have at the minute, allows us to think about how we configure the estate. We have a specific review for women, but this will be true for the whole estate. I want to think about whether we can use the places that we have rather better to support resettlement than we have been able to do in the past. Again, that will help any provider. If we are able to say that the releases will take place from particular prisons, they can concentrate their resources on those prisons. We have begun to do that a bit in Brixton. We are bringing people back to Brixton from the three London boroughs around Brixton to release them from that establishment. That is working well at the moment. I would like to extend that type of approach elsewhere;

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obviously, that would involve women as well. That is one of the reasons for having Cathy Robinson's review of the estate at the minute.

**Q315 Jeremy Corbyn:** Do you all accept that the absolute key area is when a woman prisoner, in this case, is released? If anything goes wrong in those immediate moments and first few days, it can destroy an awful lot of the work that has been achieved in the past during whatever time the sentence has been.

**Michael Spurr:** Yes, absolutely.

**Helen Grant:** Yes, we do.

**Ian Porée:** There are two very important moments. There are the first few days and weeks in custody when, if someone checks a whole range of things about your family, accommodation and benefits arrangements and those are sorted out very well up front, it can reduce some of the harms later on. Then, as you say, there is that moment of transition from within custody back into the community. That process pre-release and post-release is an essential transition. Paying attention to both of those areas will be essential in the future reforms to try to improve the overall performance of the system.

**Q316 Steve Brine:** You mentioned the large and small providers. Are you switched on to the fact that small providers bring an awful lot to the table, but there are simple issues with their being paid by results, which takes time? It is a simple matter of cash flow for small firms, which will simply not be able to deal with the parameters that PBR puts in their way, whereas obviously a publicly funded probation service does not have that concern.

**Ian Porée:** We have spent a lot of time in the consultation on "Transforming Rehabilitation" talking to the whole range of providers, large and small. The point you make is essential. If there is going to be a sustainable but very diverse market, where we get the benefit of the financial strength of large organisations but also the intimacy or engagement of very small local organisations, we will have to embed market

stewardship principles in the new market that insist on transparency and sustainability. It would not be appropriate to transfer financial risk to very small organisations because that is simply not sustainable—they do not have the balance sheet to cope with it. The market model will need to ensure that we pay attention to those stewardship principles so that we get the very best out of each sector—public, private and voluntary or community.

**Q317 Chair:** Yesterday at Adelaide House it was quite striking to us that here was a facility provided by an agency of the Church of England diocese of Liverpool operating on a small scale; it had some other projects, too. It was very challenging, but really it was only achievable at all because it was on that sort of scale—not the very grand scale, for example, that was suggested for the original reorganisation of probation areas into huge contracting areas. Are you conscious that you must not lose the ability to bring in organisations like this?

**Helen Grant:** Yes.

**Ian Porée:** For these reforms to succeed, it is essential that we have both very effective local delivery structures and community-based provision and the overarching disciplines of managing at scale supply chains and the financial risk we have been talking about. We would be looking to put in place that full range of provision and offering some of the oversight, as the commissioner, so that the Ministry of Justice gets the benefit of both of those things. In the end, the incentive will be to reduce reoffending. It would be completely strange for an organisation that will be paid by effective results to get rid of very effective services at a local level, because they will benefit from the quality of that service provision. That is what we will need to protect in the system, along with the financial incentives.

**Chair:** Minister, Mr Spurr and Mr Porée, thank you very much for your evidence. This was the last evidence session in relation to this subject, so we will set to work to prepare a report.

# Written evidence

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## Written evidence from the Corston Independent Funders Coalition and 16 other voluntary sector agencies

We welcome the Justice Select Committee Inquiry into women and the CJS. Many of the signatories of this letter will be making individual submissions to assist the Committee in its consideration of evidence; but we have come together here as “one voice”, confirming the strength of support for the implementation of the Corston Report recommendations. We wish to highlight some key shared concerns and to stress our belief that the Inquiry provides a real opportunity for the Committee to assist ministers in their stated aim to build on the previous progress made in delivering the Corston agenda.

The Corston Report provided a route-map for reform and presented a golden opportunity to provide an integrated, cross-government response to addressing appropriately the multiple complex needs of women offenders and women at risk of offending. Baroness Corston always intended that the agenda should stretch beyond criminal justice so that her changes would benefit women with multiple vulnerabilities in the community (and their children). It was stated clearly in the early stages of the response to the Corston Report that the work was the start of what was necessarily a long-term, sustainable strategy: there was no “quick fix” in achieving improvements and change.

We welcome the fact that the current government has continued the funding for the women’s community projects for this year; but are dismayed to have drawn the worrying conclusion, despite Ministers’ assertions to the contrary, that over the last three years the impetus for real change appears to have been lost and progress has stalled. It is of particular concern that:

1. The dismantling of the infrastructures put in place to secure an integrated approach across Government, (the Inter-Ministerial Group on Women and the cross-departmental CJS Women’s Strategy Team), has resulted in a loss of any real focus on “women at risk” and a return to the problematic, “silo-thinking” and actions identified by Baroness Corston.
2. There is an apparent “loss of corporate memory”, perhaps as a result of the reorganisation within MoJ, on previous progress made in implementing the Corston recommendations and what is needed to build on that progress. Dialogue with current officials has failed to elicit detail on any transparent, proactive work underway on a joined-up cross-departmental strategy—a strategy against which progress can be evidenced and judged.
3. The inexplicable delay in delivering on the commitment made by Lord McNally on 20 March in the House of Lords, to publish MoJ’s “Strategic Priorities on Women Offenders” on the MoJ website. Reporting on work underway would surely take days rather than months, to set out?
4. The Justice Select Committee’s Report on Probation (June 2011) and the Joint Thematic Inspection of probation *Equal but Different* (October 2011), both identified concerns and provided the opportunity to drive improvements in Probation Trusts’ practice in addressing women offenders’ specific profiles and needs. The lack of any formal responses is concerning and disappointing. NOMS’ assurance that they are seeking Probation Trusts’ Commissioning Intentions for women is welcome, but does not address the issue of improving practice and consistency across the piece.
5. Previous progress on the expansion of provision of women-specific community projects was a real achievement; but despite strong and growing evidence of their effectiveness their future remains precarious and gaps in provision remain. There is a lack of any narrative of substance on how local commissioning will work and structures are not yet in place for women’s projects to approach to broker future sustainability of services. Time is already running out for the projects whose funding ends in March 2013. It is a pity perhaps that the good practice shown by the HO in funding Rape Crisis Centres for three year periods and retaining central oversight has not been emulated by the MoJ.
6. The net result of the failure to make sustained progress in all these areas is that the size and characteristics of the women’s prison population remain largely unchanged. The deaths of six women in HMP Styal prompted the Corston Report, it is therefore particularly disturbing that in the prison’s most recent inspection report published in January this year, Her Majesty’s Chief Inspector commented that it was “disappointing to find, and to be told of by the governor, too many cases of women, some of whom were clearly mentally ill, serving very short prison sentences which served little purpose except to further disrupt sometimes already chaotic lives”.

We would stress our conviction that this Inquiry presents a real opportunity for the Committee to set out to ministers the realistic and achievable steps required to get progress in delivering on the Corston agenda back on track. The areas specified as in scope for the Inquiry are comprehensive and most welcome. There are key, crucial elements needed to underpin the drive for tangible improvements and progress:

7. A clear cross-departmental strategy, reported on annually to maintain momentum, supported by some sort of infrastructure arrangement at both ministerial and official levels and incorporating clear direction from the centre in driving change at the local level.

8. Clarity on the leadership and championing of the work on women offenders and women at risk of offending, identified in the Corston Report as an essential requirement.
9. Tackling now the urgent work needed, with central oversight, to embed women’s community provision within local commissioning infrastructures, utilising the awareness and ownership of the Gender Duty requirements to the full as well as other legal and policy obligations.
10. A willingness by government to take advantage of the creativity and commitment of partners in the voluntary sector, including funders, to advance systems-change through innovation and the use of new mechanisms to release resources from the “crisis” end of the system. Re-visiting the Justice Committee Report—Justice Reinvestment, January 2010 would be beneficial to any work on systems-change.

*Peter Kilgarriff*  
 Chair, Corston Independent Funders’ Coalition (CIFC)  
*Mark Woodruff*  
 The Monument Trust  
*Rob Bell*  
 The Paul Hamlyn Foundation  
*Julian Corner*  
 The LankellyChase Foundation  
*Tim Cutt*  
 The Allen Lane Foundation  
*Penny Vowles*  
 The Northern Rock Foundation  
*Andrew Cooper*  
 The Diana Memorial Fund  
*Elizabeth Rantzen*  
 The JP Getty Trust  
*Georgina Naylor*  
 The Pilgrim Trust  
*Peter Kilgarriff*  
 The Swan Mountain Trust  
*Teresa Elwes*  
 The Bromley Trust  
*Brian Wheelwright*  
 The Wates Family Trust  
*Kevin McGrath*  
 The McGrath Trust  
*Edwina Grosvenor*  
*Judy Moody-Stuart*  
 The Wakefield and Tetley Trust  
*David Sanderson*  
 The Rank Foundation  
*Debbie Pippard*  
 The Barrow Cadbury Fund

*Rachel Halford*  
 Women in Prison  
*Claire Jones*  
 WomenCentre  
*Frances Crook*  
 The Howard League  
*Deborah Coles*  
 Inquest  
*Jaqueline McKenzie*  
 Hibiscus  
*Vicki Helyar-Cardwell*  
 CJA  
*Roma Hooper*  
 The Griffins Society  
*Clive Martin*  
 Clinks  
*Jackie Russell*  
 Women’s Breakout  
*Peter Hand*  
 Make Justice Work  
*Richard Garside*  
 CCJS  
*Juliet Lyon*  
 Prison Reform Trust

August 2012

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### Written evidence from HM Inspectorate of Prisons

#### SUMMARY

- This submission is based on HM Inspectorate of Prisons’ experience of inspecting prisons holding women.
- Our submission focuses on alternatives to custody, the treatment of and conditions for women in custody, and the need for improved governance and leadership in the management of women offenders.
- The level of need in women’s prisons is visibly greater than in the male estate. Despite improvement, the women’s prison estate is still not configured to best manage the women it holds.

1. Her Majesty’s Inspectorate of Prisons (HMI Prisons) is an independent inspectorate whose duties are primarily set out in section 5A of the Prison Act 1952. HMI Prisons has a statutory duty to report on conditions for and treatment of those in prisons, young offender institutions and immigration detention facilities. HMI Prisons also inspects police custody jointly with HM Inspectorate of Constabulary (HMIC) and will in 2012 take on responsibility for inspecting court custody, customs custody facilities (jointly with HMIC) and secure training centres (with Ofsted).

2. HMI Prisons inspects women's prisons on a five-year cycle. Each cycle includes a full inspection as well as a follow-up inspection, the timing and extent of which is proportionate to risk. All our inspections are carried out against published criteria known as "Expectations". Women's prisons are inspected against a generic set of Expectations for all adult prisons, albeit that there are additional expectations specific to women's establishments. Expectations are based on and referenced against international human rights standards including the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). All inspections are carried out by a team specialising in the inspection of women's prisons.

3. Inspection findings are brigaded under the four tests of a health prison which are:

- Safety—prisoners, particularly the most vulnerable, are held safely;
- Respect—prisoners are treated with respect for their human dignity;
- Purposeful activity—prisoners are able, and expected, to engage in activity that is likely to benefit them; and
- Resettlement—prisoners are prepared for their release into the community and helped to reduce the likelihood of reoffending.

4. Under each test, we make an assessment of outcomes for prisoners and therefore of the establishment's overall performance against this test. Assessments are on a four-point scale: good, reasonably good, not sufficiently good and poor. In short follow-up inspections, we assess progress in implementing the recommendations we made at our last inspection, concluding that sufficient, or insufficient, progress is being made against each healthy prison test.

5. Our assessments are based on a range of sources of evidence including:

- surveys of a representative sample of prisoners at each establishment;
- discussions with prisoners in groups and individually;
- discussions with staff, managers, visitors and service providers;
- records, policies and data; and
- observation.

6. In 2011–12, we inspected seven women's prisons. Three of these were announced full inspections while four were unannounced follow-up inspections.<sup>1</sup> In 2013–14, we will move to an almost entirely unannounced inspection programme.

7. HMI Prisons also carries out thematic inspections on cross-cutting issues. Several of these thematic inspections have concerned women in prison.

## OVERVIEW

8. We welcome the opportunity to submit information to the Justice Committee in the context of its inquiry into women offenders. In our inspections of women's prisons, we have found evidence that the Corston report has resulted in an improvement in the experience of women in prison. Despite this improvement however, the governance and leadership problems to which the Corston report referred remain almost untouched. Without addressing these problems and fully appreciating the different needs and circumstances of women in prison, further improvements will be difficult, if not impossible, to achieve.

## ALTERNATIVES TO CUSTODY

9. The Corston report concluded that more was needed by way of alternative sanctions and disposals for women offenders. In October 2011, we published a joint thematic report, with HM Inspectorate of Probation and HM Crown Prosecution Service Inspectorate, looking at the extent to which non-custodial options were being taken up for women offenders.<sup>2</sup> This inspection recognised that to achieve equitable outcomes for male and female offenders, different approaches need to be taken.

10. We found that a lead given by the Ministry of Justice and National Offender Management Service had been successful in promoting considerable activity at a regional and local level in relation to women offenders. While Probation Trusts and others had responded to this, they did not have the systems in place to effectively measure what impact they had. We were concerned that some probation staff lacked the skills and knowledge to work with women offenders effectively and were disappointed by the lack of empathy some staff showed towards women. We were also concerned that the financial climate threatened the sustainability of some of the work that had been undertaken. Our report concluded that despite the efforts made, the size of the female prison population was still a matter of concern. Too many women were still serving short prison sentences,

<sup>1</sup> The prisons inspected in 2011–12 were Low Newton, Morton Hall, Peterborough, Send, Styal, Askham Grange and Downview. The reports of these inspections are available on our website at <http://www.justice.gov.uk/publications/inspectorate-reports/hmi-prisons/prison-and-yoi>

<sup>2</sup> HMI Probation, HMCPSI and HMI Prisons, *Equal but different? An inspection of the use of alternatives to custody for women offenders* (October 2011).

often for breach of community orders imposed for offences which would not normally of themselves have attracted a custodial sentence.

#### TREATMENT AND CONDITIONS FOR WOMEN IN CUSTODY

11. It is well known that the needs of women in custody are different to those of men. The extent of need is greater and vulnerabilities are more widespread. In our most recent inspection report of New Hall, we noted that the prison's own needs analysis identified that:

- 38% of women had experienced emotional abuse;
- 46% of women had experienced physical abuse;
- 38% of women had experienced sexual abuse or rape; and
- 21% of women said they had worked in the sex trade.

12. Mental health problems are more prevalent among women in prison than men. While there was a large reduction in self-harm incidents among women between 2010–11 and 2011–12, women still accounted for one-third of all self-harm incidents in prisons in 2011–12 despite making up just 5% of the prison population.

13. It must be acknowledged that there have been improvements in the treatment of and conditions for women in custody since the publication of the Corston report. The women's prisons we now inspect are safer and more respectful places than before with a better focus on promoting purposeful activity and resettlement. Improvements include:

- the routine strip searching of women has ended as recommended in the Corston report;
- reception and first night arrangements have generally improved;
- physical health care has generally improved (although with some exceptions); and
- improvements in the treatment and management of women with substance use problems—a significant proportion of those entering prisons—has undoubtedly contributed to the drop in self-inflicted deaths.

14. In addition, a set of gender specific standards for women's prisons (PSO 4800) was introduced in April 2008 in an attempt to meet the needs of women in prison.

15. Nonetheless, efforts to maintain or to further improvements for women in custody are hampered by several factors and there is simply a limit to what women's prisons, as currently managed, can achieve. They are too big, too far away from women's homes and cannot provide the levels of care that many women in prison require.

16. Following recent inspections, HMI Prisons has raised concerns about:

- the need for better care planning for pregnant women and support for mothers separated from their babies;
- the new escort contract which allows women and men to be transported in the same vehicle even though women have told us they feel threatened and intimidated on shared journeys;
- despite making up a disproportionate 20% of the women's population, services for foreign national women are being cut back;
- disproportionate security measures which resulted in one woman at Send attending an external hospital appointment and remaining handcuffed to an officer while undergoing an intimate examination;
- in surveys of women in prisons inspected in 2011–12, 52% of women felt that they had emotional wellbeing or mental health issues, compared with an average of 29% across male prisons;
- while the number of self-harm incidents in women's prisons has fallen, levels of self-harm remain high. In our most recent inspection of Peterborough, an average of 225 incidents of self-harm were reported each month involving 33 women; and
- recent inspections found that 40% of women arriving at Send, Styal and Peterborough, and over 50% at Low Newton, were dependent on drugs and/or alcohol.

17. These are just a sample of the issues that have caused concern for our inspectors. Further information about recent inspection findings in women's prisons can be found in HMI Prisons' Annual Report 2011–12, to be published in October 2012.

#### STRATEGIC GOVERNANCE AND LEADERSHIP

18. A number of specialist women's prisons have been lost because they have been re-roled to provide for the expanding male population. Evidence gathered by HMI Prisons suggests that women do best in smaller open or semi-open establishments. Sadly, the only two semi-open prisons no longer operate (the remaining two open resettlement prisons—East Sutton Park and Askham Grange—are both very good). At East Sutton Park,

for example, HMI Prisons was impressed by the extent to which women provided positive support to each other both informally and as peer supporters in a well organised and effective induction and resettlement service.

19. Women are increasingly being held in multi-functional establishments and further away from home. This is despite the fact that PSO 4800 says that women should be held as close to home as possible. There are no women's prisons in Wales or in large parts of England. A prison's catchment area is now so large as to make visiting difficult for families and to pose challenges when trying to make links with community resettlement services.

20. Previously, young adult women lived in separate units from older women. Now, in almost all women's prisons, they have been absorbed into the general population despite the fact that the emotional, education and activity needs of a 19-year-old will usually be very different from the majority of the female prison population (half of whom are over 30 according to our surveys). In contrast, young adult men are seen as a distinct group with distinct needs. Young adult women are almost invisible and do not receive the same focus as their male counterparts.

21. There are some women whose level of need is so extreme (for example, those in the Keller Unit at Styal) that prison is simply the wrong environment in which to hold them. This is despite the best efforts of dedicated staff within prisons. That staff are supportive of women is borne out by our surveys. Most women have told us that they have a member of staff they can turn to for help. Nonetheless, there is a limit to what staff can achieve without sufficient resources and guidance. Men who are as repeatedly violent to others in prison as some women are to themselves are treated as a national responsibility and managed with resources and attention from the centre. Women, on the other hand, are left to local prisons to manage as best they can.

22. The management of prisons, and individual prisoners, can often be dominated by men. The ratio of male to female staff is too high in some prisons. Recent inspections of Peterborough and Send found a ratio of 63:37 and 42:58 respectively. At Peterborough, only about 40% of officers had undertaken training on working with women prisoners. More generally, a decision making hierarchy in respect of women in prison can contain only men—from a male wing officer through management structures all the way up to a male chief executive of NOMS and a male Secretary of State (and inspected by a male Chief Inspector). This chain of men may not be the best structure to respond to the needs of very troubled women.

23. The prison population is 95% male and the management of prisons is overwhelmingly geared towards the management of that male population. This is despite the differences in need between men and women in prison. Simply treating women the same as men will not create the equality that criminal justice agencies now have a statutory duty to promote. To reduce the women's population and to maintain and further develop improvements for women in prison, visible leadership and a distinct structure are required. There are various models which can be looked to for inspiration such as the Youth Justice Board or the Ministerial Board on Deaths in Custody which has been a successful model for focusing attention on a particular issue.

24. All our reports, including inspection and thematic reports, can be found on our website at <http://www.justice.gov.uk/publications/inspectorate-reports/hmi-prisons>.

*September 2012*

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### **Written evidence from Women's Breakout**

#### **1. INTRODUCTION**

1.1 Women's Breakout welcomes the Justice Select Committee inquiry into women offenders and those at risk of offending, particularly at this time when there is a sense that the impetus generated from the Corston Report appears to be waning, and it feels as if we are on the verge of losing some hard won progress.

1.2 The Corston Report provided us with a thoughtful and realistic vision to improve outcomes for women in the criminal justice system and those at risk of offending. It reached across the Criminal Justice system, as is appropriate, and called for a co-ordinated approach to the issues affecting this very vulnerable group of women. While all of the recommendations are of interest to Women's Breakout and its member organisations, we have a unique offer to the Justice Select Committee as we are the delivery arm of a set of recommendations and have worked for the last five years with the Ministry of Justice, and subsequently the National Offender Management Service, on the implementation of these recommendations.

1.3 The Corston Report made a number of recommendations that put Women's Centres at the heart of a programme of community alternatives for women who offend or are at risk of offending. The report called for the development of a larger network of community centres in accordance with a centrally coordinated strategic national plan with the delivery of appropriate and coordinated services based on a one-stop-shop approach. The report stated that Women's Centres should be used as referral centres for women who offend or are at risk of offending; as court and police diversions; as part of a package of measures for community sentences; and for the delivery of probation and other programmes.

## 2. EXECUTIVE SUMMARY

2.1 This submission tells the story of the involvement and experiences of a number of Women's Centres and Projects in delivering gender specific community based solutions for women offenders and vulnerable women at risk of entering the Criminal justice System. It gives evidence of some progress, but explains why the following is needed:

- 2.1.1 A coherent cross departmental strategy, with Ministerial leadership and oversight and a commitment to shift resources from the expensive end of the Criminal justice System to early intervention and prevention.
- 2.1.2 An understanding of what it means to work in partnership, and an evaluation of how effective partnership working has been.
- 2.1.3 A clear understanding of what equality means in practice—and that equality legislation should be a lever to provide the right services and not an excuse to do nothing.
- 2.1.4 An appropriate and timely transition from centrally managed grant aid supporting interventions for women offenders to locally commissioned services.
- 2.1.5 A ring fenced budget (National and local) to ensure that women are not lost in the bigger numbers of male offenders.

## 3. THE ELEPHANT IN THE ROOM

3.1 Women's Breakout members start from a position of agreeing that the case has been well made that:

- The majority of women imprisoned should not be there.
- To prevent and reduce crime committed by women gender specific approaches delivered in women only community based organisations work best.
- To achieve equitable outcomes for the majority of women, they need to receive different interventions to the majority of men.

3.2 The development of gender specific community based alternatives to custody were introduced as a partnership response to the Corston Report with the Ministry of Justice working with the third sector to identify what works and to build on that learning. While there is a growing body of evidence relating to the value of the Women's Community Services, the evidence base is constantly challenged as being insufficiently robust for commissioning; and it is also suggested by some that to treat women differently in the Criminal Justice System would be to discriminate unlawfully. These two themes have emerged in recent years, and the pressure to evidence and prove has shifted to the voluntary sector providers, and "partnership" has receded. However, while we know that these views exist, they are not often voiced in open dialogue around women offenders, where the primary view expressed is that the three points above are agreed.

## 4. EVIDENCE

4.1 Women's VCS organisations are uniquely placed to respond flexibly to address the immediate needs of women in crisis and their children, for example on the day of a court appearance, as well as providing ongoing, follow-through support. The Women's Community Centres each have distinct approaches tailored to local circumstances. For example, the external evaluation of Support for Women Around Northumberland (SWAN) noted the success of its virtual one-stop-shop approach in addressing rural isolation and associated service inequality. SWAN's evaluation credited the ability of the service to fill a gap by combining intensive crisis support for women who needed to escape from imminent danger with a range of services to nurture resilience and bring about long-term rehabilitation and recovery.

4.2 The success of the Women's Community Centres is further reflected in the NOMS Quarter 3 Performance Review, where female offending rates in Probation Trusts with a funded Centre were 8.82%, significantly below the predicted 9.09%.

4.3 The evidence and argument is available, and we would hope that the Inquiry starts with the Corston Report, as the Corston review of women with vulnerabilities in the Criminal Justice System looked in detail at these matters and established the baseline to move forward.

4.4 Further, the NOMS Commissioning Intentions 2013/14 also provides welcome clarity with regard to services where the evidence base is limited or absent by other standards, and supports a whole system approach. Our member organisations form part of a wider approach to tackling offending and there is a robust rationale for why a gender specific approach to working with women is effective. This is acknowledged on page 18 of the discussion document "*Where possible services should be delivered in women only groups*" and the statement that "*it is unrealistic to expect that a single service must always demonstrate an impact on reconviction without taking into account the other circumstances of an offender's life*". This is directly relevant to our services.

4.5 The same paper acknowledges the difficulty of helping someone whose time in prison is very brief (page 18) and gives the average time in custody as about 50 days. This is a clear illustration of different expectations in relation to evidence of outcomes between different parts of the Criminal Justice System. A prison has an offender on site, available for twenty four hours a day, for an average of fifty days and it is acceptable that the offender leaves without positive progress being recorded as long as the requirement to house safely, decently and in secured accommodation are met. Community projects are expected to evidence positive progress after 13 weeks of contact once a week, where the woman also has competing life priorities that may mean she does not attend. Given the different costs between custody and community it is surprising that calls for the reduction of the prison estate are not stronger.

4.6 We are keen to work with MoJ and NOMS to continue to build a shared understanding of how our services contribute to the desired outcomes, but it is disappointing that our engagement has not yet started, given the timetable for commissioning Women's Community Services, and the discussions that are already going on in relation to evidence.

## 5. DEVELOPING A NETWORK OF COMMUNITY CENTRES

5.1 It is absolutely clear that there is progress to celebrate, and both the Ministry of Justice and the National Offender Management Service have shown a commitment to developing and sustaining a network of community centres which provide a holistic set of rehabilitative interventions within a single safe space. However, the gender specific community based approach to working with women offenders and those at risk of offending has not been part of a strategic plan to embed this provision in the mainstream with appropriate resources to ensure sustainability and national coverage.

5.2 In the first two years following the publication of the Corston Report (2008–10), there was a significant financial resource to support the extension of this provision. However

- There is no legacy data capture system or co-ordination of evaluations to provide evidence of the value of this approach as a credible part of the National Criminal Justice System.
- Two years is not sufficient time to demonstrate success and embed learning, and it is not sufficient time to bring about a shift in a Criminal Justice System that has operated in the same way for a very long time.
- Many projects did not start at the start of the two year funding cycle, and when the funding stream came to an end some had been operational for less than one year.
- There was no planned continuation strategy for the Ministry of Justice.

5.3 Following the close of this funding stream, a unique arrangement developed between the Corston Independent Funders Coalition (CIFC) and the Ministry of Justice (subsequently NOMS), and the Women's Diversionary Fund was put into place. It was clear throughout this arrangement that the CIFC were supporting a transitional period to allow for women's community services to become mainstreamed. While this funding was welcomed, it was not without its challenges

- Funding to support work on women at risk of coming into contact with the Criminal Justice system has diminished, and in many cases disappeared, and so the opportunity to prevent and divert at early stages has also been lost for many women.
- The network of community centres did not continue to grow, indeed the numbers reduced.
- Practical difficulties were experienced in respect of late notification of the continuation of funding and uncertain monitoring requirements.

5.4 The funding from the Corston Independent Funders Coalition to the programme of projects was time limited and ended at the end of March 2012. Responsibility for funding the Women's Community Services moved wholly from MoJ to NOMS and NOMS identified in good time (December 2011) £3.5 million to continue their funding arrangement with the projects and to also cover the funding that had been contributed by the Corston Independent Funders Coalition. The budget was delegated to Probation Trusts but with a requirement for this to be used to commission the existing projects in the financial year, but after that time projects would be competing in the open market place. However,

- While we understand and agree with the principles of value for money and competition, it is too soon for this approach to be subjected to the open market and grant funding should continue for a further three years.
- The confusing approach to monitoring and reporting of performance has continued, and the transition to Probation Trusts does not appear to have been well managed. Consideration does not appear to have been given to the findings of the Justice Select Committee Report on Probation (2011) or the Joint Thematic Inspection Report *Equal but Different* (2011) in relation to limitations in Probation Trusts in addressing the needs of women offenders.
- Only those Probation Trusts with existing projects received an additional budget for working with women offenders, and in the summer of 2012 those Probation Trusts were told not to expect the additional budgets in future years. This implied that future funding for Womens Community Services would need to be found from within the reducing budgets of Probation Trusts.

- Some Probation Trusts have approached Women’s Community services with a clear message that their work would need to cover a wider geographical area with less budget and this message has not been supported by a service costing.

5.5 This demonstrates the importance of central ownership of this young agenda, and also demonstrates that it is too soon to transfer responsibility to local commissioning especially so at a time when proposals for change are underway (Effective Probation Services consultation) and resources are being squeezed.

5.6 The future is not clear, but at the time of writing there is cause for optimism. There have been a number of disturbing “messages” relating to future funding of services for women offenders, but we are now hopeful that there will soon be confirmation that the budget that was identified for 2012–13 will be available to Probation Trusts as part of their base budget in future years; and that there will continue to be a level of co-ordination of data and services on a national scale, with a requirement to commission the model that our projects represent.

5.7 While we welcome this, the financial support has been available to some 31 projects. This does not give adequate national coverage, and there is a need for a coherent strategic approach that shifts resources from the expensive option of custody to a national network of community based provision. This requires the engagement and commitment of police, prisons, courts, local authorities and third sector providers and a reorganisation of budgets and accountability.

## 6. STRATEGIC LINKS

6.1 We have valued the relationship that we have had with the Ministry of Justice and the National Offender Management Service over the last five years, and it has been crucial that we have been able to work alongside individuals with commitment to the agenda and understanding of the contribution that we make. In the last year, there have been significant changes within both of those areas, and these changes have brought significant challenges to how the third sector can make a strategic input.

6.2 Over the last twelve months the restructuring arrangements within the Ministry of Justice and National Offender Management Service appear to have weakened the focus on women at risk and women in the Criminal Justice System, and removed a layer of officials who really understood and bought into the agenda for change that Baroness Corston set out in her report. While the number of people in both Departments has reduced, the number of people with a connection to the women’s agenda has increased, and for an organisation like Women’s Breakout this has brought the need to connect at a greater number of points. This of itself stretches capacity, but given that the responsibility for commissioning services in the future will be with the Probation Trusts, of which there are 35, then the ability to connect effectively at a strategic level becomes a serious challenge.

6.3 The strategic landscape continues to stretch across the localism agenda with the election of forty one Police and Crime Commissioners later this year, and they will become very important in the future commissioning of local services as budgetary responsibility for Police and Community Safety Initiatives transfers to their control. But the budget for the imprisonment of women does not move local—and so women who are imprisoned become a “free good” to local statutory services.

6.4 As the responsibility moves increasingly local, the focus on women becomes less sharp as women are a small proportion of the offending population and they do not generally cause nuisance, fear or harm. Further, at a local level data has not to date been disaggregated by gender. It is clear that without a National Cross Government Strategy for women offenders and those at risk of offending the needs and circumstances of women offenders will not be addressed appropriately and we are in real danger of sliding back to the conditions that led to serious health risks to women engaged in the criminal justice system and thirteen suicides in one year.

## 7. A STRATEGY FOR WOMEN OFFENDERS?

7.1 There is clearly no current strategy for women offenders, either written or implied. Without such a strategy, there is no coherence to the work and there is a confusing and fragmented landscape for different providers and contributors to connect to. Given the overlapping agendas that must come together under a holistic approach for women, co-commissioning of services and reorganisation of budgets becomes very important, and yet in the absence of a strategy and appropriate leadership this will not become a reality.

7.2 In March 2012 a commitment was made in the House of Lords to publish the Ministry of Justice’s strategic priorities on women offenders. Early in this year, the Director of Women’s Breakout chaired a task and finish group to produce a paper on women offenders. This paper was produced at the request of the Minister for Prisons and Probation, and presented to him in May 2012 (NB This paper is being submitted to the Inquiry). Crispin Blunt was interested to explore some of the key elements of the paper in greater depth and there was useful discussion of important issues and the Minister ended by re-affirming the Government’s commitment to publish a document setting out the strategic priorities for women in the Criminal Justice System.

7.3 In a subsequent discussion with officers in May 2012, members of the Third Sector Advisory Group on Reducing Reoffending (RR3) were advised that this document would not be available until December 2012, and that their would not be a route for the third sector to contribute to the development of the document. At

the following meeting of the full RR3 meeting, disappointment was expressed in the officer response to this and other recommendations in the document.

## 8. COMMISSIONING INTENTIONS

8.1 The NOMS Commissioning Intentions 2013/14 are set out in a discussion paper that gives a description of what intelligent commissioning of services might look like. However, the paper fails to take a gendered view on some important issues and this results in:

- Citing structured interventions for low risk offenders as an approach that does not work, and suggesting that low risk offenders should generally receive only core services when the majority of women offenders are low risk, but this generally goes alongside very chaotic lives, into which structure and order should be brought in order to reduce future reoffending and support family relationships.
- Citing interventions that mainly aim to build self esteem as an approach that does not work—for women who have been subjected to trauma and abuse, self esteem is a very important starting point for her in believing that she can take control of her life, and can make good life choices.
- A failure to include in the factors that are most likely to reduce reoffending and enable desistance some that are absolutely key for women (Intention 9):
  - Abuse and trauma.
  - Prostitution.
  - Wider health issues, including mental health and personality disorder.
  - Finance, benefit and debt including loan sharks and fraud.
  - Attitudes, thinking and behaviour—particularly in relation to self esteem, liking and valuing ones self.

Thank you for the opportunity to present these thoughts to you. Women’s Breakout seeks to support and help. We are committed to supporting our member organisations to take their place alongside statutory provision so that together we can provide appropriate support for vulnerable women while delivering fair and compassionate justice. We hope that this Inquiry will help us all to achieve more.

*September 2012*

## WOMEN’S BREAKOUT

Women’s Breakout is an infrastructure organisation with a membership of 47 organisations. We have a primary objective to embed gender-specific interventions for women offenders and those at risk of offending into the Criminal Justice System—not as a short term project response, but as a mainstream service that is available to vulnerable women to support them in taking control of their lives and making positive progress; available to sentencers as a robust alternative to imprisoning women; available to support the rehabilitation of women who have offended.

Our member organisations bring a unique approach to supporting women with complex and multiple problems. They aim to provide women with holistic and empathetic support, in a women only environment, in order that they will be enabled to make better life choices. By putting women at the centre of support services and by understanding the complex and related nature of issues affecting their lives, projects are able to effectively deal with the underlying reasons for offending behaviour. By working with many statutory and voluntary organisations they can provide a broad range of support services to women, to help them address all of their needs through a “one stop shop” that is focussed on empowering women to make positive choices and break patterns of offending.

The seeds of Women’s Breakout were sown in 2010 when strategic thinkers in the community projects, the Ministry of Justice and the Corston Coalition identified a need for a strategic voice for Women’s Community Services. We valued the support of the Ministry of Justice at that time in establishing our organisation, and supporting a three year funding arrangement (2011–14) along with Government Equalities Office and the Corston Independent Funders Coalition.

*The Member organisations of Women’s Breakout are:*

Addaction Lincolnshire	Lincoln
Advance/Minerva	London
Anawim	Birmingham
Asha	Worcester
Blackpool Women’s Centre	Blackpool
Brighter Futures, Chepstow House	Stoke on Trent
Brighton Womens Centre Limited, (The Inspire project)	Brighton
Cambridge Resource Centre	Scarborough
Cambridge Women’s Resource Centre—the Dawn Project	Cambridge

Catch22 Women's Service	Southampton
Clean Break	London
Cyrenians (WOW) Women outside Walls Project	Newcastle upon Tyne
East Lancashire Women's Centres	East Lancashire
Eden House	Bristol
ESCAPE Family Support—SWAN Project	Northumberland
Female Prisoners Welfare Project—Hibiscus	London
Hafan Cymru	Carmarthen
Halton Women's Centre	Halton
Hull Women's Centre	Hull
Jagonari Educational Resource Centre	London
The Nelson Trust—ISIS Project	Gloucester
Missing Link	Bristol
New Dawn New Day	Leicester
North Wales Women's Centre	Rhyl
Nottingham Women's Centre	Nottingham
Peterborough Women's Centre—Dawn Project	Peterborough
One 25	Bristol
PACT Alana House	Reading
Pankhurst Centre/Women MATTA	Manchester
Platform 51	National
Stonham Promise	Plymouth
4Women	Norfolk
Re-Unite	London
Safer Wales	Cardiff
Salford Foundation	Eccles
SWAN (Northumberland)	Blyth
Together Women Project	Yorkshire and Humberside
Tees Valley Women's Centre	Middlesbrough
Together (Working for Wellbeing)	London
Trust (The Trust Women's Project)	London
Urban Outreach	Bolton
Well Women Centre (Evolve)	Wakefield
Women@theWell	London
WomenCentre—Evolve	Calderdale and Kirklees
Women in Prison	London
Women's Turnaround Project	Liverpool
Women's Work	Derby
Working Chance	London

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### Written evidence from Women in Prison<sup>3</sup>

Organisational response prepared by Laurel Townhead and Rachel Halford for Women in Prison.<sup>4</sup>

#### SUMMARY OF EVIDENCE

This submission of evidence is based on the unique experiences of our staff working with women affected by the criminal justice system both in the community and in all 13 women's prisons, and on freedom of information requests used to elicit new evidence from the Ministry of Justice.

#### Key points:

1. To date a *women's criminal justice strategy* that addresses sentencing, diversion, community, custodial sentences, governance structures with a clear leadership and accountability has not been published.
2. The Committee should consider levels of expenditure, human resources and strategic cross departmental gender focused leadership as a part of assessing commitment to change for women in the criminal justice system.

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<sup>3</sup> Founded in 1983 by Chris Tchaikovsky, Women in Prison work to reduce the number of women in prison and prevent the damage done to women by imprisonment. We do this by providing information, advice and support services and campaigning for the rights of women in the criminal justice system. Women in Prison believe that no woman should be sent to prison as it exists today. Women in Prison's policy and campaigns work is based on our experience of delivering support services to over 4,000 women per annum in the criminal justice system (in prison and in the community). For more information see [www.womeninprison.org.uk](http://www.womeninprison.org.uk)

<sup>4</sup> Women in Prison is a registered charity, registration number: 1118727

3. The lack of information under Freedom of Information requests from the Ministry of Justice and the continuous referral between departments provides concrete evidence that there is no integration regarding these initiatives and that departments are working in silo.

4. The Criminal Justice System evidences some compliance with the gender equality duty. However substantive equality needs to be understood and applied in the provision of services for women offenders, and specify the need for a different approach to the mainstream commissioning and contracting of gender specific services.

5. The women's custodial estate as it exists is not suitable for women with multiple and complex needs. It is not a deterrent, it struggles to be a place of rehabilitation, the re-offending rates and levels of self harm evidence it does not work.

6. Localisation of probation budgets lacks direction or any ring fenced money jeopardising the volume, range, quality, and sustainability of community provision for women.

7. Women have a range of complex intersectional needs, Independent Voluntary sector specialist organisations are best placed to provide effective services. They are under threat by changes in commissioning and contracting.

With our submission we have included a report completed by Women in Prison in March, 2012, "Corston + 5 Traffic Light report, this report clearly shows progress made against each of the 43 recommendations within the Corston Report

## INTRODUCTION

For over 28 years Women in Prison has been campaigning for radical reform of the criminal justice system, The Corston Report presented an opportunity to push forward that reform.

Five years and two governments later not enough has been achieved. Women in Prison welcome the Justice Select Committees Inquiry to review progress and examine current strategy and practice. There is no question, and much evidence, that the current coalition government is in jeopardy of squandering any progress made by the previous government within a regressive agenda—which will prove expensive in terms of financial and human cost.

## 1. STRATEGY

### 1.1 *Lack of strategy*

There is a fundamental lack of strategy within the current Ministry of Justice's (MOJ) administration. This is evidenced in the absence of a women's champion and the absence of a cross departmental women's working group, both of which could highlight and co-ordinate women's needs and responding policy frameworks to other departments such as social services, health, employment, and education. The reduction of women's offending, re-offending and imprisonment is not solely dependent on strategy and subsequent policy framework delivered by the MOJ. Women's pathways into the criminal justice system are as varied and complex as their pathways out. Government departmental involvement should reflect this. However there needs to be a high level strategic driver for this to happen. At present there is no evidence of this.

The nature of the current focus seems to be solely on the provision of community alternatives to custody for women with complex needs and non violent offences. Women in Prison welcome a clear focus on promoting and investing in community alternatives to custody. However, community alternatives to custody should not be understood as an isolated solution to reducing the number of women in custody. In order to reduce the number of women in prison, the Government also needs to address the current sentencing framework, and reduce the powers of magistrates to imprison women on short sentences for non violent offences.

On a number of occasions commitments have been made by the current coalition Government regarding the publication of a women's criminal justice strategy, including the Government report to CEDAW June, 2011. In its report the Government states that it is "developing a strategy that will ensure that women's sentence delivery, in both custodial and community environments, is fit for purpose and meets the complex needs of women".<sup>5</sup>

We have been given varying dates from the MOJ women's team when a documented Strategy will be published including December, 2012 and more recently September 2012.

<sup>5</sup> UK submission to CEDAW June 2011  
<http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary>

## 1.2 *Pseudo-Strategy*

In January the Prisons Minister gave a speech outlining what he described as the MOJ's strategy on women in the criminal justice system.<sup>6</sup> This "strategy" was outlined again by Lord McNally in the House of Lords<sup>7</sup> where Baroness Gould rejected it as a strategy:

*from what he said I failed to see a strategy that went across government, and a co-ordination of all the things that he talked about. That will be essential if we are to solve this serious and urgent problem.*<sup>8</sup>

The subsequent commitment to produce strategic priorities suggests it was recognised that the previous outline was not a sufficient strategy. While there has been some activity on most of the areas listed in many cases this is not gender specific—it is as if the lessons of Corston have not been learnt. Some of the activities have the potential to benefit women in the criminal justice system but will not do so unless they are delivered in a gender-specific and cross departmental coordinated manner. Please see section 3: Integration across Government for evidence/subsequent progression on the initiatives and activities mentioned above.

## 1.3 *Impact of the lack of strategy*

There has been no meaningful reduction of the number of women either currently in custody (still above 4,000) or those received into and released from prison each year (over 12,000). Women are still receiving short, ineffective custodial sentences for minor offences, and one of the most common reasons for women being sent to prison is because of breach of a community order. A lack of strategy has meant that this specific and important driver for women's imprisonment has not been addressed, and so the impact of imprisonment on women's (and their children's) lives remains the same. Over 18,000 children are still separated from the mothers every year.

## 1.4 *Transparency and Accountability*

A lack of strategy has been coupled with a lack of public reporting under this issue. Under the previous Labour Government reporting to parliament on progress against the Corston Report's delivery commitments happened every 6 months. There was a clear and transparent monitoring of actions undertaken and the Government was held accountable for honouring its delivery commitments. Under the current coalition there have been no parliamentary progress updates. It is therefore becoming increasingly difficult to hold a clear and open dialogue with the Government regarding progress against the Corston Report's delivery commitments despite Crispin Blunt's personal assurances to Women in Prison that he, and the coalition, "*broadly accept the recommendations in the Corston Report and are supportive of reducing the number of women in prison*"

## 2. GOVERNANCE STRUCTURES

### 2.1 *Financial Resources*

We believe that the Committee should consider levels of expenditure as a part of assessing commitment to change for women in the criminal justice system. Less is being spent centrally on women in the criminal justice system than pre-Corston during the Women Offender Reduction Programme and the initial stages of the Together Women Project. There was a period of relatively high central spending on this agenda during 2009–10 and 2010–11 when the MOJ was investing in diversionary services for women. Women in Prison wanted to present evidence of the budget of the Home Office and the MOJ (for the relevant periods) spent on women in the criminal justice system over the last six years, however, such information was not available under the Freedom of Information Act 2000 as it would have exceeded the cost requirements.<sup>9</sup>

### 2.2 *Human Resources*

The team within the MOJ responsible for taking forward work on women in the criminal justice system has been significantly reduced in the last two years.

- August 2008–09 members of staff in the MOJ working on women in the criminal justice system.
- August 2010–13 members in total in the MOJ working on women in the criminal justice system; this figure included one intern and two vacant posts, which, if filled, would have resulted in a total staff allocation of 15 personnel.
- August 2012–13 members of staff in the MOJ working on women in the criminal justice system.<sup>10</sup>

<sup>6</sup> Crispin Blunt, Speech to Corston Independent Funders Coalition (CIFC) (24 January 2012) <http://www.justice.gov.uk/about/moj/departmental-board/crispin-blunt>

<sup>7</sup> Lords Hansard, HL Deb, 15 February 2012, c874, <http://www.publications.parliament.uk/pa/ld201212/ldhansrd/text/120215-0002.htm#12021585000217>

<sup>8</sup> Lords Hansard, HL Deb, 15 February 2012, c876, <http://www.theyworkforyou.com/lords/?gid=2012-02-15a.876.0>

<sup>9</sup> Ministry of Justice, Freedom of Information Request Reference: FOI/77580 (20 August 2012)

<sup>10</sup> Ministry of Justice, Freedom of Information Request Reference: FOI/77580 (20 August 2012)

While the number of staff working on an issue does not generate progress alone, we believe this is indicative of a reduced commitment to this issue and is certainly evidence of reduced capacity to deliver the Corston agenda.

### 2.3 A Women's Justice Board

We believe that the leadership needed could usefully come from a Women's Justice Board. This government has repeatedly rejected the idea of a Women's Justice Board, the Prisons Minister said in January 2012:

*"We do not want to establish a women's commission or board but would prefer to see the taxpayers investment pushed out to the frontline where it can make a more immediate impact on our priorities for women".<sup>11</sup>*

We propose a Women's Justice Board that looks at and leads on gender justice across government not just in the criminal justice system, scrutinising the work of all departments. Women do not offend in isolation from society's failings and solutions cannot come from the MOJ alone. Leadership outside of the criminal justice system would recognise the wider societal issues that affect women's different routes both in and out of offending. This would be in line with the recommendation made by Baroness Corston that the responsibility for this agenda should move from the Home Office to the Department for Communities and Local Government.

## 3. INTEGRATION ACROSS GOVERNMENT

As referenced in section 1.4, the Prison Ministers strategic priorities outlined in January commit to integration across government departments. We wanted to present evidence on the progress of initiatives and activities outlined. This information was sought from the MOJ; however, it was not available under the Freedom of Information Act 2000 as it exceeded the cost requirements. *This lack of available information from the MOJ and the continuous referral to other departments including Department of Health, Department of Work and Pensions and Department of Communities and Local Government's Troubled Families Team, we believe provides concrete evidence that there is no integration regarding these initiatives and that departments are working in silo.*

### 3.1 Mental Health

The Prisons Minister stated that Mental Health Liaison and Diversion schemes would be running in all courts and custody suites by 2014, including four women-only sites amongst the pilot sites. The potential for this initiative to have a positive impact for women is dependent on gender specific delivery and sufficient levels of gender-specific provision in the community for women who are diverted from custody. Furthermore we are concerned about the availability of the £50 million committed by the Department of Health for these diversion schemes.

Information was requested from the MOJ under FOI.

1. How many women-specific mental health and liaison schemes are currently running?
2. What percentage of courts and custody suites will have women-specific mental health liaison and diversion schemes by 2014?

FOI unavailable due to cost, referral to The Department of Health.

### 3.2 Drug Recovery Wings in Prison

The Prisons Minister committed to drug recovery wings in three women's prisons (HMP New Hall, HMP Askham Grange and a third to be confirmed). The success of such an initiative will depend on tailoring the interventions delivered in the drug recovery wings to meet the specific needs of women with substance misuse issues.

We have not found any evidence that services in the drug recovery wings in women's prisons are tailored to women.

Information requested from the MOJ under FOI.

- What steps have been taken to ensure that the services in drug recovery wings in women's prisons are tailored to women?

FOI unavailable due to cost, referral to the Department of Health.

### 3.3 Violence Against Women

The Minister outlined a number of activities in this area including Women's Aid pilot in prison "the power to change" and the NOM's Women Awareness staff training to be delivered to all staff working within women's prisons. We welcome these activities, as offering a consistent framework of good practice for all staff working within female prisons.

<sup>11</sup> Crispin Blunt, Speech to Corston Independent Funders Coalition (CIFC) (24 January 2012) <http://www.justice.gov.uk/about/moj/departamental-board/crispin-blunt>

The Women's Aid pilot in prison "the power to change", we welcome as a women specific programme however we are concerned that we were unable to source evidence on how this programme has been disseminated to all staff in women's prisons, how many programmes have been run and finally have male and female staff been trained to deliver the programme. We have particular concern regarding male staff delivering the programme which we consider to be wholly inappropriate for women who have been dominated, abused and controlled by men. The women we work with tell us that they are not willing to attend these programmes if they are facilitated by male staff.

### 3.4 *Troubled families*

The Government has made much of its "Troubled Families" initiative and the Prisons Minister stated that the Ministry "We will recognise where outcomes—crime and antisocial behaviour, education, worklessness—are linked and [...] will join up work." Connecting these areas of work has the potential to positively impact on women in contact with the criminal justice system but only if the connections are made and the work undertaken to address "troubled families" positively addresses the root causes of women's offending behaviour. There is no evidence that when the troubled families were identified that detail ascertaining the female criminality within the family was obtained.

There is no evidence that the Department for Communities and Local Governments Troubled Families' team agenda is integrated with the MOJ Women's lead or the NOM's Women and equalities team.

Information requested from the MOJ under FOI.

- How many meetings have taken place between the MOJ's women's lead or the NOMS Women and Equalities Team and the Department for Communities and Local Government's Troubled Families Team to ensure these agendas are integrated?
- FOI unavailable due to cost, referral to Department for Communities and local Governments Troubled Families Team

### 3.5 *Employment*

The Minister stated that they would ensure that women leaving prison who claim Jobseekers' Allowance will also have access to the Work Programme on release. Again this is neither a criminal justice focussed, nor women specific commitment. No comment was made as to how this would be delivered in a gendered way taking into account the different work histories and educational backgrounds of women in the criminal justice system compared to men. This commitment alone does nothing to support women who are not work ready to gain the confidence and skills to enter the work force. Information sought from MOJ under FOI included:

- How many women leaving prison have claimed JSA since the Work Programme began?
- How many women leaving prison have accessed the Work Programme since it began?
- How many of these women are now in work?

FOI unavailable due to cost referral to Department of Work and Pensions

### 3.6 *Women's Community Services*

The Minister stated—In 2012–13 NOMS will continue to fund the vast majority of these community services—some 30 services in total. This new commitment will amount to an additional £3.5 million to existing Probation Trust budgets and will form part of their future baseline funding. Please see section 6 for further details on Women Community Services.

## 4. GENDER EQUALITY DUTY

Within the Criminal Justice System there is evidence of some compliance with the gender equality duty. Substantive equality needs to be understood and applied in the provision of services for women offenders, and specify the need for a different approach to gender specific services to achieve equal outcomes. We can find no evidence, that this nuanced understanding of gender specific services as sometimes found within the Criminal Justice System has translated to mainstream service commissioners. We are concerned that where good practice in commissioning is to be found, this is led by personalities championing the need for gender specific services, rather than any impetus by the gender equality duty. Without this broader understanding the gender equality duty does not effectively commission appropriate services that can address the root cause of female offending.

## 5. WOMEN'S CUSTODIAL ESTATE AND PRISON REGIMES

5.1 The women's custodial estate as it exists is not suitable for women with multiple and complex needs. It is not a deterrent, it struggles to be a place of rehabilitation, the re-offending rates evidence it does not work. 51% of women leaving prison are reconvicted within one year—for those serving sentences of less than 12 months this increases to 62%. For those women who have served more than 10 previous custodial sentences the re-offending rate rises to 88%.<sup>1</sup>

5.2 High levels of self harm a staggering 12,663 incidents of self harm were reported within the female prison estate in 2010 (47% of self harm incidents in prison are inflicted by women, despite women being just 5% of the prison population) further evidences its unsuitability. We wish to remind the committee that it was the 6 deaths in HMP Styal that lead to the commissioning of The Corston Report.

5.3 We draw the committee's attention to the evidence provided within the recent Northern Ireland and Scottish reviews of current women's estates, particularly their recommendations to address the very specific needs of women offenders including the objective for women prisoners to be placed in small units close to home.

5.4 Categorisation is currently a gendered issue rather than a security requirement. The female estate consists of only Open and Closed spaces, unlike the male estate. Prison Service Instruction 39/2011 sets out the principles that determine the categorisation and re-categorisation of women prisoners, apart from the very few women prisoners who are Category A or Restricted Status, and are categorised and reviewed by NOMS Headquarters. Pursuant to PSI 39/2011:

The purpose of categorisation is to assess the risks posed by a prisoner in terms of likelihood of escape or abscond; the risk of harm to the public in the event of an escape or abscond; Any control issues that impact on the security and good order of the prison and the safety of those within it<sup>ii</sup> 60%, approximately 2496 of women in prison are serving short sentences and pose no risk to society, therefore they should be held within open conditions—the current estate has 2 Open prisons with a combined operating capacity of 228, were women are frequently backstage to closed conditions for peer informed allegations rather than concrete evidence.

5.5 The lack of women specific programmes, the lack of Open spaces together with a lack of approved premises (discussed below), and The Parole Board under continued strain all contribute to creating a bottleneck to women on indeterminate sentences leaving prison.

This is evidenced by the difficulties faced by indefinite sentenced female prisoners moving through and exiting the custodial prison system. As an example 130 women are sentenced under IPP, 90 of whom are over tariff. Where gender specific offender management programmes exist, places are limited and in high demand, resulting in women being unable to complete their sentence plan due to lack of access rather than desire to change, resulting in longer time spent in custody.

The CARE Programme, the only gender specific offender behaviour programme running within the prison system is currently only commissioned in one establishment HMP Foston Hall. This is of concern, given the number of women who need to complete the CARE programme as part of their sentence plan, effectively diminishing their chances of release. The Primrose Project at HMP Low Newton and the Democratic Therapeutic Community at HMP Send are similarly oversubscribed.

## 6. COMMUNITY PROVISION

6.1 Availability of women-specific community sentences and the development of women-specific conditional cautioning, co-location and other means of partnership working with women's support services to overcome the disadvantages women face in gender-neutral community sentences is still geographically limited, despite the increase in these services.

6.2 There has been an expansion of the network of women's centres; this began under the previous government. This government have continued funding most of the services (at a reduced level). In the 2013–2014 financial year funding for these services will be managed locally, there is no clear strategic national plan and it is clear that this government's emphasis on localisation means that it is unwilling to require regions to undertake women-specific work or ringfence any funding for this work despite the clearly identified need for a central driver for this agenda.

6.3 Women in Prison has delivered two MOJ/NOMS funded diversion projects and continues to deliver a very successful diversion project (WomenMATTA) in partnership with the Pankhurst Centre in Manchester. Evaluations conducted on both funded projects provided evidence of financial benefit, and success in terms of outcomes for the women and partnership work.

"In summary the notional value of the two year project (based on an analysis of 62 cases and identifying potential benefits from 20 cases) equates to c£1.8 million. The actual cost of project based on its full two year expenditure was c£497k. Therefore the net benefit of the project (subject to validation) would be c£1.3 million".<sup>12</sup>

6.4 Approved premises—Some additional bed spaces have been created but there are still far too few for women. Currently there are six women-only approved premises, with a total of 112 bed spaces; the locations do not include London or Manchester where some of the highest female offending rates are in England. This lack of approved premises not only increases the number of women that are held on remand, it also adds to the bottleneck within prisons with women with no suitable address unable to obtain HDC.

<sup>12</sup> Prisoner Advice Service, Information Sheet Categorisation of women prisoners

## 7. SERVICE PROVISION FOR DIFFERENT GROUPS

7.1 As the only service going into all 13 female prisons and working in partnerships with other local voluntary and statutory organisations we are best positioned to provide this evidence.

Services that address different groups of women offenders generally are most effectively provided by independent voluntary sector organisations. The prison estate is diverse yet the individuality of each prison, and what voluntary sector services are available, means consistency around service provision is lacking, and is arbitrarily based on location.

7.2 The complex intersectional needs of women in prison are seldom accounted for in appropriate service provision within prison; they are more often supported by a Voluntary provider with a specialism specific to different groups. In parallel the Through the Gate services from custody to community are essential for women's complex support needs to be met.

7.3 Cost effectiveness is measured in monetary terms rather than quality provision. Uncertainty in commissioning and the limited capacity to make large tender bids means small specialist voluntary organisations are undercut by large private generic services.

We would like to refer the committee to the submission—Voices from within the women prison estate for further evidence.

*Laurel Townhead and Rachel Halford for Women in Prison*

## REFERENCES

<sup>i</sup> Bromley Briefings June 2012

<sup>ii</sup> Prisoner Advice Service, Information Sheet Categorisation of women prisoners  
*September 2012*

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## Written evidence from the acting HM Chief Inspectorate of Probation

In October 2011 HM Inspectorate of Probation published a joint thematic inspection report on women offenders entitled *Equal but Different? An Inspection of the use of Alternatives to Custody for Women Offenders*. I am writing to you with a summary of the report which you may wish to consider as part of the Justice Select Committee's inquiry into women offenders.

HMI Probation is an independent inspectorate, funded by the Ministry of Justice and reporting directly to the Secretary of State, on the effectiveness of work with individual adults, children and young people who have offended, aimed at reducing reoffending and protecting the public.

## THE INSPECTION

1. This inspection focused on women who had either been sentenced to a community order or released from prison on licence. Its purpose was: *to consider the extent to which non custodial options are being put forward and taken up in respect of women offenders*. We therefore looked primarily at community orders and considered their credibility, as demonstrated by the courts in imposing such orders and by the women offenders themselves in complying with their requirements.

2. The inspection was agreed by the Criminal Justice Chief Inspectors' Group and formed part of the Joint Inspection Business Plan 2010–2012. It was led by HM Inspectorate of Probation, supported by HM Crown Prosecution Service Inspectorate and HM Inspectorate of Prisons.

3. As much of the more recent work with women was understood to have been developed on a regional basis, we decided to construct the inspection accordingly, visiting two Probation Trusts in each of the three regions selected. These were: Lancashire and Merseyside (North West region). Staffordshire & West Midlands and West Mercia (West of Midlands region), and Norfolk & Suffolk and Cambridgeshire & Peterborough (East of England region). These Trusts provided us with a cross-section of communities and both urban and rural areas.

4. Fieldwork for the inspection took place between October 2010 and December 2010, during the course of which we examined the case files of 107 women offenders, plus an additional 15 pre-sentence reports. We also met with members of the National Offender Management Service, Ministry of Justice and staff from the local probation service at all levels; spoke with representatives of the Local Criminal Justice Boards; visited the women's community centres and approved premises (hostels) in the areas we inspected to talk to both the staff and the women there; spent time in the Crown Court and magistrates' courts and spoke to sentencers, prosecutors and other court staff and visited three prisons.

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## OVERALL FINDINGS

5. We found that the strong lead given by the Ministry of Justice and National Offender Management Service had been successful in promoting considerable activity at a regional and local level in relation to women offenders. Probation Trusts had worked well with the National Offender Management Service and the Ministry of Justice as well as partners and other agencies to develop a sound strategic framework for working with women offenders.

6. Measures to assess the progress made on implementing the strategic framework were generally underdeveloped at all levels. The measures that we examined were too often over-reliant on scores from the offender assessment system, OASys and consequently not applicable to women serving short prison sentences of under 12 months who were not subject to OASys. Without these outcome measures, demonstrating the effectiveness of their intervention in terms of reducing reoffending, it was difficult for statutory organisations such as Probation Trusts to assess the impact of the work undertaken at a strategic level or for the smaller, often voluntary, organisations to put themselves forward as a viable option for future funding.

7. Although a great deal had been achieved, it was apparent that, with the changes in the NOMS structure and the subsequent removal of the regional framework, the sustainability of many of the measures now in place and their subsequent development would depend on the capacity of the probation service to engage with local providers. A locally coordinated joint approach to the needs of women offenders was paramount. Considerable efforts were being made by Probation Trusts to develop relationships with those partners at a local level who could support the women's agenda. Nevertheless, provision varied considerably, particularly in respect of mental health services where inconsistencies in the services offered could impact disproportionately on women offenders because of their multiple needs.

8. All involved acknowledged, in the current financial climate, the importance of joint commissioning arrangements in delivering mainstream services. The involvement of the new Health and Wellbeing Boards and the Police and Crime Commissioners, when operational, will be essential to the success of any such arrangements as will that of the Local Criminal Justice Boards, with their capacity to act as brokers between the various local agencies. The potential contribution of the voluntary sector to this agenda, particularly those delivering services to address local needs, also has to be recognised.

9. We saw a lot to praise during the course of the inspection. Although there was a lack of women-specific provision for both unpaid work and offending behaviour programmes, women-only groups, where run, were generally successful. Approved premises provided a credible and sustainable alternative to custody. Bail Accommodation and Support Services were a useful means by which custodial remands could be reduced but awareness by courts and probation of these services tended to be low, so they were underused.

10. The women's community centres, where established, were a useful resource which enabled women, whether offenders or those at risk of offending, to access a range of services offering practical support and help in a conducive and non-threatening environment. The services on offer varied from one centre to another but, typically, included advice and guidance on a range of issues of concern to women, including employment, finance, benefits, debt, housing, childcare, health and substance misuse. Although attendance at the centres was not in itself an alternative to custody unless specified as a formal requirement of an order, they could play an important part in securing the engagement, and thereby compliance, of women offenders subject to supervision by the probation service in work to address their offending. This aspect of their role was, in our opinion, too often neglected or overlooked but both could and should be developed, particularly when working with those women who probation found otherwise hard to engage.

11. Relationships between women's community centres and offender managers were often underdeveloped and it was apparent that work at the centres was often undervalued by probation staff who did not consider it integral to the achievement of the sentence plan. The centres, despite being a valuable resource in themselves, consequentially suffered, in varying degrees, from being isolated from the work of probation. Referral rates were frequently low. However, where centres were used effectively, they provided a safe place where work could be undertaken to address both the current and any future offending by the women concerned and promote their compliance with their order.

12. Sentencers were generally amenable to imposing non-custodial sentences on offenders where they posed only a low risk of harm to others; they worked hard to establish the right balance between the needs of the woman, the gravity of the offence and the risk of harm to the local community. Whilst the sentencing guidelines did not allow for women offenders to be treated differently from men, mitigating circumstances, often linked to complex domestic situations, permitted sentencers to apply different approaches in many women's cases.

13. Although sentencers were generally content with the quality of pre-sentence reports prepared for them, we considered that reports did not always promote community sentences as a credible sentencing option nor did they always provide a sound base on which to plan the work to be done with the woman during her sentence.

14. The general view amongst sentencers and lawyers was that the probation service had no discretion about instigating breach proceedings and that orders were enforced rigorously. Those who failed to comply with community penalties were likely to be sentenced to custody, albeit often for short periods. Such action was very much regarded by sentencers as a “last resort” and had a huge impact on the lives of the women concerned, and that of their families. The short duration of the majority of such sentences meant that there was little time for resettlement planning in the custodial phase. Despite some interesting initiatives in two of the prisons we visited, most of the women we spoke to felt that too little was being done to assist them on their release.

15. The importance of effective engagement with the women offenders whilst subject to any form of community supervision was therefore crucial and more attention needed to be given, in our opinion, to promoting compliance. The vast majority of the offender managers we interviewed had positive relationships with the women they supervised. However, we were somewhat disappointed by the lack of empathy shown by some for the women they supervised and their low level of knowledge about how to work differently with this group of offenders. Some offender managers lacked understanding about the range of resources available to them or otherwise failed to engage women positively in the supervision process. Too often they allowed process and performance measures to dominate their thinking and, despite the work that had been undertaken at a strategic level, often within their own region, lacked the awareness and underpinning knowledge to work with women effectively.

## CONCLUSION

16. A considerable amount of work had been undertaken at a strategic level to ensure that the specific needs of women were taken into account within the criminal justice system and it was evident that sentencers were working hard to establish the right balance, when taking decisions in court, between the gravity of the offence, the needs of the woman and the risk of harm she posed to others. Nevertheless, many women, often those who posed only a low risk of harm to others, continued to find themselves in custody, frequently for breaching their community order or licence.

17. It would therefore appear to be a case of a “work in progress”. We found that the non-custodial options being put forward and taken up in respect of women offenders were credible to the courts but not always to the women themselves, as shown by their lack of engagement and failure to comply with the basic requirements of their supervision including attending appointments and undertaking work designed to reduce their likelihood of reoffending. Some offender managers clearly still lacked the skills and knowledge to work with women offenders effectively. The work undertaken at a strategic level now needs to be consolidated in order to embed the changes required into practice. The maintenance of this agenda would be challenging at any time and will be particularly so during a period of budget constraints, significant organisational change and conflicting priorities, but is crucial if the investment already made is to be fully realised.

September 2012

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### Written evidence from Voices from Prison, facilitated by Women in Prison<sup>13</sup>

#### 1. THE SUITABILITY OF THE WOMEN’S CUSTODIAL ESTATE: AVAILABILITY OF APPROPRIATE PROVISION

##### 1.1 *Women with children*

- “I am a mother of five boys and one girl and at my youngest’s 9th birthday party I was arrested and taken to my local police station for non-payment of Council Tax fine. I arrived at the police station and the gentleman in charge of custody phoned the local council who said that my debt was being paid but on the wrong bill—and that apparently there was nothing they could do because the Court had already made an order that I do 46 days in prison. I was taken straight to Bronzefield with no clue what was happening.”
- “This has specifically affected me as I have recently been transferred from HMP Peterborough (27/6/12) to HMP New Hall. Peterborough is my allocated prison and my nine year old twins come a short distance from Stevenage, North Hertfordshire, to visit me every family visiting day. I last saw them on 2 April and was due to see them again on 23 July but now I am stuck in Yorkshire and it is too far for them to travel. I have been told I was moved because of the Olympics and there will be no possibility of a transfer back until their conclusion. This may well result in me not seeing my children for seven weeks and has caused both them and myself great distress. They also tried to transfer me to New Hall on 2 April due to ‘overspill’ but they didn’t make me go as I was due to see my children that day. There is clearly no forethought whatsoever in the process by which people

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<sup>13</sup> Women in Prison have been providing support services to women affected by the Criminal Justice System for more than 28 years. In the year 2011–2012, 4,689 women accessed our support in prison and in the community. The extracts below are taken from letters received and 1–2–1 contact with the women we work with. It is not intended to cover the entire remit of this inquiry but to give voice and some expression to those *women who do experience prison*, as opposed to legislative and statistical information covered by other submissions.

are selected for transfer and the upset that it causes. I had specifically requested not to be moved from Peterborough on numerous occasions, but I was still moved a great distance from my children. It seems very clear that they randomly grab a pile of names and get rid of them as I am a model prisoner with an exemplary disciplinary record. Moreover, there are innumerable prisoners still residing in Peterborough whom have specifically requested transfers and have family ties in this part of the country. I understand that prisoners sometimes have to be moved around for a variety of reasons, but can the transferring prison please be given a directive to select the prisoners more carefully—ie to take into consideration their family ties, particularly with children, in order that displacement can be avoided if at all possible.”

- “I believe that many women like myself, a single mum with dependant children, convicted for a minor offence (I didn’t commit) should be made to serve a community sentence to avoid tearing the whole family to pieces.”
- “My girls had only ever had me in their lives. I was not given any pre-sentence visit to discuss the welfare of my daughters or how I was expected to pay a mortgage and all the bills with no income during my incarceration. All my child-tax benefit was all stopped—do they think that your home and dependants can live on fresh air.”
- “My middle daughter struggled so much with my absence and couldn’t turn to anyone to help her and she started self-harming and attempted suicide twice. My family were torn to shreds because I was wrongly accused of a crime which I was not guilty of and no-one cared how my children would cope or how everything would be paid for.”
- “I believe a lot more thought needs to go into sentencing of women with dependant children for a first misdemeanour. If they carry on and repeat the crime then they will suffer a custodial sentence as they had their chance to sort themselves out the first time around.”
- “I heard a woman being told (by an Officer) bluntly ‘You lost your children [at Court hearing] today’.”

#### 1.2 *Mental health*

- “...what shocked and disgusted me when I first came to prison (02/09/11) was the amount of people suffering from severe mental health problems that clearly needed to be in a mental institution and not in prison. Common practice in Peterborough would be to leave them on the wings with everyone else until the problems created by them got out of hand and all the other inmates were complaining about it. At this point they were moved to health care where they stayed for many months at a time. Prison officers are not trained to deal with people like this and it is a travesty that they are locked up in prison when their mental health problems are so severe.”
- “Women with mental health needs are still able to mix in normal [prison] population and can still be a danger to women and staff.”

#### 1.3 *Domestic violence*

- “Why are male prison officers able to work with vulnerable women (eg domestic abuse victims etc) when this is intimidating and often humiliating for women?”
- “I was a victim of domestic violence for many years. I came to prison in 2007 but found no support really, regarding Victims of domestic abuse.”  
 “I did however complete the freedom programme to do with domestic violence in 2009 which gave me the tools I needed to motivate myself but I found the course to be too short as it took a few weeks for some women to open up and trust people, by the time this had happened the course was almost finished.”  
 “However, a new course called ‘The Power to Change’ started up in Bronzefield in July 2012 and lasts for two weeks but spread out into 14 session and covered everything from ‘basic rights’ to ‘why is it so hard to know’ and even looking at what a healthy relationship actually is. I myself completed this course and have seen a massive difference in my thought pattern and decision making towards Relationships, I also saw Very broken women find comfort and strength from completing the course. On that note I would like to say the support around domestic violence in prisons is getting much better and I urge any woman who has suffered this abuse to look into doing this course as its helped me so much, now I feel so much more confident and in control of my life.”

#### 1.4 *Foreign nationals:*

- “There are no support for foreign national at all and I never got help for any issues I brought up.”
- “Please we need help, I am a foreign national and calling my family is so hard as is really expensive and I don’t have no family here.”
- “Foreign nationals—language line [interpreting] is now not in use increasing translation difficulties.”

### 1.5 *Women on remand*

- “First night house—lots of concern from women (many in group listeners and first nighter orderlys) around bullying of new women by others on remand. Too few staff, staff can’t cope with needs of those just coming into prison and those already living on remand wing, very chaotic, staff not trained, lots of drugs and trading. It was discussed that if a separate first night house existed—would give women chance to settle in, detox, sort issues before joining rest of prison—would reduce bullying and trading, easier for staff to help people.”
- “Staff need more training and support to deal with everything that goes on in remand unit!”
- “Remand women have different rights, what they can access in prison is different—should be explained better on induction.”
- “Why women who are remanded and eventually found innocent have to go [through] the trauma of women who are convicted?”

### 1.6 *Disabled women*

- “Please help to get us women (...) (Disabled) out of prison. We are locked up to long disabled people locked up all day in HMP Bronzefield not in other jails—no companion for disabled—please free us women short or long sentences.”
- “Help women in prison. Disabled people locked up all day behind the door. Only here in Bronzefield.”

### 1.7 *Older women*

- “Support for women over 60; difficult in getting to see a doctor for serious illness Women’s prison are still very much run as a male establishment....”
- “Women over 50 with any health needs.” [need support]

### 1.8 *LGBT*

- “LGBT Support?; Through the Gate should be statutory in provision.”

## 2. THE SUITABILITY OF WOMEN’S CUSTODIAL ESTATE: PRISON REGIME

### 2.1 *Sanitation, food, health care*

- “I had a two-year prison sentence. Having never been in trouble with the law in my 52 years of life, prison came as an utter and traumatic shock. The conditions are disgusting. I was put in a new cell where the thin item they call a mattress had hundreds of stains of every type on and stank to high heaven, under the bed were sheets stinking of urine and just left there and I was told it was up to me to remove and wash the sheets and the ‘mattress’ was normal for prison.”

“I couldn’t believe they expected you to live in such disgusting conditions. Lying on such thin mattresses on wood hurt your back and hips and you end up having to use your few items of clothes as padding to try and sleep.”

“The food is also disgusting. Obviously, it’s the cheapest type of anything they can get and often out of date. Any extras you were offered were always out of date. You would have human hair and all sort of muck in the food which was very poor quality and enough to feed a hamster.”

“..... Whilst in prison I suffered a stroke, two haemaplegic migraines and left with a really bad back and painful hips from the sleeping quarters and enough long-lasting mental issues from what you through in prison, to put you in a mental asylum. If you weren’t mad when you went in, you sure could be by the time you get out.”
- “Sanitation—wing remains in a poor state as all other wing on other prisons.”

- “On my arrival I was searched handed a bag and saw a nurse who said I did not need to see a doctor till the next day. Even though I told her I had long disease and was a methadone script. I have now been here over two weeks and was given a doctor’s appointment a few days after I arrived but was not told how or what to do. By the following evening I was so ill that an officer took me to see the doctor who refused to see me even though the officer pleaded with him as I was so ill. But the doctor would not see me and point blank refused. He told the officer that there was a methadone script for me at the wing and that I would have to wait for medication till 5 o’clock in the afternoon. Even though the Officer spoke to him and told him that I was vomiting continuously and that I was dizzy to the point that I was held up by the officer. The officer apologised for the doctor. I was given 65 mls of methadone without seeing the doctor and I did not see a doctor until over a week later. So I was in prison over a week before I saw any sort of doctor. Lots of women have similar experiences with seeing doctors when they need to, there seems to be a Huge waiting time before they are seen by the right doctor. And if for any reasons such as headaches, toothaches etc women are waiting days for painkillers, as an example I had an asthma attack on my first night and it took the nurse half an hour to bring me my pump. What is going on with women’s health in prisons I have had so many stories told to me and I have seen many more. What is going on with health in our prisons?”

### 3. COMMUNITY PROVISION FOR WOMEN

- “Do these even exist anymore? It seems clearly apparent to me after all the people I have met since coming to prison, that custodial sentences are being dished out left, right and centre. So many people, including myself, of previously good character for whom this was their first offence. Custodial sentences for drink driving or non-payment of a TV license seems a little extreme to say the least. Of course, I do not pretend to know all the facts, but it would certainly be interesting to see some statistics regarding the volume of community sentences as opposed to custodial ones.”

#### 3.1 *Barriers to engagement*

- “I got sentenced to the NDAR Programme and had to go to the Moss Side Probation Office to do it. I was really embarrassed walking in, as I know lots of people in the area and I was scared that people would recognise me. I live in a strict religious community and if they found out I was on probation, I would be treated like an outcast.”
- “I was on the NDAR. We had to sit in a big room and there was about ten men and me. I was the only woman! There was no way I was going to talk about stuff in front of all those men. Then when I wanted to go to the toilet, the staff made me use the men’s toilet as there were no ladies toilets in that part of the building. I didn’t go back and in the end I could have been breached if my support worker hadn’t got involved.”
- “I have to travel from Rochdale to the centre of Manchester for the ‘Women’s Programme’. I’ve got three kids and it’s a real struggle to get them all to school and then get three buses into Manchester in time for the start.”
- “I’ve had a tag and it was really hard. Not for me, but my eldest son is 15 and if he wasn’t back in time for my curfew, I couldn’t even go to the bottom of the street to look for him. I was always scared that I was going to get in trouble if I was out past 7pm, but at the same time I was more worried about him.”
- “Community Payback is the worst.....We would sit down on our breaks and you could see people from the local community looking at us. You knew they were just thinking; ‘Look at that bunch of lazy gits’. They would turn their heads or even worse, shout at us, it was awful. I had a big yellow jacket on and I would have died if any of the mums I see at school had seen me.”
- “Sometimes, not enough people turned up to do the group and so my probation officer would do it 1-2-1 with me. We got through a whole session in 15 minutes one time. It felt like she was just rattling through it to get me out of the office. She wasn’t interested and I got nothing out of it.”
- “I did my order at Longsight where they do all the Community Payback. In the morning, there would be loads of young lads hanging about waiting for the mini bus. Sometimes you would have to walk through a crowd of about 20 lads. It was scary.”
- “There was loads of reading and writing, I didn’t understand half of it.”
- “I had four different Probation Officers over 12 months. It was rubbish. I never got to trust any of them. I would just get to know one and then they would be off and I would have to start all over again with a new one.”

#### 3.2 *Good points*

- “I’m on the ‘Women’s Programme’ in Manchester. It’s long and it’s hard but it’s the best one I’ve been on. I’ve done others but this has been the only one where I feel I got a grip on all the reasons why I have been getting into trouble in the first place. Because it’s so long, I got to know the other girls and the staff and I wasn’t so embarrassed about telling them stuff as I knew that some of them were going through the same thing.”

- “They’ve got a crèche at the place where I do my course and that’s great, because it means I don’t have to worry about the kids, especially during school holidays. Also, it’s really good for me as it means I get a break myself. I have them all day and I actually enjoyed sitting with the staff and the other women and just being able to talk about stuff.”
- “I was having problems getting to the course. My fella always kicked off when I was going and it always ended up in a big fight. In the end I stopped going because I couldn’t be doing with all the aggro. I started to get breached all the time, but in the end I had to tell my support worker because I was worried that I would end up going inside. She told my probation officer and they got it all sorted. It was like a massive weight off my mind that they actually listened to me and knew I wasn’t just trying it on.”
- “There’s a Support Worker attached to my course. She’s not part of Probation and so you feel like you can tell her anything. She’s sorted out loads of things for me. She got in touch with the Council Tax for me and sorted out my bill and also got me a free buggy when the baby was born. She’s great.”

### 3.3 Housing and other provision post prison

- “I rang you last week and you said to write about my experience on ‘HDC’ and my ‘Recall’ and how I didn’t cope.

So I thought I would put pen to paper and write it all down.

I was sentenced to three and a half years on 1/4/2011 after spending months on remand. I spent 11 months of my sentence at Eastwood Park and moved on to ‘Send’ and did a remaining seven months.

I was an enhanced prisoner and had good jobs and had done a lot of education.

I would like to thank you for my Diploma you funded in Drug, Solvent and Alcohol, Counselling Level 4 as I passed it on 8/5/12 with a Distinction. I also did an NVQ2 in Business Admin in 11 weeks at Send.

I was living on the resettlement wing at ‘Send’ and worked cleaning the visits centre, outside the gate and volunteered in the tea bar. I had a good prison record.

I got my ‘HDC’ eight weeks late and due to this missed my grandad’s funeral and had problems with probation which I had to get a solicitor to help me with.

I was released from ‘Send’ on ‘HDC’ on 2/7/12. Probation had arranged for me to stay in a ‘SB’ hostel in Plymouth during my HDC. I arrived at Plymouth and on first sight, the flat was lovely and more than what I expected. The hostel was meant to be ‘low risk’ and there were three other girls there.

The first night ‘S’ introduced herself as my neighbour. She seemed ok, but I was later to find out that she was a big problem. She latched onto me and I could not even eat a meal alone. She was spending her money on drugs, so was looking to free load. She was stressing me out. I couldn’t go to the Key worker as the Key worker thought she was brilliant, but she was far from that as she showed me she was storing her meds to take into her Bf prison. I began to feel really unsafe. My anxiety attacks were through the roof. I went to the doctors begging for help and told probation how I felt, but I had three different probation officers in three weeks that did nothing. I went to other agencies for help and self-referred and was put on waiting lists, in three weeks I got no real help for my mental health. I could not sleep and felt very alone and isolated in Plymouth as it is not my area.

I also did not like the people who were trying to hang around me and didn’t know what to do. As a ‘MAPPA’ I have to be so careful as a I had so many licence conditions put on me. I felt stressed, alone, isolated and unsafe.

On top of the anxiety I had other issues I was trying to resolve.

Due to the Jobcentre lady being away when I was released I had to put my ‘care grant’ in late and my benefits ran late as I had to deal with it myself. I had to get £56.00 crisis loan to eat and pay my service charge for two wks and the benefits gave me grief for asking for that, they have a very rude manner. I had loans before and I have always paid every penny back!

I was trying to sort my bank account out and housing. I had my licence with my photo, but everything was an ID problem. I felt I was hitting my head against a brick wall. I’m not allowed abroad, so have no passport and I don’t drive so have no driving licence, due to this I had ID issues. After being inside for 18 months I didn’t realise how hard it was outside and wasn’t prepared.

The hostel wasn’t working out, trouble was starting as there was a lot of police attendance on our street, fights, dealers, drunken brawls. Yes, probation put an alcoholic in the middle of three pubs, two off licences and a street known to the police for prostitution and dealing.

I felt unsafe in the hostel and couldn’t sleep. I had probation on my back, hounding me. My old probation from Cornwall kept ringing me, even when I was shopping in ‘Sainsbury’s’ at 9 am asking if I felt like drinking. Well, I hadn’t and didn’t until that point. I felt more imprisoned than in prison.

The next few weeks probation wouldn’t let me write each week to my partner as agreed with the solicitor and were stressing me out, I felt I had no life on the out or support.

After three weeks, I hit the bottle, I couldn't cope, I couldn't get help, I knew I needed to come back to prison to get away from the hostel, 'S' and get help for my anxiety as it was out of control. Due to the 'Under 35' Housing Rule, which I didn't know about, I saw no hope, no future of being able to have a chance to rebuild my life. I think the 'Under 35' rule is a disgrace and will cause more street homeless—I had it, lost the plot and I walked down to the police station to get recalled. I had breached as I had drunk. My bags were packed and ready and two days later, I was back in Eastwood until 15/9/12.

This time, 'DM' a church lady from 'M' is trying to house me into their dry community. But due to the 'under 35' Housing rule, Housing only pay £63 a week and she is struggling to find me a place I can afford. It is still looking grim. She has voluntary work ready for me and daily support away from addicts.

So in a nutshell, I came back to prison to get well. I'm now on beta blockers for the anxiety and new anti depressants to help me sleep. I feel a lot better.

But when I go out in five weeks, I'll have nothing again and yet again another battle with the benefits, they don't even give you time to adjust before calling you for a medical even when a doctor tells them I was unfit to work for a few months due to my anxiety.

I get really hope next time I get through it. I have not family support and if it wasn't for 'D', 'R' and 'C' for the church I would have no one.

So I'm back in 'EWP' to get well, for the mo. That is my story briefly and I was just wondering if you could offer me any support as I'm trying to be organised this time so I do not fail.

I feel probation are trying to set me up to fail.

It would be good if you could give me any help or advice."

### 3.4 *Starving hungry and freezing cold on the outside*

- "I just thought I'd write you a little letter to say thank you for all your support whilst I was in prison I'm now home which I am glad about but also still really scared about what may happen with my life on the out side I am living with my partner but am back to square one. No money, no food, I am using candles for light as whilst I was in prison all my money got stopped so I am living on nothing at all as your aware I haven't got any family to help me out due to the life I have choose for so many years. .... I have been out since the 8th of April its now the 13th and haven't touched any drugs and have just been trying really hard to be a better person I need my family back in my life. Id also like to thank you for trying to get me a grant for when I got out of jail but I got the grant form on the Wednesday and was going home on the Friday so didn't have long enough to get it all done it would of really helped me but even though I never managed to get it you have still helped me mentally. I have made an appointment for a new claim. Its not till the 21st of this month so I don't know what Im going to do till then. I have asked my Probation Officer for some vouchers to get some food shopping and some gas + electricity but they said they don't do that. I cant understand why they cant help me they say they are hear to help us women when we get out of prison but yet they don't. I haven't got a penny and am sitting in a flat with no Hot water, heating electric or food but don care. It gives me no option apart from going to commit a crime which I really don't wont to do I really wont to turn my life around but am starving hungry and freezing cold I have been going to my local Church to keep warm in the day till they close."
- "Why more is not being done to ensure housing on release. Why it is so difficult to get appointment with OMO—I appreciated they are pushed to the brink with workloads, should there not be more OMO supervisors in situ in prisons. Why more money is not spent in providers such as WIP + Newbridge."

## 4. SOME QUESTIONS THE WOMEN WOULD LIKE THE COMMITTEE TO ASK THE GOVERNMENT

Q.1 Why so many women especially single parents are given custodial sentences for minor crimes costing the taxpayer thousands instead of community sentences?

Q.2 Why are male prison officers able to work with vulnerable women (eg domestic abuse victims etc) when this is intimidating and often humiliating for women?

Q.3 Would you put it to the Government that heroin withdrawal need to be looked into, methodone and subotex is a tradeable commodity.

Q.4 I am IPP and I'm five and a half years over tariff, is there any new news or information about IPPs rotting in prison?

Q.5 Why are pregnant women still handcuffed?

Q.6 Why more is not being done to ensure housing on release?

Q.7 Why isn't there a specialist service for women being told they are losing their children, when they are going into custody?

Q.8 Have plans for “Titan” Prisons been shelved? Have experimental “villages”—style prisons been investigated (Denmark or Iceland)?

Q.9 How are they going to resource 78% of women coming back to Newhall? Re-offending is too high.

Q.10 Do you really think that you understand women’s needs and if not, what are you willing to do about it, apart from getting data you don’t act on?

*September 2012*

### **Written evidence from the Corston Independent Funders’ Coalition (CIFC)**

The Corston Independent Funders’ Coalition (CIFC) welcomes the Justice Select Committee Inquiry into women and the Criminal Justice System (CJS). The CIFC brings together a group of charitable Trusts and Foundations which have funded voluntary sector agencies that work in the criminal justice field over several decades. For this reason we wanted to draw the Committee’s attention to the very different and specific role which charitable foundations play generally in the criminal justice sector and more particularly in helping to progress the recommendations of the Corston Report. (In 2010 alone it is estimated that independent funders invested over £34 million in work with offenders, both in the community and in prisons.) The CIFC was formed in 2008 to press for the full implementation of the Corston Report and to work together with government departments and the voluntary sector to support that implementation. It represented a unique collaboration of grant makers bringing their joint influence to bear in advocating for the reform needed in an area of social justice in which we are key stakeholders. The Corston “blueprint for reform” offered the chance to develop a system-change model required to address the specific needs of women offenders and those at risk of offending thereby providing a just and proportionate disposal for women that ensured the gender equality duty was upheld.

As independent funders we have both the evidence and insights to support the proposition that prison is not the best way to reduce women’s offending and that for most women community based projects are more effective. With the Ministry of Justice (MoJ) we have provided specific funding that has developed sustained and strengthened holistic women’s community services and, in Women’s Breakout, created an infrastructure which, it is hoped, will maintain their development.

To give some context to our involvement with this agenda: in 2008, the MoJ took up our offer of constructive dialogue and we worked closely with Maria Eagle, Champion for Women in the CJS, and officials as they took forward the implementation of key Corston recommendations. Following on from the allocation of £15.6 million in 2009 to develop and expand the network of women’s projects with wraparound integrated services, we joined with the MoJ in a ground-breaking partnership. Our match-funding of the two phases of the Women’s Diversionary Fund (WDF) in 2010 and 2011 provided a further investment of over £5 million to sustain the network of over 30 women’s projects and establish Women’s Breakout, their infrastructure organisation. As highlighted in the Cass Business School’s review of the CIFC in 2011, “Funders in Collaboration”, “without the WDF there would have been no initial £2 million to sustain projects coming to the end of previous MoJ funding or to develop services where there were important gaps. And there would have been no £3.2 million rescue package for women’s centres, many of which would have run out of funding and folded long before April 2012”.

CIFC has maintained its interest and commitment to the women’s agenda, an interest we sadly feel is not matched by Ministers, given the lack of sustained focus on reform and the absence of a strategy to achieve it. The unusual and real partnership between the charitable Trusts and Foundations and the statutory authorities represented, in our view, a golden opportunity to do things differently. We are deeply disappointed by the missed opportunity represented by the failure by the MoJ and NOMS to follow through on that partnership. CIFC continues to meet with officials in the hope of bringing our influence to bear and to share our experience in sponsoring innovation, but it is apparent that our involvement is no longer a priority. Perhaps this is due to a loss of corporate memory of previous progress made and of what is needed to build on that progress. The dismantling of the cross-departmental CJS Women’s Strategy Team and Inter-Ministerial Group on women has most obviously contributed to that memory loss. The lack of a transparent specific strategy for women means there is no obvious framework for the sustained delivery of the Corston recommendations that is sorely needed. To the CIFC, there just seems to be a confused jigsaw of what is being planned, without any clarity of vision or on outcomes sought. We remain convinced that we have an important role in this agenda, given our substantial investment in the development of the network of holistic women’s projects—the “bedrock” needed if there is serious intent to deal effectively with women in the community rather than custody. However, faced with the current confused “jigsaw”, we are now unclear how our role fits in.

Many Trusts have had a real interest in acting as a catalyst for voluntary sector agencies to contribute a key role to the innovation needed for this agenda. The MoJ and NOMS could have built on the partnership offered by the CIFC, together with the women’s projects and Women’s Breakout—an exciting and non-departmental, outward facing partnership—and could have made that partnership a key part of the innovative systems-change needed. Instead, rather than engaging directly with the women’s projects, they appear to have distanced themselves, floating them off from their sphere of influence with the plans to give Probation Trusts the

responsibility to fund/commission the projects. Funded by NOMS only until March 2013, the projects are yet again on a “cliff edge” as their future remains precarious and gaps in provision remain.

The relationship between criminal justice agencies and the voluntary and community sector has changed over the last 15 years. The Probation Service’s long history of collaboration with voluntary and community-based organisations was underpinned by a mandatory top-slicing of their budgets but this has now gone and, under pressure to survive, their relationship with the sector has diminished. NOMS, and before it the Prison Service, has always had a tendency to think that “voluntary” equals “free” but over the years their appreciation of what voluntary sector agencies can contribute has markedly increased. Nevertheless, the CJS has relied heavily on financial investment from charitable funders for decades. The MoJ needs that investment but cannot assume its automatic continuation unless it displays some energy in its proactive engagement of Trusts as an equal partner. The lack of sustained engagement with Trusts’ interests in innovation and systems-change brings a real risk that they could turn their attention away from the CJS to more fruitful ground.

We are convinced that this Inquiry presents a real opportunity to set out to Ministers the steps that are required to get the Corston agenda back on track.

Key elements needed:

1. A published strategy which sets out the Government’s plans to reduce the number of women given a custodial sentence by making full use of the community services available. This strategy should contain a route map which shows:
  - (a) How, in the light of the move to localised commissioning, the position of the centres is sufficiently strengthened that they stand a fair chance in a very difficult commissioning environment.
  - (b) Markers on the journey towards successful localisation which signpost how, over the next three or four years the women’s centres’ evidence base across all of the outcomes of interest to local commissioners is improved; which recognises their role in joining up service responses to the wider set of “women at risk” issues and which underlines their role in helping local commissioners fulfil their collective Gender Duty responsibilities.
2. How this agenda connects with other disparate current policy elements, such as “Troubled Families” or Violence against Women, by drawing them together to improve their impact and achieve the best “gains” from the social and economic impact of holistic services for women at risk and not just women who have offended.
 

Not least amongst these gains are the financial benefits of limiting the next generation of offenders.
3. How the necessary joint working across departments centrally and locally will be achieved.
4. How the strategy will be delivered and lead—clear leadership together with the core infrastructure and champions needed to deliver sustained reform.
5. Better use of the Gender Duty as a lever for change and engagement with sentencing, both in its formulation and delivery.
6. CIFS itself needs Ministers to engage in a genuine partnership with both funders and the voluntary sector, taking advantage of the creativity, experience and commitment there to make real progress in achieving systems-change through innovative approaches to practice and resourcing mechanisms.

*September 2012*

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**Written evidence from Clinks and the Reducing Reoffending Third Sector Advisory Group**

This evidence is submitted jointly by Clinks and the Reducing Reoffending Third Sector Advisory Group (RR3). Clinks is the national umbrella body supporting Voluntary and Community Sector (VCS) organisations working with offenders and their families and provides the Secretariat to the RR3. The RR3 recently responded to a request by Crispin Blunt, Minister for Prisons and Probation, to convene a time-limited Task & Finish group to produce a series of recommendations on women. The resulting paper (published May 2012) addressed the need for a distinct national approach to women at risk of offending and discussed the urgent need for clarity over where responsibility for specialist services for women will be located in the shifting commissioning environment. The final paper with a full list of contributing VCS organisations accompanies this submission.

The Task & Finish group took a dynamic approach to the task by analysing the key routes of girls and women into and out of the CJS and considering how to stem the flow in a more gender-sensitive way. This routing exercise revealed the larger reality that successive failures to divert girls and women into gender-specific and supportive community-based services have allowed the escalation of chaos in their lives and perpetuated the vulnerability to abuse that very often leads to tragic consequences for the women, their families

and communities. International research supports the contention that a gender-specific approach is required to improve outcomes for women offenders.<sup>14</sup>

Though there has been some progress since the publication of the Corston Report, many of the damaging effects identified—for example, the disproportionately harmful impact of prison on women and their children and the futility of short custodial sentences—remain ingrained in the system. The group believes that fundamental systemic change is required to bring lasting transformation to the treatment of girls and women in the CJS. The diagram appended to this submission represents a shift from fragmented service provision and sporadic use of women-specific services to a holistic, whole systems approach which addresses the specific needs of girls and women and maximizes the positive contribution of women’s community facilities.

Summary of recommendations:

- A national, cross-departmental strategy is required, under ministerial oversight, to consolidate the agenda set by the Corston Report.
- The Ministry of Justice (MoJ) and NOMS should adopt a twin-track system of commissioning for girls and women, including components at both national and local levels.
- Women should be specifically targeted in the piloting of new financial instruments, such as payment by results and local justice reinvestment models.
- In order truly to redress the disproportionality exposed by the Corston Report, a substantial debate is required about whether imprisonment is an appropriate response to the levels of risk and types of offences typically committed by women.

*1. The Ministry of Justice’s strategy for women offenders and those at risk of offending*

1.1 Despite the government’s commitment made in March 2012 to publish a document outlining the Government’s strategic priorities on women, this is yet to be forthcoming. The delay has compounded a sense of frustration within RR3 about the response to date to its own report. While RR3 understand that the substantive structural changes proposed represent a long term vision, the group has voiced its disappointment at the lack of strategic uptake of its more immediate, interim recommendations.

1.2 The shift towards more localised commissioning presents an opportunity to provide the constellation of services required for a more responsive approach to women, reduce the isolation of many women’s projects and ensure more joined up thinking and delivery between local services. However, the proportionately small numbers of women offenders compared with men raises serious concerns that the needs of girls and women will be marginalised and inconsistently addressed at local level, with very harmful consequences. In view of these tensions, we propose a twin-track system of commissioning for girls and women, including components at both national and local levels. This would encompass the development of a new national strategy and framework of quality standards, complemented by joined-up local commissioning to meet complex needs and address the social exclusion of girls and women within communities.

1.3 It is essential that future strategy cuts across the whole criminal justice system, recognising that the distinct experiences of vulnerable girls and women are often rendered invisible at the multiple criminal justice entry and exit points. For example, slowing the number of women entering prison for breach would represent a key strategy for reducing the use of custody. This would require greater discretion for criminal justice practitioners and sentencers alongside a richer understanding of the complex reasons behind breaching and the development of appointment systems and locations that support women’s compliance.

*2. The Ministry of Justice governance structures for women’s offending*

2.1 Following the MoJ restructure, it is of concern that there is no longer a Criminal Justice Women’s Strategy Team in place. Although the appointment of staff specifically responsible for policy on women within the MoJ Policy Group was a welcome development, there is an urgent need to consider whether sufficient resources have yet been committed to developing a national strategy.

*3. The extent to which work to address the multiple and complex needs of women offenders is integrated across Government*

3.1 In order to consolidate the agenda set by the Corston Report, we would support the development of a national cross-departmental strategy for girls and women at risk of offending, under ministerial oversight. A joined-up approach is needed which brings together high level leadership from MoJ, NOMS, Home Office, Youth Justice Board, Department for Education, Department of Health, Department for Work and Pensions, Department for Communities and Local Government and its Troubled Families Unit. This grouping should take responsibility for developing the high-level strategy for a system re-design, including determining which services should in the longer term be commissioned at national and local levels.

3.2 At the local level, the recent Criminal Justice Joint Thematic Inspection of alternatives to custody for women offenders examined the work of probation with community partners. It found that provision for mental

<sup>14</sup> Scottish Commission on Women Offenders. 2012. *Final Report*. Online: <http://www.scotland.gov.uk/Resource/0039/00391828.pdf>

health and housing was generally poor. For over half of the women in their case sample, mental health services were unsatisfactory. It will be essential for the new Health and Well-Being Boards to assess the mental health and substance misuse needs of women at risk in their local areas, and to include those women as a specific cohort within joint strategic needs assessments and plans.

3.3 To prevent the re-marginalisation of women in the development of new funding instruments, we propose that women should be specifically targeted in emerging pilots. For example, in considering the shift towards outcomes-based commissioning, VCS organisations have highlighted the need for payable outcomes to be tailored to women's specific needs.

3.4 We propose one or more local justice reinvestment pilots, bringing together all the key statutory and VCS agencies to co-commission an integrated set of community interventions aimed at responding to vulnerabilities, diverting girls and women from the CJS, reducing offending and minimising harm. In line with the current financial incentive models in Greater Manchester and London, if the authorities involved can demonstrate reductions in the number of girls and women entering custody, any savings generated could be made available for reinvestment in local community provision.

3.5 Given the perilous position faced by many VCS organisations and the difficulty securing funding for innovative projects, which by nature lack a solid evidence base, we advocate for grant funding to remain available for some services, especially very specialist and small scale provision.

#### 4. *The extent to which the gender equality duty has become a lever for mainstream service commissioners—outside of the criminal justice system—to provide services which tackle the underlying causes of female offending*

4.1 The failure to deal effectively with the needs of girls and women at risk in the community has meant that prison has often been utilised as seemingly the only disposal available to the courts for women appearing before them who are living rootless, chaotic lives. More work is therefore needed at the preventative end to bring greater visibility to the needs of women at risk of offending with commissioners of mainstream services. Violence against women and poverty both exemplify causes of offending that have a clear gendered dimension, and where service provision is at risk in the unstable financial climate.

4.2 *Violence against girls and women:* The critical link made in the Corston Report between victimisation and women at risk of offending remains persistent. Women in Prison data reveal that 79% of their service users report experience of domestic violence and/or sexual abuse.<sup>15</sup> Recent research demonstrates a dramatic and uneven reduction in local services to prevent and protect violence against women and girls and it is feared that this will result in an increase in such violence.<sup>16,17</sup> It is therefore essential that any approach to women has, at its core, a strategy for responding to these overwhelming levels of violence and abuse.

4.3 *Poverty-related offending:* As part of Clinks' monitoring of the economic downturn, VCS organisations have identified worrying signs that the economic downturn is impacting disproportionately on women, with cuts to services that provide assistance with legal access, benefits and debt advice, housing support and mental health provision in the community. In a Women in Prison consultation in November 2011, all the women reported the closure of a service that they had accessed and they were experiencing a variety of reductions to their benefits, child support payments, perceived job opportunity and opportunity and access to quality local services. Women are often part of the "hidden homeless" group and St Mungo's have found that, despite linking in with multiple services, women with complex needs often fall through the gaps in service provision.<sup>18</sup> Homeless Link research found a reduction of 40% in women-only accommodation over the last year.<sup>19</sup>

#### 5. *The suitability of the women's custodial estate and prison regimes*

5.1 In order truly to redress the disproportionality exposed by the Corston Report, a substantial debate is required about whether imprisonment is an appropriate response to the levels of risk and types of offences typically committed by women. Just 3.2% of women in prison are assessed as high or very high risk of harm to others.<sup>20</sup>

5.2 Many women are held far from home making it difficult to provide them with an effective resettlement service and to maintain links with their children, families and communities. Additionally, VCS organisations report lack of staff resource within prisons to facilitate access to clients in order to formulate plans for release.

<sup>15</sup> Women in Prison. 2009. *Response to Together We Can End Violence Against Women Consultation on a National Strategy on Violence Against Women*. Online: <http://www.womeninprison.org.uk/userfiles/file/Women%20Offender%20Campaign%20Network%20Response%20to%20the%20Way%20Forward.doc>

<sup>16</sup> S Walby and J Towers. 2012. *Measuring the impact of cuts in public expenditure on the provision of services to prevent violence against women and girls*. Online: <http://www.trustforlondon.org.uk/VAWG%20Full%20report.pdf>

<sup>17</sup> D Sands. 2012. "The Impact of Austerity on Women", *The Fawcett Society*. Online: <http://fawcettsociety.org.uk/documents/The%20Impact%20of%20Austerity%20on%20Women%20-%2019th%20March%202012.pdf>

<sup>18</sup> St Mungo's, Women's Resource Centre and Homeless Link. 2012. *Spotlight on Homeless Women—20th June 2012*. Online: [http://homeless.org.uk/sites/default/files/Womens%20Spotlight%202012%20-%20Report%20v2%20-160812%20FINAL\\_0.pdf](http://homeless.org.uk/sites/default/files/Womens%20Spotlight%202012%20-%20Report%20v2%20-160812%20FINAL_0.pdf)

<sup>19</sup> Homeless Link. 2012. *Homeless Watch: Survey of Needs and Provision*. Online: <http://homeless.org.uk/women#.UC49F6NXmZQ>

<sup>20</sup> Women and Equalities Group, NOMS. 2012. *Judicial Engagement: Women in the CJS. A Briefing for Probation Trusts*. Online: [http://www.clinks.org/assets/files/word\\_docs/judicial%20engagement%20briefing%20FINAL%2017%20Jan%202012.pdf](http://www.clinks.org/assets/files/word_docs/judicial%20engagement%20briefing%20FINAL%2017%20Jan%202012.pdf)

Commissioners should recognise the need for through the gate support that is planned well in advanced, requiring support from a broad range of VCS organisations. We recommend one or more payment by results pilots linked to women's prisons to explore the potential to release resources from the crisis end of the women's system by investing in resettlement support through the gate.

5.3 We support the closure of current custodial provisions for women and its replacement with small and local custodial units, as proposed by the Corston Report. This recommendation is submitted with the caveat that sufficient alternative provision is provided to avoid over-crowding in a small number of the existing women's prisons. The released resources should be diverted into the network of community support best placed to address the complex needs of girls and women at risk of offending.

5.4 The small size and generally low risk of public harm presented by the women's prison population could make this an opportune testing ground for an alternative, more local and tailored model of delivery for other segments of the prison population. To analyse the economic implications of current provision properly, a realistic costing of small custodial units for a much reduced women's prison population is required.

5.5 We also support the provisions in the LASPO Bill to remove the court's power to remand into custody unless a custodial sentence is likely to be imposed upon conviction. Where women do not pose a serious risk of harm to the public, there is always an alternative to custody. Where remaining at home is impossible, women-specific, family-friendly bail accommodation is required in every local area.

#### *6. The volume, range, quality, and sustainability of community provision for female offenders, including approved premises*

6.1 Women's VCS organisations are uniquely placed to respond flexibly to address the immediate needs of women in crisis and their children, for example on the day of a court appearance, as well as providing on-going, follow-through support.

6.2 The expansion and use of women's "one stop shops" or Community Centres, which provide a holistic set of rehabilitative interventions within a single safe space, has been one of the most promising achievements since the publication of the Corston Report. The Women's Community Centres each have distinct approaches tailored to local circumstances. For example, the external evaluation of Support for Women Around Northumberland (SWAN) noted the success of its virtual one-stop-shop approach in addressing rural isolation and associated service inequality.<sup>21</sup> SWAN's evaluation credited the ability of the service to fill a gap by combining intensive crisis support for women who needed to escape from imminent danger with a range of services to nurture resilience and bring about long-term rehabilitation and recovery. The success of the Women's Community Centres is further reflected in the NOMS Quarter 3 Performance Review, where female offending rates in Probation Trusts where there was a Centre were 8.82%, significantly below the predicted 9.09%.

6.3 The Criminal Justice Joint Thematic Inspection report found that the development of the community centres has not been mirrored by consistency of use. Despite resounding support from women interviewed by the Inspectorate, referrals to the women's community centres are erratic and "often unacceptably low".

6.4 Localities need to develop mechanisms to facilitate improved joint working. For example, where a probation officer is co-located in a women's community centre this would appear to usefully assist with communication and recommendation or referral. Funding and referral processes for women's community support should have the flexibility to allow for referral at every stage in the system; including for women at risk, pre-court, post-court, as part of an order, and following a custodial sentence.

6.5 We recommend that the MoJ/NOMS ring fence and protect the current arrangements for funding women's community centres over the next two or three years, while new approaches are piloted to explore and model new joined up service approaches, and to assess which division of national/commissioning arrangements will work best to deliver systems change.

#### *7. The availability of appropriate provision for different groups of women offenders, including, under 18s, women with children, foreign nationals and black, asian and minority ethnic women, and those with mental health problems*

7.1 *Under 18s:* Current gender-specific provision within and outside the youth justice system is patchy and we would strongly encourage the Committee to refer to the on-going inquiry of the All-Parliamentary Party Group on Women in the Penal System on girls. Girls excluded from school (including those who have self-excluded or disengaged from education) or in the looked after system should be a priority for preventative work, and their transitions from care should receive more focused and intensive support. We propose a pilot to stem the flow of vulnerable girls into the CJS.

7.2 *Women with children:* It is well-established that the approach of the CJS to women commonly leads to tragic consequences for dependent children. Research suggest that children with a parent in prison are likely to experience "complex health, social and welfare disadvantages, including the impact of poverty, family

<sup>21</sup> Barefoot Research and Evaluation. 2011. *Evaluation of the SWAN project*. Online: <http://www.barefootresearch.org.uk/hidden-populations/evaluation-of-the-swan-project/>

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discord, substance abuse and mental health issues”.<sup>22</sup> We believe there is a need to re-orientate the approach to women’s offending in order properly to account for the intergenerational harm exacerbated by imprisonment of mothers and the irreversible harm to their families.

7.3 *Foreign national women*: Despite the Corston recommendation, there is still no national strategy for the 15% of the female prison population classified as non-nationals. Women with no recourse to public funds face compounded disadvantage, comprehensively analysed by a recent briefing by Prison Reform Trust and Hibiscus.<sup>23</sup> We would support the formulation of a national strategy informed by the recommendations of that Briefing.

7.4 *Black, Asian and Minority Ethnic women* have been identified as the most disproportionately represented group found among the prison population in England and Wales.<sup>24</sup> In 2010, a Griffins Society research paper reported that for every participant interviewed, resettlement was perceived by them to be more difficult than for white women because of experiences of discrimination throughout the criminal justice system. In the Thematic Inspectorate report on women from BAME backgrounds in 2009, it was observed that there was no reference whatsoever to the specific needs of women in the most recent NOMS Race Review. HMIP point to the Fawcett Society good practice guidance on meeting the needs of BAME women at risk of offending, which includes involving BAME women’s organisations and experts.

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<sup>22</sup> U. Convery and L. Moore. 2011. “Children of imprisoned parents and their problems”, in P. Scharff-Smith and L. Gampell, eds. *Children of imprisoned parents*. Denmark: Jes Ellehauge Hansen. For a review of the empirical evidence on effects of parental imprisonment, see also J. Murray and D. P. Farrington. 2008. “The Effects of Parental Imprisonment on Children”, *Crime and justice: A review of research*. 37. 133–206.

<sup>23</sup> Prison Reform Trust. 2012. *No Way Out: A briefing paper on foreign national women in prison in England and Wales January 2012*. Online: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/NoWayOut.pdf>

<sup>24</sup> Elizabeth Owens. 2010. “Exploring the experiences of Minority Ethnic Women in Resettlement”, *The Griffins Society Research Paper*. Online: [http://www.thegriffinsociety.org/documents/Research\\_Paper\\_2010\\_01.pdf](http://www.thegriffinsociety.org/documents/Research_Paper_2010_01.pdf)

7.5 *Intersectionality*: The above characteristics are of course not an exhaustive list and other groups of women, particularly those small in number, also suffer neglect in the system, for example pregnant women and older women. Pregnant women, including those who give birth in prison, and their children have specific needs. The future strategy should take an intersectional approach, in recognition of the multiple and overlapping ways that different identity characteristics interact. The Government should regularly consult and work with specialist VCS organisations to gather local intelligence and enrich its approach to meeting the diverse needs of women within the criminal justice system.



### Written evidence from Action for Prisoners' Families

Action for Prisoners' Families (APF) is the national organisation for those concerned with the well-being of prisoners' and offenders' families and has 1700 members. Sending women to prison damages family life and separates children from their mothers, it is unknown how many children are affected annually. There is no systematic collection of data on where the children of prisoners live or which services they are accessing. The Prison Reform Trust estimates that in 2010 more than 17,240 children were separated from their mothers due to imprisonment. Women in prison are more likely to be lone parents than women in the general population<sup>25</sup>.

#### MAINTAINING FAMILY TIES

1. The closure of women's prisons and the failure to introduce small custodial units (which have been proposed by many academics, penal reform organisations and various reports over the years) has resulted in women custody being held a long way from home. This distance places a huge strain on family relationships and even short trips on public transport can become arduous for those bringing babies and small children to visit their mothers in prison. Maintaining telephone contact is very expensive yet many women try and call their children every day in an effort to stay in touch.

2. Problems for families visiting their relatives in prison are not new. These include difficulties booking visits, expensive travel costs, security restrictions and being able to get into the prison promptly for the start of the visit. However what particularly concerns women, is where their children are in local authority care or with relatives who can't or won't bring them to visit. Unlike visiting a hospital, anyone under 18 years of age has to be accompanied by an adult when visiting a prison. This means that even teenagers are unable to visit their mothers or bring younger siblings in unless appropriately chaperoned. Looked after children are unlikely to be brought frequently to visit their mothers, as children's services do not have sufficient resources to facilitate weekly, fortnightly or even monthly visits.

3. Black, minority ethnic and foreign national women are more likely to report that they had not had a visit within their first week in prison compared with white and British women<sup>26</sup>. In a recent MOJ report, 15% of prisoners stated that they needed help concerning problems related to family or children with 8% requiring a lot of help. Women (27%) were more likely than men (13%) to report being in need of support with a problem concerning family or children.<sup>27</sup>

4. It has been well documented, and accepted by NOMS policy makers, that the maintenance of family relationships is a factor in reducing re-offending. For women prisoners in particular, concern over their children is a great cause of angst, yet support for prisoners in dealing with any family problems they may have is very patchy. Projects which support prisoners' family relationships not only contribute to a reduction in re-offending but also improve the likelihood of better outcomes for their children.

5. One model that has been piloted is the Integrated Family Support Service run by Pact and NEPACS, two voluntary sector organisation, which was funded by the Department for Education. Family Support workers based in prisons provided one-to-one interventions, advice, case work and family mediation for prisoners and their families. Their work helped to re-establish contact between families, increased family contact and resulted in a mother discovering the outcome of care proceedings which had resulted in adoption. Prisoners with less familial worries resulted in a reduction of self-harm and a calmer prison. The project also piloted Integrated Family Support Advocates in the community to support the children and families of offenders. They worked with local authorities and partnerships such as Integrated Offender Management Units and Troubled Family teams and sought to facilitate greater inter-agency co-operation<sup>28</sup>.

#### MOTHER AND BABY UNITS

6. A recent report published by Sheffield Hallam University and the University of York<sup>29</sup> highlights some of the issues for pregnant and post-partum women in custody. Importantly there are no figures on the numbers of these women in prison making it difficult to ensure there are sufficient services available to them. The report also states that women resident on Mother and Baby Units are expected to leave their babies when they are aged between 6 and 8 weeks old so they can take part in the normal regime. This is in stark contrast to mothers working in the community who are subject to statutory maternity leave provisions.

7. APF is also concerned about women who have been separated from their babies either because they haven't applied for a place on a MBU or because they were not able to get one. It is unclear what services these women are offered or even if prison staff are aware of these women's familial circumstances.

<sup>25</sup> Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

<sup>26</sup> HM Chief Inspector of Prisons (2009) Race Relations in Prisons: responding to adult women from black and minority ethnic backgrounds, London: The Stationery Office

<sup>27</sup> Ministry of Justice (2012) Prisoners' childhood and Family backgrounds, London: Ministry of Justice

<sup>28</sup> Integrated Family Support Service Evaluation Report (2012) Pact and Nepacs [www.prisonadvice.org.uk](http://www.prisonadvice.org.uk)

<sup>29</sup> Alberton, K et al (2012). Tackling health inequalities through developing evidence-based policy and practice with childbearing women in prison: A consultation

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## ADOPTION AND FAMILY COURT PROCEEDINGS

8. APF, in partnership with the Rights of Women, produced a series of leaflets for women called “Your Children, Your Rights”, which gave basic information about parental responsibility, adoption and care proceedings. These were reproduced in Inside Time, the prison newspaper, and in Women In Prison’s magazine as there was such a demand for information by women in prison about the family justice system. They had a great many concerns about the court orders that were being made over their children whilst they were in custody.

## IMPACT OF FINANCIAL CUTS

9. Cuts to prison budgets and new methods of commissioning services have undoubtedly had an impact on service provision for women in prison. Prison governors receive no specific funding to meet the costs of family support work, parenting courses, prison visitors’ centres or supervised play areas. The First Night in Custody Service for women entering HMP Holloway, which had operated for many years, and the Kinship Care Support Service both run by Pact have closed and as far as APF is aware the Children and Pathway lead post has also gone. Services set up to support women in prison often have very short term funding and restrictive budgets.

## CONCLUSION

10. Most women in prison serve very short sentences. In the year ending June 2012 58% of women entered prison under sentences of six months or less, a rise of 8% on the previous year.<sup>30</sup> These short sentences are extremely damaging often resulting in women losing their homes and possessions, as well as undermining their family relationships. Many women going into prison may not have been their children’s main carer but this does not mean they did not have regular contact and good relationships with them. Parental imprisonment, rather than arrest or non- custodial sentences cause negative changes in their children’s behaviour. Sentencers should be informed on the effects that sending parents to prison has on their children<sup>31</sup>. Allowing women to serve their sentences in the community and supporting them via local services is not only cheaper but also results in better outcomes for them and their families.

January 2012

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## Written evidence from the Ministry of Justice

### *Executive Summary*

1. The Government is fully committed to addressing women’s offending. Many female offenders who end up in prison have a wide range of needs and too many go through a revolving door of reoffending. We must ensure that women who offend are rehabilitated, whether they serve sentences in custody or the community. Women have consistently accounted for 5% of the prison population for the last five years, and 15% of those supervised by Probation Service under community orders or suspended sentence orders for the last four years

2. The Government is developing a programme of reforms to deliver on the coalition commitment of a rehabilitation revolution on which the Ministry of Justice will publish further details shortly. It is important that there is close alignment between these plans and the strategy on female offenders.

### *The nature and effectiveness of the Ministry of Justice’s strategy for women offenders and those at risk of offending*

3. The Ministry of Justice will publish the Government’s strategic objectives for female offenders and a compendium of the ongoing cross-Government work that supports their delivery in the New Year. A copy will be forwarded to the Committee.

4. To date, our key priorities have been to reduce reoffending by women by addressing factors associated with offending, such as mental health, drug and alcohol misuse, homelessness, domestic and sexual abuse, employment and finance; and to ensure that our approach in the community and in custody meets female offenders’ distinctive needs.

5. Key elements of our current cross-Government workplan for female offenders are set out in *Annex A*. Our focus is primarily on those women who enter the criminal justice system, with whom we have direct contact. However, since current work will address factors associated with women’s offending it may also benefit women at risk of offending.

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<sup>30</sup> Table 2.1c, Ministry of Justice (2012) Offender Management Caseload Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

<sup>31</sup> Murray, J., Loeber, R., & Pardini, D. (2012). Parental involvement in the criminal justice system and the development of youth theft, depression, marijuana use, and poor academic performance. *Criminology*, 50(1), 255–302.

6. In terms of progress, the available data show some positive trends:

- Historically female prisoners accounted for more than half of self-harm incidents but this is no longer the case: between 2010 and 2011, self-harm incidents involving female prisoners decreased by 30% compared to a 10% increase for incidents with male prisoners.
- While the rate of female individuals self-harming remained constant between 2010 and 2011 (at 294 self-harmers per 1,000 female prisoners), the average number of incidents per female prisoner fell from 10.1 to 7.1, the lowest since 2004.
- While every death is a tragedy that has profound consequences, there has been a reduction in the number of women's self-inflicted deaths in prison in recent years; from a peak of 14 in 2003 to two in 2011.
- Women are doing slightly better than men in terms of outcomes for community sentences: in 2011, 58% of community orders for women ran full course, compared to 54% for men; and, for both sexes, 11% of community orders were terminated early for good progress.

7. The proportion of women reoffending, those receiving community sentences, and those in prison has stabilised:

- Between 2006 and 2010, the proportion of all female offenders who re-offended within one year of release from custody or receiving a court order or caution, reprimand, warning or tested positive for opiates or cocaine was between 18% and 19%. In the same period, the proportion of all male offenders who re-offended within one year was between 28% and 29%.
- Women represented 15% of all offenders supervised by the Probation Service on community orders in 2011. This proportion has been stable since 2007.
- The proportion of females in the overall prison population has been stable at 5% since 2007.

8. We recognise that more needs to be done to reduce reoffending and will take this forward as part of the Government's approach to the Rehabilitation Revolution delivering a Rehabilitation Revolution in how we tackle reoffending.

*The nature and effectiveness of Ministry of Justice governance structures for women's offending*

9. Strong leadership for female offenders is provided by Helen Grant, as Minister for Women in the Criminal Justice System, who is actively supported by Lord McNally and Jeremy Wright (Minister for Prisons and Rehabilitation).

10. At official level there are dedicated teams who work closely on the female offenders brief in both MoJ and the National Offender Management Service (NOMS) under the leadership of the Director for Sentencing and Rehabilitation and the Chief Executive for NOMS.

11. Within NOMS, the Director of Commissioning and Commercial has overall responsibility for commissioning offender services for men and women in custody and the community, which is informed by specialist commissioners responsible for a wide range of women's services. A team in NOMS provides evidence-based strategic advice and guidance to ensure commissioning activities are outcome-focused, appropriately targeted and delivered to the required standard to ensure offending behaviour and needs are addressed.

12. In 2013–14, local Probation Trusts will be responsible for the commissioning of services for female offenders, based on local needs. These services will be monitored under an "assurance model" of contract management by NOMS to ensure that Probation Trusts are providing good quality services to female offenders. We will publish further information shortly about our plans for changes to the commissioning of probation services. We recognise, as set out in the NOMS Commissioning Intentions document, that there are a particular set of needs and priorities which are relevant to services for female offenders and we will ensure these are addressed within our overall approach.

*The extent to which work to address the multiple and complex needs of women offenders is integrated across Government*

13. We work in partnership with other Government Departments, including the Departments for Health, Work & Pensions, and Communities & Local Government, and the Home Office, to deliver our workplan for female offenders. Although focused on women in the criminal justice system, since the workplan addresses factors associated with women's offending such as mental health and substance misuse, abuse and homelessness, it could benefit women who may be at risk of offending.

14. There is strong cross-Government responsibility for addressing these issues. Justice Ministers provide effective leadership through frequent discussions with other Ministerial colleagues on women's offending as part of the Government's rehabilitation reforms. Ministers are members of a number of inter-ministerial groups that support this work, including violence against women and girls, homelessness and human trafficking. This leadership is supported by Helen Grant's joint role as Minister for Equalities.

15. Officials from other Government Departments were, for a while, co-located within the women's team in MoJ. However, this arrangement is no longer needed. Strong relationships have been forged between our departments, with relevant policy leads in MoJ working closely with cross-Government colleagues on specific elements of the women's policy. This approach ensures that the specific needs of female offenders are embedded in policy making across Government. Moreover, it offers the most effective approach and makes the best use of resources.

*The extent to which the gender equality duty has become a lever for mainstream service commissioners—outside of the criminal justice system—to provide services which tackle the underlying causes of female offending*

16. The Equality Act 2010 introduced the “public sector equality duty”, which places equality at the heart of how Government departments design, deliver or commission their policies and services to the public. The Committee will be aware that the Government recently announced a review, due to be completed in April 2013, to determine whether this duty is operating as intended.

17. It is difficult to assess the direct impact of the public sector equality duty but mainstream service commissioners must show that due regard has been given to the public sector equality duty when providing services which tackle the factors associated with offending.

18. We will continue to develop and improve our approach to female offenders by using existing evidence and undertaking research to understand where gender distinctions exist between offenders and whether, and how, these can best be accounted for through our policies and services.

19. Examples of the way mainstream service commissioners provide services which address the factors associated with offending are below:

#### Health

- The Department of Health assumed responsibility in April 2011 for funding drug and alcohol treatment in all prisons and the community in England. However, under the Health and Social Care Act 2012, from April 2013 the National Health Service and local authorities, working with their partners, will have full responsibility for commissioning health and wellbeing services for offenders in both custody and the community in England. This presents a unique opportunity to move to a fully integrated, locally commissioned and recovery-oriented system that meets the health needs of female offenders. Providers to NOMS will be expected to align local needs-based priorities, which include female offenders where appropriate, and resources with the new commissioning arrangements.

#### Abuse

- The Home Office-led *Violence Against Women and Girls Action Plan* (March 2012), recognises the need to improve commissioning of services for women and girls, which includes tackling some of the factors associated with women's offending. The Home Office has committed to develop a support package to help local authority commissioners better understand the needs of domestic violence victims and measures to tackle perpetrators.

#### Employment

- From March 2012, prison leavers applying for Jobseekers Allowance have had a mandatory referral onto the Department for Work and Pensions' Work Programme. Recognising that re-establishing caring responsibilities is a priority for many women leaving prison, Work Programme providers are required to be responsible for childcare and replacement caring costs whilst the claimant is on the programme, which enables providers to take into account these gender-related needs.

#### Accommodation

- Homelessness legislation does not take a gender specific approach, functioning as a safety net for all those who need help regardless of their gender. However, pregnant women are automatically helped, as are those with dependent children. In 2011/12 almost half (47%) of homeless households in priority need accepted by local authorities were comprised of female lone parents with dependent children (male lone parents with dependent children comprised just 4% of households accepted by local authorities).<sup>32</sup>

#### *The suitability of the women's custodial estate and prison regimes*

20. NOMS is fully committed to ensuring that women prisoners are held in conditions and within regimes that meet their gender specific needs and which facilitate their successful resettlement. The latest available data

<sup>32</sup> DCLG (2012) Homeless households in priority need accepted by local authorities, by household type, England, 2006 to 2012. (Table 780). <http://www.communities.gov.uk/housing/housingresearch/housingstatistics/housingstatisticsby/homelessnessstatistics/livetables>

on female offenders show that women have consistently accounted for 5% of the prison population since 2007. On 30 June 2012, the prison population was 86,048, of which 4,123 were women. Of these:

- 633 women were remanded in prison (15%), the lowest number over the last decade;
- 3,477 women (84%) were under sentence; and
- 13 women in prison were non-criminal prisoners (less than 1%).

21. There are currently 13 women's prisons in England. As part of the thematic audit of women's prisons, each establishment is audited against the requirements in Prison Service Order 4800 Women Prisoners and the accompanying gender specific standards. NOMS data from July 2012 shows that, whilst female prisoners were held further from home than male prisoners (54 miles on average, compared with 51 miles for male prisoners) the difference was not as large as might be expected in view of the fewer number of prisons accommodating women.<sup>33</sup>

22. HMP Morton Hall was re-roled in 2011 to an Immigration Removal Centre, meeting our commitment to reduce the number of places in the female estate by 400. Plans for the women's prison estate will be considered as part of a wider strategy looking at the future development of the overall prison estate and will reflect the current and projected prison population making best use of specialist services.

23. NOMS has set out its commitment with a specific Commissioning Intention, to ensure that appropriate provision is in place to enable female offenders to complete their sentences and address their offending behaviour. This has led to the development and inclusion of targeted outputs and outcomes reflecting the specific needs of female offenders.

24. NOMS is also undertaking a programme of work to segment the female offender population. Segmentation involves separating out groups within the offender population in a way which enables providers and commissioners to understand risk and needs, and commission services accordingly. Segmenting the female offending population will enable NOMS to identify priority groups for investment and disinvestment according to their offending behaviour/needs.

*The volume, range, quality, and sustainability of community provision for female offenders, including approved premises*

25. The most recent annual statistics on the volume and range of community provision show that:

- In 2011, 24,613 women and 209,915 men were supervised by the Probation Service (thus women represented 10% of Probation caseload). Of these, 53% of women and 34% of men were serving Community Orders; 25% of women and 17% of men were serving Suspended Sentence Orders; and 23% of women and 50% of men were under pre- or post-release supervision.
- In 2011, a higher proportion of women than men served Community Orders of one or year or less (82% of women and 72% of men). Women also served shorter Suspended Sentence Orders than men: 41% of women and 37% of men served Suspended Sentence Orders of one year or less.

26. NOMS has provided £3.78 million via Probation Trusts to support 31 Women's Community Services in 2012–13. This is in addition to Probation Trusts' basic settlements, and has been given with a contractual expectation of enhanced services to female offenders. This funding has now been embedded in the NOMS community budget baseline to support the provision of appropriate services for women going forward into 2013–14

27. From April 2013, this approach of locally devolved commissioning will ensure provision is integrated into local services. NOMS Commissioning Intentions outlines the opportunities for Women's Community Services to enhance the community based sentences and Probation Trusts are expected to demonstrate how they will ensure the appropriate provision of women's services locally in their responses.

28. Six probation trust areas have approved premises for female offenders. These provide closed and enhanced supervised accommodation for high and very high risk offenders. By March 2013, NOMS will explore opportunities to maximise the use of existing approved premises for women.

29. Bail Accommodation and Support Service (BASS) provides gender specific independent living accommodation and support in every region of England and Wales as an alternative to custody. BASS currently provides 80 beds plus the facility of support in their own home. We are currently discussing the possible extension of the BASS contract with the provider with a view to protecting this provision for women within the context of delivering savings overall.

30. The Government published two consultations earlier this year on community sentences and probation services. The Government response on community sentencing was published on 23 October and we will shortly publish a paper setting out proposals for the Rehabilitation Revolution, delivering a Rehabilitation Revolution in how we tackle reoffending.

<sup>33</sup> NOMS (2012) Unpublished Management Information

*The availability of appropriate provision for different groups of women offenders, including, under 18s, women with children, foreign nationals and Black, Asian and minority ethnic women, and those with mental health problems*

31. In terms of provision for different groups of female offenders:

- Under 18s: on the 30 June 2012, 1% of female prisoners were under 18 (compared to 2% of male prisoners). NOMS is commissioned by the Youth Justice Board (YJB) to provide custodial places for 17 year old girls in three dedicated units within women's prisons. These are the Josephine Butler Unit in Downview, the Mary Carpenter Unit in Eastwood Park and the Rivendell Unit in New Hall. During 2012–13, the YJB commissioned a total of 41 places: 16 at Downview, 16 at Eastwood Park and nine places at New Hall.
- Female offenders with Children: NOMS does not centrally hold information about the number of prisoners or offenders under probation supervision with children. However, the Surveying Prisoner Crime Reduction survey undertaken in 2005–06, suggests that 54% of all prisoners had dependent children under 18 on reception into custody.<sup>34</sup> Similarly, the Offender Management Community Cohort Study undertaken in 2009–10 suggests 51% of male offenders and 58% of female offenders on Community Orders had children under 18 (including adopted and stepchildren).<sup>35</sup>
- NOMS actively encourages prisoners to maintain meaningful family ties. Visits are seen as crucial to sustaining relationships with close relatives, partners and friends, where appropriate, and help prisoners maintain links with the community. Analysis of Resettlement Surveys undertaken in 2001, 2003 and 2004 found offenders who were visited by a partner or family member while in custody had significantly lower reoffending rates compared to those who were not visited.<sup>36</sup> Regular and good quality contact time between an offending parent and their children/partner provides an incentive not to reoffend, and helps prisoners arrange accommodation employment/training on release.
- Mother and Baby Units are available in prisons to ensure the best interests of the child are met, enabling the mother and child relationship to develop. They also safeguard and promote the child's welfare. There are seven Mother and Baby Units in England and Wales which provide an overall total capacity of 77 places for mothers (there is 84 places for babies to allow for twins). The UK Border Agency has a specialist Minors, Mother and Baby Team to deal with female foreign national offenders who are either pregnant or held with their children in these units.
- Foreign National Prisoners: On 30 June 2012, 15% of women in prison were Foreign Nationals (compared to 13% of male prisoners). NOMS has provided grant funding of £300k to Praxis, a London-based centre that provides advice and support services to migrants and refugees to undertake work to address the resettlement needs of foreign national women at HMPs Downview and Drake Hall. As well as casework with individual offenders designed to improve resettlement outcomes, the project aims to improve links between prisons and other organisations that can provide both support to foreign national female prisoners and training to prison staff.
- Black, Asian and Minority Ethnic Women (BAME): On 30 June 2012, 21% of all women in prison were from a BAME background (compared to 25% of male prisoners), the lowest proportion since 2004.
- Female offenders with mental health problems: Prisoners' mental health is considerably poorer than that of the general population. Research has found female prisoners are more likely than male prisoners to report suffering from neurotic symptoms (including anxiety and depression) and probable psychosis.<sup>37</sup> The Government is committed to reshaping treatment in prison and interventions in the community to develop a treatment-based system that is focused on recovery. Details of cross-government work with the Department of Health can be found at *Annex A*.

<sup>34</sup> Williams, K, Papadopoulou, V and Booth, N (2012). Prisoners' childhood and family backgrounds. Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners. London: Ministry of Justice.

<sup>35</sup> UNPUBLISHED. Ministry of Justice (unpublished) Offender Management Community Cohort Study (OMCCS) interim data.

<sup>36</sup> May, C, Sharma, N and Stewart, D (2008). Factors linked to reoffending: a one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 and 2004, Ministry of Justice Research Summary 5. London: Ministry of Justice.

<sup>37</sup> Singleton, N, Meltzer, H, Gatward, R with Coid, J and Deasy, D (1998). Psychiatric morbidity among prisoners in England and Wales. A survey carried out in 1997 by the Social Survey Division of ONS on behalf of the Department of Health. London: ONS.

## Annex A

## THE GOVERNMENT'S CURRENT WORKPLAN FOR FEMALE OFFENDERS

The Government is fully committed to addressing women's offending and reoffending. In its Response to the *Breaking the Cycle* Green Paper, the Government gave a commitment that, in seeking to reduce reoffending, it would take into account the different profile of women's offending. We will not successfully reduce women's offending unless we address the factors which lead them to offend, including mental health, substance misuse, accommodation and employment needs. Where these factors are different to those for men, then a different response is called for. This is not about preferential treatment but about achieving equal outcomes for female offenders.

Key elements of the current cross-Government workplan for female offenders include:

## MENTAL HEALTH

- Lord Bradley's 2009 report on people with mental health problems or learning disabilities in the criminal justice system proposed that all police custody suites and courts should have access to liaison and diversion services for offenders with mental health issues and other vulnerabilities. The Government agrees and the Department of Health is investing in alternative approaches and committed just under £20 million in 2012–13 to support and test pathfinder service models. The Department of Health has recently appointed the Offender Health Collaborative (a consortia led by Nacro, a crime reduction charity) and the Offender Health Research Network (a Manchester University Collaborative) to support this work. A longer term evaluation, including longer term impacts on health outcomes and reoffending rates will be commissioned later this year. Subject to approval of a business case due to be considered in March 2013, the Department of Health will roll out National Health Service-funded *liaison and diversion services* for offenders in police custody and at courts irrespective of age, gender or of needs and vulnerabilities. Liaison and diversion services will ensure offenders are identified and assessed early and that they receive treatment in the most appropriate setting. Information from assessments will also inform decision making along the different stages of the criminal justice pathway. Women are not a designated group being separately considered as part of the liaison and diversion business case development work however, lead offender health commissioners, in collaboration with other relevant commissioners, will have the ability to determine local levels and configurations of service. Therefore, local commissioners will be able to develop specific services for female offenders as part of their local population needs assessments.
- The National Offender Management Service and Department of Health have recently commenced implementation of the *female offender personality disorder strategy*. Its aims are reductions in reoffending, improvements in psychological health, and workforce development. The strategy will develop a pathway of services in custody and the community for female offenders with personality disorder, commencing in East and West Midlands and East of England, and subsequently nationally. The strategy is based on the key principle that female offenders with personality disorder are a shared responsibility between the National Offender Management Service and the National Health Service, as well as others. It therefore requires joint operations, planning and delivery, but assumes that treatment services will be located mainly in the criminal justice system. Interventions must be psychologically informed, gender-specific and based on the best available evidence, focussing on relationships and the social context in which people live. The strategy will increase availability of and access to specialised personality disorder treatment services, as well as provide gender-specific personality disorder staff training.

## SUBSTANCE MISUSE

- The National Offender Management Service and the Department of Health are piloting *Drug Recovery Wings* for drug and alcohol-dependent prisoners at three women's prisons—HMPs New Hall, Askham Grange and Styal. The focus of these pilots is on promoting abstinence, becoming drug-free and connecting offenders with community drug recovery services to help reduce reoffending on release. The drug recovery wings will hold prisoners with less than twelve months left to serve on their sentence, irrespective of sentence length. This will allow for more intensive treatment interventions to be completed and more time to plan access to community health services when offenders are released on licence. In addition to drug and alcohol misuse treatment, work with offenders will include addressing criminal attitudes, lifestyle and thinking, education, training and employment support, and meeting housing needs. Interventions for women will also address other needs such as wider health issues and childcare and the influence of drug-misusing partners. The pilots commenced April 2012 and will run for 18 months. York University will undertake an independent evaluation. It has started an initial scoping and feasibility phase, expected to report in summer 2013, which will help inform the detailed evaluation approach.

- The Department of Health and the Ministry of Justice (in partnership with the Home Office) are working to explore and test options for *intensive treatment based alternatives to custody* for offenders with mental health issues and/or drug dependency. These programmes will test alternatives to custody at court either as part of a bail package or at the point of sentencing. They will be aimed at adult offenders whose offence is of sufficient severity to attract a short custodial sentence of up to 12 months, where mental health and/or substance misuse issues are associated with offending behaviour and could be safely addressed in a non-custodial environment as part of a community sentence, with a focus on intensive treatment and recovery. There are four women-only pilots in Wirral, Bristol, Birmingham and Tyneside. These pilots form part of the wider liaison and diversion work programme and will run from April 2012 to November 2013. They will be subject to an evaluation, which will help determine whether this approach to community sentencing is likely to be cost-effective in reducing reoffending. The Department of Health are in the process of agreeing the scope of the evaluation which is expected to start before April 2013.
- The Ministry of Justice has worked closely with the Department of Health and other Government Departments in collaborating with local areas to co-design and implement pilots that will look to assess whether paying on the basis of results can further incentivise the delivery of recovery from dependence on drugs and alcohol. The eight local areas involved in the pilots, which include women, began operating in April this year. These pilots include an offending outcome which strengthens the incentive to include offenders and ex-offenders. Local areas involved in the drug and alcohol pilots have strong links with prisons to ensure offenders are engaged in the drug and alcohol recovery pilots upon release into the community. This kind of joined up working is vital to ensure continuity of care from prison into the community. Supporting the drug and alcohol recovery pilots allows us to test a number of different potential options and will help inform the Ministry of Justice's implementation strategy for payment by results.

#### DOMESTIC AND SEXUAL ABUSE

- Working with other Government departments to deliver the Home Office led *Call to End Violence Against Women & Girls* (2012), including the delivery of the Women Awareness Staff Programme to voluntary and community sector partners that work with women offenders and women at risk of offending in the community, covering issues including self-harm, relationships and abuse, and distribution of the Women's Aid best practice framework "*Supporting female offenders who have experienced domestic and sexual violence*" (2011), which assists staff and partner agencies to support women who have experienced domestic and sexual violence.

#### GANGS

- Working with the Home Office to address issues relating to Women, Girls and Gangs, including how to increase reporting of gang violence by girls and young women and to improve the provision of support services to females exiting gangs.

#### INTERGENERATIONAL CRIME

- Working with the National Offender Management Service, the Department for Business, Innovation and Skills and the Department for Communities and Local Government to tackle families with multiple problems to assist with the rehabilitation of offenders, including building and retaining enduring relationships with their families and support networks, to help prevent intergenerational crime.

#### ACCOMMODATION AND EMPLOYMENT

- Delivery of the Department for Communities and Local Government-led strategy "Making Every Contact Count—A joint approach to preventing homelessness" to tackle, inter alia, the accommodation needs of female offenders.
- Working with Department of Work and Pensions and the Department for Business, Innovation and Skills, to tackle financial, employment and skills needs that are associated with offending. Women offenders will be included in the two Payment by Results pilot areas to test the joint commissioning of employment and reduced reoffending outcomes through the Work Programme.

## SERVICES IN THE COMMUNITY TO SUPPORT COMMUNITY SENTENCING

- The Voluntary and community sector run Women’s Community Services, which provide services in support of the completion of community orders, aim to address factors associated with women’s offending including drug and alcohol addiction, mental health, domestic violence and abuse and are an important part of our approach to women in the criminal justice system. They provide a wide range of support to female offenders serving community orders, including assistance with accommodation, financial problems and relationships. The National Offender Management Service is providing £3.78 million funding for 31 Women’s Community Services in 2012–13, which is in addition to Probation Trusts’ basic settlements and is given with a contractual expectation of enhanced services to female offenders. This funding has now been embedded in the National Offender Management Service community budget baselines to allow for continued support of provision for women.
- In 2013–14, local Probation Trusts will be responsible for the commissioning of services for female offenders, based on local needs. The National Offender Management Service Commissioning Intentions 2013–14 negotiation document explicitly asks Probation Trusts to demonstrate how they will ensure the appropriate provision of women’s services going forward and specifically outlines the opportunities for Women’s Community Services to enhance the community based sentences for female offenders. This document was published in October 2012 and negotiations commenced in November 2012.
- The Ministry of Justice and Government Equalities Office are each providing £150k infrastructure funding over three years (2011–12 to 2013–14) to Women’s Breakout to provide a voice and support for organisations working to support female offenders. In 2012–13 National Offender Management Service are working with Women’s Breakout to on further develop an understanding of Women’s Community Services provision across the country. This will inform NOMS consideration of Trust proposals for the provision of services for female offenders as part of the commissioning process.

December 2012

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**Written evidence submitted by Prison Reform Trust**

## INTRODUCTION

1. The Prison Reform Trust has a long standing interest in reducing women’s imprisonment and the development of effective alternatives to custody. Amid concern about the rapid increase in the number of women prisoners in 2000 we published the groundbreaking report *Justice for Women: The Need for Reform*, a report on the findings and recommendations of the independent Committee on Women’s Imprisonment, chaired by Professor Dorothy Wedderburn, subsequent reports included *Lacking Conviction: The Rise of the Women’s Remand Population* and *Troubled Inside: Responding to the Mental Health Needs of Women in Prison*.

2. The Prison Reform Trust contributed to Baroness Corston’s seminal review of women with particular vulnerabilities in the criminal justice system through Juliet Lyon, our director’s, membership of the review group and Dr Kimmett Edgar, our head of research’s, commissioned work on remand and bail. We established and provided the secretariat for the independent Women’s Justice Taskforce, publishing its report in 2011, *Reforming Women’s Justice*.

3. The Prison Reform Trust has been awarded a three year grant by the Pilgrim Trust to support our strategy to reduce the number of women in prison. This new programme will draw on the success of our work to reduce child imprisonment. “Out of Trouble” has made a significant contribution to a 40% reduction in child custody.

4. Since 2000 a Fawcett Society committee of inquiry into women in the justice system; three HM Prisons Inspectorate thematic reviews; a Cabinet Office report; and a report by the Social Exclusion Unit have added to the significant body of research evidence. All of these reports, together with the Wedderburn and Corston reviews concluded unequivocally that the imprisonment of women could, and should, be reduced.

5. There is a substantial body of support for reform amongst civic society organisations and the public. The National Council of Women recently passed a unanimous resolution calling on the Government to introduce a rigorous strategy to reform women’s justice, prioritising community solutions. In December 2011 the Soroptimist International UK Programme Action Committee took the decision to lobby to reduce women’s imprisonment. The WI leads a well established campaign to ensure that people with mental health problems and learning disabilities in the criminal justice system are diverted into appropriate treatment. 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>38</sup>

6. In an unprecedented move, during June 2008, concerned that their grant-making investments in this field were being applied to a failing system, more than 20 independent philanthropic foundations formed the Corston Independent Funders Coalition to encourage the government to implement the Corston Report recommendations.

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<sup>38</sup> ICM opinion poll for the Corston Coalition, 26–28 November 2010. Sample of 1,000 adults 18+ in GB, by telephone omnibus

7. The government should therefore feel confident that a distinct and positive approach to address the needs of women offenders would receive widespread support.

Stemming from this important inquiry by the Justice Committee the Prison Reform Trust would like to see:

- A proper strategy and drive to reduce women’s imprisonment and respond to the needs of vulnerable women in the criminal justice system.
- The leadership and accountability necessary to ensure that getting women and their families out of trouble with the law is established, and remains, a priority for government across departments nationally and locally.
- A commitment by the Justice Committee to review progress on an annual basis.

*1. The nature and effectiveness of the Ministry of Justice’s strategy for women offenders and those at risk of offending*

8. The Prison Reform Trust and allied organisation have been disappointed with the limited progress by the Government in developing a coherent strategy for women offenders and those at risk of offending. Following the change of government, the Ministry of Justice embarked upon a significant programme of reform, outlined through its “Breaking the Cycle” Green Paper, and subsequent Legal Aid, Sentencing and Punishment of Offenders Act (LASPO). The rationale has been a mixture of political and financial, but regardless provides a once in a generation opportunity for the Government to deliver ambitious and much needed changes to address unacceptably high reoffending rates, ever increasing custody levels, and growing public scepticism around the effectiveness of the criminal justice system.

9. It is most unfortunate that despite efforts, the Act fails to mention women offenders once in its 302 pages. Since taking office, the Government has failed to set out a clear strategy for women offenders, instead relying on the remaining legacy of the previous government. Staff redundancies, and organisational restructuring have left a vacuum in place of specialist knowledge within the Ministry of Justice, and other departments. This has not only meant that the development of any future strategy will inevitably be more difficult, but has also led to accusations of a Minister being “badly advised” on the current situation.<sup>39</sup>

10. It is positive that the Government has committed to develop a document setting out its strategic priorities for women and we hope that it takes this opportunity to reaffirm its commitment to developing and supporting services to divert women at risk of offending.

11. Absence of leadership and accountability have hampered efforts to reform women’s justice. Despite repeated calls from politicians, organisations, and groups, including the Women’s Justice Taskforce, there is still no individual person or body in central government to champion the specific needs of women offenders and ensure that policies are designed to take account of them. Baroness Corston argued that regional commissioning for women must be directed by strong, visible, effective and strategic national leadership at the highest level.

We reiterate the recommendations of the Women’s Justice Taskforce that:

- A cross-government strategy should 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 should 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 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.

*2. The extent to which work to address the multiple and complex needs of women offenders is integrated across Government*

12. It is right that the work to reduce reoffending by women should be both developed and delivered across government. Women who offend are some of the most marginalised people within our society and there is a wide range of evidence highlighting their multiple needs and disadvantages. Unfortunately for many of these women entering the criminal justice system is the first opportunity for them to address some of these problems. As Fiona Cannon, Chair of the Women’s Justice Taskforce, wrote:

*“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.”*

13. It is not possible for the Ministry of Justice to address this wide range of problems alone. Nearly all government departments, particularly the Department of Health; Home Office; Department for Work and Pensions; Business, Innovation and Skills; Department for Communities and Local Government; Government

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<sup>39</sup> Baroness Corston, HL Hansard, 20 March 2012, c779

Equalities Office, and Department for Education, have ultimate responsibility for ensuring that women are able to access the support services that they need, and ideally before entering the criminal justice system.

14. Cooperation between departments on tackling social exclusion is particularly important in preventing women getting drawn into the criminal justice system; tackling some of the issues that contribute to women's offending and intervening before a crime is committed. Following the publication of the Wedderburn Report there was recognition that a cross government approach was necessary and this was at the heart of the Labour government's strategy.

15. Some of the progress that was made in developing links between government departments has been lost. The Inter-Ministerial Group on Reducing Re-offending and its sub-group on Women Offenders have both been disbanded following the change of government, and the Criminal Justice Women's Policy Team no longer has staff seconded to it from departments outside of the Ministry of Justice. At a time of reducing budgets and large scale department reorganisation, it would make more sense for departments to work collaboratively and take a longer term view to achieving their shared objectives, rather than short-termist cost cutting and silo working.

16. Whilst there appears to be little appetite to re-establish cross-departmental governance, we believe that it is vital in delivering any successful strategy to tackle women's offending effectively. Without the necessary buy in from other departments it will be difficult for the Ministry of Justice to make any inroads in reducing the number of women in prison, and they will continue to be viewed as the responsibility of the Ministry of Justice, rather than a collective one.

17. One area which the government could take inspiration from is youth justice policy, with the Youth Justice Board working with allied agencies to achieve a substantive drop in first time entrants into the youth justice system, and in child custody.

18. In regard to youth justice Crispin Blunt, then Parliamentary Under-Secretary of State, outlined that senior officials have established a cross-departmental youth crime and justice board and that regular inter-ministerial meetings ensure ministerial representation from the Ministry of Justice, the Department for Education, the Home Office and the Department of Health, to support cross-Government work.<sup>40</sup>

19. Theresa May, Home Secretary and Minister for Women, currently chairs the Inter-Ministerial Group on Equality and has overall responsibility for gender equality across government. The IMG could provide the most useful existing forum to discuss and prioritise action to tackle women's offending, and facilitate cross-government working.

### *3. The extent to which the gender equality duty has become a lever for mainstream service commissioners—outside of the criminal justice system—to provide services which tackle the underlying causes of female offending*

20. The introduction of the Equality Act, and the gender equality duty before it, marks steps forward in ensuring that public bodies take account of, and ensure that services meet, the distinct needs of women in the criminal justice system. However, they have so far had a limited impact in encouraging commissioners to provide gender specific services tackling the underlying causes of women's offending. Commissioning of gender specific services remains patchy and sporadic, often built on local commitment by a small number of individuals to addressing these issues.

21. Community based women's centres provide a wide ranging set of services that are available to all women, whether they have offended or not. They allow women to access services including counselling, drug and alcohol support, education, safe accommodation, advice on finance, benefit and debt as well as general advocacy, supervision and support. These centres often provide support to women who have been unable, or have found it difficult, to access mainstream services by themselves. Some centres have been successful at attracting funding from a wide range of different agencies that can see the value they provide in getting women into the services that they need but often do not find or use in their local area.

22. However, this is not the case for all women's centres and many struggle to secure funding from local commissioners. The Prison Reform Trust is concerned that, despite legislation, many women still do not get access to the services that they need at an early enough stage, and that the criminal justice system should not be seen as a stopgap provider of services, rather than a punishment of last resort. Whilst legislation is a lever, we believe that financial incentives can prove an effective tool as well. Use of pooled local budgets and the justice reinvestment model recommended by the Justice Committee, allow agencies to work together and eliminate the problem of prison being seen as a free good and encourage accountability. Work by the New Economics Foundation (nef) indicates scope for social return on investment and a value for money review of women's justice by the National Audit Office would indicate how savings could be made.

### *4. The suitability of the women's custodial estate and prison regimes*

23. 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

<sup>40</sup> HC Hansard, 25 October 2011, c236

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 can also be more traumatic for women, with significantly higher rates of self harm than for men.

24. Women face multiple problems when in prison. The smaller number of women's prisons in England means that women are often held further away from their homes than men, on average 55 miles away.<sup>41</sup> This is exacerbated for women from Wales where there is no prison, and have to serve their sentences in England. Being held far away from home can make maintaining family ties more difficult and costly, despite the evidence that maintaining family contact can have a positive impact on reducing re-offending. The Social Exclusion Unit found that only half of the women who had lived, or were in contact with, their children prior to imprisonment had received a visit since going to prison.<sup>42</sup> Research also indicates that the odds of reoffending are 39% higher for prisoners who had not received visits whilst in prison compared to those who had.<sup>43</sup>

25. Most women entering prison serve very short sentences and for non-violent crimes. In 2011 58% were sentenced to custody for six months or less<sup>44</sup>, and latest figures show that 81% of women entering custody under sentence had committed a non-violent offence.<sup>45</sup> Frequent use of short custodial sentences provides prison staff with limited time to try and address the problems that might be contributing to a woman's offending and can often disrupt what little stability she may already have. A prisons inspectorate survey found that 38% of women in prison did not have accommodation arranged on release, and that only a third of women who wanted help and advice about benefits and debt received it.<sup>46</sup> Given this, it is unsurprising that reoffending rates for custodial sentences remain stubbornly high. 51% of women leaving prison are reconvicted within one year—for those serving sentences of less than 12 months this increases to 62%, higher than the equivalent rates for men.<sup>47</sup>

26. Despite pressure on already overstretched resources, latest figures encouragingly show that self harm incidents by women in prison fell between 2010 and 2011; however they are still disproportionately high. Women accounted for 36% of all self harm incidents, despite representing just 5% of the prison population.<sup>48</sup> The Corston Report found that short spells in prison, often on remand, damage women's mental health and family life yet do little or nothing to stop them offending again. The damage is made much worse when women are imprisoned long distances from home and their families and receive inadequate health care during and after their time in prison.

27. High rates of remand have been a historic problem within the women's prison population, with many women being remanded into custody for offences which would not attract a custodial sentence and inadequate bail information in prison leading to longer than necessary periods of detention. A recent inspectorate report on remand showed that female defendants remanded into custody by magistrates' courts were proceeded against for less serious offences.

*Over half (53%) of the women remanded at magistrates' courts who went on to receive a custodial sentence had an offence categorised as theft or handling stolen goods, compared with over a quarter (28%) of males.*

28. There are encouraging signs that overuse of remand for women is starting to be reversed after remaining high over the past decade. There were 689 women on remand on 31 March 2012, 12% fewer than the same time in 2011. The introduction of the Legal Aid, Sentencing and Punishment of Offenders Act (2012) provides further opportunities to reduce the women's remand population. Clause 83 and Schedule 11 establish a test of a reasonable probability that the offence is imprisonable as a criterion of whether the court can deny bail. The "no real prospect test" would mean that defendants should not be remanded to custody if the offence is such that the defendant is unlikely to receive a custodial sentence.

29. The Government's commitment to establish a network of liaison and diversion services for vulnerable offenders by 2014, backed by Department of Health investment of £50 million towards its development and evaluation is to be welcomed and should prove of particular benefit to women. Establishing liaison and diversion services at police stations and courts was a key recommendation of Lord Bradley's review of mental health and learning disabilities in the justice system and should ensure that people receive the treatment that they need outside of the criminal justice system.

30. We believe that the Government could also learn from the Scottish Prison Service following the publication and subsequent acceptance of the Angiolini Commission's report recommendations for women held

<sup>41</sup> Hansard HC, 7 January 2010, c548w

<sup>42</sup> Social Exclusion Unit (2002) Reducing re-offending by ex-prisoners, London: Social Exclusion Unit

<sup>43</sup> May, C, *et al* (2008). Factors linked to reoffending: a one-year follow-up of prisoners who took part in the resettlement surveys 2001, 2003 and 2004, London: Ministry of Justice

<sup>44</sup> Table 2.1c, Ministry of Justice (2012) Offender Management Caseload Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice.

<sup>45</sup> Table 2.2b, *Ibid*.

<sup>46</sup> HM Inspectorate of Prisons and HM Inspectorate of Probation (2001) Through the Prison Gate, London: Home Office

<sup>47</sup> Table A(F), Ministry of Justice (2011) Adult re-convictions: results from the 2009 cohort, London: Ministry of Justice.

<sup>48</sup> Table 2.1 Self-harm, Ministry of Justice (2012) Safety in Custody Statistics Quarterly Bulletin January to March 2012, London: Ministry of Justice

in custody. This includes replacing HMP Cornton Vale with a smaller specialist prison for women on long sentences who present significant risk; and using local prisons for those on shorter sentences to improve liaison with local services and reintegration on release. Overall the positive response to the Angiolini recommendations by the Scottish Government places the emphasis squarely on community provision wherever possible.

*5. The volume, range, quality, and sustainability of community provision for female offenders, including approved premises*

31. The Prison Reform Trust believes that community based, voluntary sector run, women's centres provide a unique therapeutic environment to allow women to get the support they need and tackle the issues contributing to their offending. The women only centres provide a vast range of different services and interventions to work with vulnerable women. The volume, range and quality vary considerably across England and Wales and within individual regions. For some centres receiving funding from the Ministry of Justice was the first time that they explicitly worked, and were monitored on their performance, to support women offenders, whereas others were more firmly established. Centres try to respond to local need and either provide or direct women to services they require, and so their approaches differ in order to do this.

32. The contribution of the women's centres to enabling women to turn their lives around, take responsibility, and desist from offending has been widely recognised. 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. One centre told the Women's Justice Taskforce that it 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.<sup>49</sup>

33. Whilst it is welcome that some additional funding has been provided to some centres for 2012–13 the continued uncertainty about funding is an issue which needs to be resolved.

34. New commissioning arrangements outlined by NOMS for 2013–14 unfortunately add to this uncertainty. Moves to a more evidence based commissioning model and large research sample size could have serious resource implications for smaller organisations wanting to demonstrate their effectiveness in reducing reoffending. Worryingly, there doesn't seem to be a recognition of the sound evidence base of the work of women's centres in reducing re-offending. Many, if not all, provide services and interventions addressing the well established nine reducing re-offending pathways.

35. The removal of regional structures within NOMS, and restructuring within other local criminal justice agencies, may cause further problems. Regional offices were originally responsible for contract management of the Ministry of Justice funded women's projects which enabled them to develop a picture of services available in their area. After the initial two year funding, regional offices worked to sustain successful projects. This knowledge could be lost in the transition to new arrangements and may lead to a further reduction in the numbers of services available across the country.

36. NOMS has recently published a new guide on working with women offenders which replaces the Offender Management Guide to Women Offenders and is to be welcomed. However with uncertainty of the future of the probation service and increasingly stretched resources, it is not yet clear whether the guide will be a useful tool to support offender managers or simply another paper product. More work should be done to respond to the need for safe accommodation for women, including halfway housing.

*6. The availability of appropriate provision for different groups of women offenders, including, under 18s, women with children, foreign nationals and black, asian and minority ethnic women, and those with mental health problems*

37. During a time of budget cuts it would be easy for the needs of specific groups to be forgotten. There is currently limited support for offenders who span multiple groups within NOMS' segmentation model. We agree that segmenting the offender population in a meaningful way can enable commissioners and providers to draw on the evidence base, understand the contrasting needs and vulnerabilities of different groups, and identify services which are most likely to reduce reoffending and deliver other positive outcomes. However commissioners should be aware that many offenders have multiple and complex needs and cannot easily be classified according to separate subgroups. Therefore, the model of segmentation will need to be sophisticated enough to allow offenders to "belong" in multiple categories and to identify services most appropriate to their individual needs.

38. Women's centres provide an effective resource for addressing the diverse needs of women accessing services at their centres. Some also provide services to specific groups including foreign national and black and minority ethnic women.

<sup>49</sup> Women' Justice Taskforce (2011) *Reforming Women's Justice*, London: Prison Reform Trust

## UNDER 18S

39. As with women in the criminal justice system, services for girls are often developed with the male majority in mind. Responding to the APPG on women in the penal system inquiry on girls, Leeds Youth Offending Service said:

*“Nationally, specific programmes aimed at girls and their offending are not widely or consistently available. Where these exist they are largely driven by individual practitioner interest rather than located in youth justice policy and research. YOT practitioners can find girls’ behaviour challenging which is exacerbated by their more limited experience in working with girls than boys, and the lack of policy or practice guidance about girls’ needs and the types of interventions which are effective with them. YOT programmes are largely based on male offending patterns (car or knife crime initiatives, burglary etc)”.*

40. Looked after children and care leavers have long been over-represented in our prisons. Less than 1% of all children in England were looked after at March 2011,<sup>50</sup> yet up to half the children held in young offender institutions are, or have been previously, looked after. Research published by the Social Exclusion Unit in 2002 suggested that 27% of the adult prison population had once been in care.<sup>51</sup> Annual surveys of 15–18 year olds in prison suggest that over a quarter of young men and over half of young women said they had spent some time in local authority care.<sup>52</sup> There is a higher incidence of teenage parenthood amongst young people in custody than those of the same age in the community.

## WOMEN WITH CHILDREN

41. It is estimated that more than 17,240 children were separated from their mother in 2010,<sup>53</sup> and only 9% of children whose mothers are in prison are cared for by their fathers in their absence.<sup>54</sup> 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>55</sup>

42. There have been improvements within the prison estate to reduce the number of newly born children being taken away from their mothers and allowing women opportunity to bond with their babies. Places are extremely limited and babies and toddlers are allowed to remain in custody with the mother up to the age of either nine or 18 months. However it is hard to imagine a more depressing place for a young child to be brought up no matter how committed the staff and improved the conditions, prison is no place for children.

43. The UK has signed up to the UN Bangkok Rules<sup>56</sup> which state that a woman’s current childcare responsibilities should be considered 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>57</sup> This principle has been re-established by the Sentencing Council in its new assault guidelines.<sup>58</sup>

44. Community provision, including 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. There is a clear case for linkage with the “troubled families” agenda.

*“If there was a place between a prison and home—but not a hostel—somewhere where people could help and teach you real things so you can live and not have your baby taken away. It might help stop girls doing drugs and stealing or whatever.”—Young mother formerly in prison.<sup>59</sup>*

## FOREIGN NATIONAL WOMEN

45. The Prison Reform Trust and Hibiscus published a joint briefing paper, *No Way Out: a briefing paper on foreign national women in prison in England and Wales (2012)*, to show the impact of current sentencing practice on foreign national women, many of whom have been trafficked into offending. Our recommendations

<sup>50</sup> Department for Education (2011) Children looked after by local authorities in England year ending 31 March 2011

<sup>51</sup> Social Exclusion Unit (2002) Reducing offending by ex-prisoners, London: Cabinet Office

<sup>52</sup> Summerfield, A (2011). Children and young people in custody 2010–11—An analysis of the experiences of 15–18 year olds in prison, London: The Stationery Office

<sup>53</sup> Wilks-Wiffen, S (2011). Voice of a Child, London: Howard League for Penal Reform

<sup>54</sup> Corston, J (2007). The Corston Report, London: Home Office

<sup>55</sup> SCIE (2008) Children’s and families resource guide 11: Children of prisoners—maintaining family ties. SCIE: London and Murray, J, and Farington, D, “Parental Imprisonment: Effects on Boys’ Antisocial Behaviour and Delinquency through the Life-Course.” *Journal of Child Psychology and Psychiatry* (2005) 46:1269–78.

<sup>56</sup> United Nations (2010) United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)

<sup>57</sup> Women’s Justice Taskforce (2011) Submission to the Sentencing Council’s Assault Guidelines Consultation, London: WJT. Available at: [http://www.prisonreformtrust.org.uk/Portals/0/Document s/Women%20s Justice Taskforce final submission to Sentencing Council consultation 5 1 11%5B1%5D.pdf](http://www.prisonreformtrust.org.uk/Portals/0/Document%20s/Women%20s%20Justice%20Taskforce%20final%20submission%20to%20Sentencing%20Council%20consultation%205%201%2011%5B1%5D.pdf)

<sup>58</sup> Sentencing Council (2011) Assault: Definitive guideline, London: Sentencing Council. Available at <http://www.sentencingcouncil.org.uk/guidelines/forthcoming-guidelines.htm>

<sup>59</sup> Sherlock, J (2004). Young Parents from Custody to Community: A guide to policy and practice, London: Prison Reform Trust

include a re-assessment of sentencing guidelines taking into account mitigating factors, welfare of dependent children and any evidence of coercion in compliance with CEDAW.<sup>60</sup> Foreign national women in the justice system should have access to independent legal support and immigration advice. Those arrested on passport charges on point of departure should be allowed to leave the country rather than being brought back to face charges and the prospect of an expensive custodial sentence.

46. Despite Baroness Corston identifying in her 2007 report that foreign national women were “a significant minority group who have distinct needs and for whom a distinct strategy is necessary” the government has still not developed a well informed national strategy for the management of foreign national women in the justice system.

47. For many foreign national women the greatest uncertainty is about their immigration status. Over the last few years the partnership between UKBA and prisons has improved. The main objective is to ensure that all foreign nationals who meet the criteria under current legislation are identified and removed and this happens as speedily as possible as well as encouraging use of the Facilitated Returns Scheme. The positive outcome of this is that there are shorter holds in prison custody, purely on immigration warrants at end of sentence, than was the case in the past.

48. However, the system is far from perfect. Paperwork advising on removal is still sent in English, irrespective of the nationality of the recipient. In addition the recipient has only 10 days to appeal, providing limited time to access appropriate advice. There is no automatic procedure by which women access legal representation on their immigration status and they sometimes wrongly assume the representative on their criminal charge will offer this. Prison staff who serve the paperwork on behalf of the Criminal Casework Directorate are not allowed to offer advice on how the prisoner should respond.

49. To date only one voluntary sector organisation, the Detention Advice Service (DAS), that works in the female estate has the necessary OISC level 2 accreditation to offer advice on immigration issues. As a result of budget cuts a number of Service Level Agreements which were held with prisons have since been cancelled. DAS now work directly in only one female prison, HMP Bronzefield, but is able to provide advice by phone and post to any foreign national in prison in England and Wales. All other organisations such as Hibiscus have to refer their clients on to specialist firms. The legal aid for such cases is very limited and there are often long delays before a visit to the woman in custody can be made.

50. The Corston report highlighted the impact that the geographical location of prisons has on family contact for UK nationals. For foreign nationals this is far more acute and the isolated locations of some prisons and immigration centres necessitates expensive travel from any port of entry, should the family contemplate visits from overseas. Within the prison service there is the option, for those serving long sentences, of temporary relocation to a London prison for accumulated visits.

51. For the majority serving a short sentence and for those within the IRCs this option is absent. The five minute free phone call per month, for those in prison who do not get visits, is a meagre compensation and cost of overseas phone calls is a constant grievance raised by foreign nationals. Others decide that the difficulties of travel, and being united in a visits area with a time limit, is too traumatic for their children. The reality for most is often no contact between arrest and final deportation. For women who have been living with partners in the UK, this may be exacerbated that their partner’s residency status, his inability to provide the required documents for a visit and fear of his arrest.

52. For those serving lengthy sentences for drugs importation, the limited delivery of programmes such as the “Drug Importers Group” is appropriate and where available well received. Some women talk of their goal on return to ensure that no one else is pulled into this offence. Women from all cultures are also empowered by programmes and interventions for victims of domestic, physical and sexual abuse.

53. However other interventions are limited and women serving very lengthy sentences use most of their time in work. Some prisons are attempting to help women gain qualifications that are of value overseas, but those with children often seek the hardest and best paid employment in the prison, which is often kitchen work, and by spending as little as possible try to send savings back to their families. This is sometimes at the expense of missing out on ESOL education. Women coerced into offending and then caught on drugs importation charges have had to suffer the pain of not seeing their children grow up as they serve a long sentence in a British jail. The Sentencing Council’s introduction of mitigation should reduce disproportionately long terms for women who have been trafficked into offending.

54. Resettlement input for those serving sentences under 12 months, especially those who serve part on remand, is minimal with the most important input on pre-release programmes.

55. Resettlement staff are aware that release is often the most traumatic time for all prisoners and the focus is on making women aware of relevant support in the community and making appropriate pre-release links. This is in relation to practical challenges such as accommodation, work, and benefit entitlements and, if there are health/drug problems, ensuring they have a GP contact. With those who have mental health problems there is also some input on through the gate work.

<sup>60</sup> United Nations Committee on the Elimination of Discrimination against Women

56. All of this is absent for foreign national prisoners, except for women from the European Economic Area. There is the increasing expectancy that they will be removed at the end of sentence and there is little value in their attending pre-release groups. Currently the only relevant post release support for those being deported is through Hibiscus and in the form of reintegration support by Integrated Offender Management (IOM) for the women who are granted a “facilitated return”. The University of Cambridge has recently published research backed by the Economic and Social Research Council which sets out the difficulties faced by foreign national women and the pressing need for reform.<sup>61</sup>

#### BLACK, ASIAN AND MINORITY ETHNIC WOMEN

57. Whilst prison regimes try to meet the specific needs of women offenders there is evidence that BME prisoners have disproportionately worse experiences in the criminal justice system than their white counterparts. Monitoring the situation is made more difficult by data reporting by key government departments and agencies. Currently publication of data by the Ministry of Justice on ethnicity and gender is separated; this means that examining the experiences of black, Asian and minority ethnic women is not routinely possible. As the Inspectorate of Prisons stated in their report *Race relations in Prisons*:

*Although there is information about women prisoners’ distinct and specific needs—the high rates of mental health problems, substance-related needs, abuse histories, self-harming behaviours and resettlement requirements—very little attention has been paid to the differential experiences within the women’s population.*

58. There have been a number of useful studies however that point to the particular differences and disadvantages faced by BME prisoners.

59. Hamlyn and Lewis noted that BME women reported less choice (58%) than white women (67%) in the work that they did in prison. The former were also less likely than their white counterparts to believe that prison work gave prisoners new skills which could help them on release, and were more likely to consider that prison work might be used as a form of punishment.<sup>62</sup>

60. The Prison Service Women and Young People’s Group found that BAME female prisoners were more often employed in contract workshops whereas white women were more likely to be employed in jobs offering learning and skills training with vocational qualifications attached. This may hinder BAME women offenders in their resettlement efforts, particularly as such skills may increase confidence and self-esteem which are essential in attempts to re-enter the labour market.

61. Despite higher numbers of BME women serving custodial sentences for drug related offences, surveys conducted by HMCIP have shown significantly fewer black and minority ethnic women reporting that they had problems with drugs on arrival than their white counterparts (18% compared with 41%), or that they would have a problem with drugs or alcohol once they had left prison. The Inspectorate recommended:

*“The distinct patterns of drug use by different ethnic groups within the women’s population suggests that provision and commissioning of services should reflect the needs of the population and not concentrate principally on heroin abuse, the main drug of choice for white British nationals.”*

62. The Home Office has also found that drug use and self harm amongst BME women are linked, suggesting that both substance misuse and emotional support needed to be strengthened amongst the BME prison population.<sup>63</sup>

63. The Prisons Inspectorate believes that there is currently under-reporting of mental illness from people within black and minority ethnic communities, for reasons including fear of race discrimination. It draws attention to recent reports which have referred to “institutional racism” within mental health services.<sup>64</sup> As a result, mental health needs among black and minority ethnic communities are likely to be picked up only when they become acute, and disproportionately as a result of contact with the criminal justice system.

64. Surveys by the HMCIP have also shown that both black and minority ethnic and foreign national women reported more problems ensuring dependants were looked after than white and British women. Both these groups of women were also more likely to report that they had not had a visit within their first week in prison compared with white and British women.

#### MENTAL HEALTH

65. The high prevalence of mental health problems within the female prison population have been well documented over the past decade. Baroness Corston was commissioned by the government to review and report on vulnerable women in the criminal justice system following the deaths of six women at HMP Styal; and a

<sup>61</sup> Hales, L And Gelsthorpe, L (2012). *The Criminalisation of Migrant Women*, Cambridge: Institute of Criminology, University of Cambridge

<sup>62</sup> Hamlyn, B and Lewis, D (2000). *Women prisoners: a survey of their work and training experience in custody and on release*. Home Office Research Study 208. London: Home Office

<sup>63</sup> Home Office (2003) *The Substance Misuse Treatment Needs of Minority Prisoner Groups: Women, young offenders and ethnic minorities*, Home Office Development and Practice Report 8, London: Home Office

<sup>64</sup> Department of Health (2005). *Delivering Race Equality in Mental Health Care: An action plan for reform inside and outside services and the government’s response to the independent inquiry into the death of David Bennett*. Department of Health

University of Oxford survey of 500 women in prison showed shocking contrasts in the mental and physical health between them and the general female population.

66. The Corston report found that short spells in prison, often on remand, damage women's mental health and family life yet do little or nothing to stop them offending again. The damage is made much worse when women are imprisoned long distances from home and their families and receive inadequate health care during and after their time in prison. Of all the women who are sent to prison, 37% said they have attempted suicide at some time in their life.<sup>65</sup>

67. The University of Oxford research showed that women in custody are five times more likely to have a mental health concern 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>66</sup>

68. Despite positive work by NOMS levels of self harm by women remain high, accounting for 36% of self harm incidents although only making up 5% of the total prison population.<sup>67</sup> It should however be noted that this is considerably lower than in previous years.

69. Notwithstanding some progress we don't believe that prison is the best setting in which to deliver effective treatment for mental illness. Prison separates people from families and friends who can provide important networks of support, and the additional trauma of losing a home and a job, which are frequent consequences of a custodial sentence, can also be significant barriers to recovery. Given that 58% of women sentenced to custody in 2011 received sentences of six months or less there is extremely limited time to provide support to women. Imprisonment destroys the little stability they may have in the community.<sup>68</sup> For those serving longer sentences, frequent transfers between different establishments disrupt progress on treatment and programmes which they have started, often unable to continue in their new prison.

*"I believe women are in far more danger of becoming mentally ill during their incarceration: especially those that are family carers and have close family ties. The prison system is not prepared properly for this, for the complexity of women and their issues that do affect them deeply, mentally rather than physically."*—Woman formerly in prison.<sup>69</sup>

70. We welcome the coalition government's commitment to roll out a national liaison and diversion scheme by 2014, backed by £50 million funding from the Department of Health, working with the Ministry of Justice. While a prison sentence may be appropriate for the most serious and violent offenders, a far greater emphasis should be placed on treatment in the community through the use of diversion and liaison schemes for people with mental health problems and learning disabilities and difficulties. For the most serious offenders with mental health problems or learning disabilities or difficulties, for whom there is no other option but to impose a custodial sentence, equivalent treatment should be available in prison with clear links between prison and local health and community services. Proper provision for the continuation of treatment between custodial establishments and on release should be in place throughout the system, facilitated by a genuine integrated offender management approach.

*A large proportion of women who come here have mental health issues together with drug and alcohol dependency. Those with serious mental health issues are well served but it is likely that others slip through the net, especially if they are engaged in detox programmes.*<sup>70</sup> (Prison IMB chair)

71. The National Federation of Women's Institutes, the WI, is running a Care not Custody campaign across England and Wales following the tragic death by suicide in prison of the mentally ill son of a WI member. The WI and the Prison Reform Trust are leading a coalition of organisations, including the NHS Confederation, Royal College of Nursing, Royal College of Psychiatrists, Police Federation, Law Society POA and PGA, representing over one million professional staff, set up to monitor reform and ensure the government keeps its care not custody promise.

72. The Women's Justice Taskforce during its inquiry heard of the successful court liaison and outreach project delivered by Together at Thames Magistrates' court. This is a model that could be considered for extension nationally.

#### EXEMPLAR: TOGETHER

Together, 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

<sup>65</sup> Corston, J (2007). The Corston Report, London: Home Office

<sup>66</sup> Plugge, E, et al (2006). The Health of Women in Prison, Oxford: Department of Public Health, University of Oxford

<sup>67</sup> Table 2.1 Self Harm, Ministry of Justice (2012) Safety in Custody Statistics Quarterly Bulletin, January to March 2012, London: Ministry of Justice

<sup>68</sup> Table 2.1c, Ministry of Justice (2012) Offender Management Caseload Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

<sup>69</sup> Rickford, D (2003). Troubled Inside: Responding to the Mental Health Needs of Women in Prison, London: Prison Reform Trust

<sup>70</sup> Edgar, K and Rickford, D (2009). Too Little Too Late: An Independent Review of Unmet Mental Health Need in Prison, London: Prison Reform Trust

a five 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 a year.

#### LEARNING DISABILITY

73. One area which we believe that the Justice Committee may wish to investigate is provision for women with learning disabilities and difficulties. There is currently limited research into the prevalence of women in prison with learning disabilities. The Prison Reform Trust’s No One Knows programme examined the experiences of people with learning disabilities and difficulties in the criminal justice system, and the views of practitioners. A literature review revealed that 40% of women in one prison experienced learning disabilities or difficulties, this is a higher proportion than found in men’s prisons.<sup>71</sup>

74. Women with learning disabilities and difficulties in prison face many barriers to engaging effectively with prison regimes and have disproportionately more negative experiences whilst in prison.

75. Over 80% of prison staff surveyed by the Prison Reform Trust said that information accompanying people into prison is unlikely to show that the presence of learning disabilities or difficulties had been identified prior to their arrival. Once in prison there is no routine or systematic procedure for identifying prisoners with learning disabilities or learning difficulties. Consequently the particular needs of such prisoners are rarely recognised or met.<sup>72</sup>

*Prisons do not employ (either individually or on an area basis) educational psychologists. Prison psychologists are either clinical or forensic. Consequently there is no-one on site with appropriate specialist knowledge and expertise to diagnose learning disabilities or identify possible disorders such as ADHD [attention deficit hyperactivity disorder] or disorders on the autistic spectrum which may seriously reduce the ability of women to access and engage effectively in mainstream education and vocational training in prisons.<sup>73</sup> (Prison IMB Board)*

76. A learning disability screening tool, the LDSQ, was piloted in four prisons under the auspices of the Department of Health. The results, reported in March 2010, established that it was an effective tool for use in prisons. However the tool has still not been made routinely available. Further work needs to be undertaken, as a matter of urgency, to ensure that the support needs of people with learning disabilities, and other impairments, are recognised and met at the point of arrest.

77. Our research has also found that there are a significant number of prisoners who, because they have a learning disability or difficulty, are excluded from aspects of the prison regime including offending behaviour programmes.<sup>74</sup> Offending behaviour programmes are not generally accessible for offenders with an IQ below 80. There is a mismatch between the literacy demands of programmes and the skill level of offenders, which is particularly significant with regard to speaking and listening skills.<sup>75</sup>

78. Similar problems exist for those under 18, with most youth offending teams not currently using screening or assessment tools or procedures to identify children with learning disabilities, specific learning difficulties, communication difficulties, ADHD, or autistic spectrum disorder.<sup>76</sup> Most youth offending team staff believe that girls and boys who offend and have any of these conditions were more likely than children without such impairments to receive a custodial sentence.<sup>77</sup>

<sup>71</sup> Loucks, N (2007). No One Knows: Offenders with Learning Difficulties and Learning Disabilities. Review of prevalence and associated needs, London: Prison Reform Trust

<sup>72</sup> Talbot, J (2007). No One Knows: Identifying and supporting prisoners with learning difficulties and learning disabilities: the views of prison staff, London: Prison Reform Trust.

<sup>73</sup> Edgar, K and Rickford, D (2009). Too Little Too Late: An Independent Review of Unmet Mental Health Need in Prison, London: Prison Reform Trust

<sup>74</sup> Talbot, J. Written evidence submitted by Prison Reform Trust to the Joint Committee on Human Rights: The Human Rights of Adults with Learning Disabilities, 2007

<sup>75</sup> Davies, K, *et al* (2004). An evaluation of the literacy demands of general offending behaviour programmes, Home Office Findings, 233, London: Home Office

<sup>76</sup> Talbot, J (2010). Seen and Heard: supporting vulnerable children in the youth justice system, London: Prison Reform Trust

<sup>77</sup> Rack, J (2005). The Incidence of Hidden Disabilities in the Prison Population, Egham, Surrey: Dyslexia Institute

79. It is encouraging that the government is taking forward proposals to invest £50 million by 2014 in liaison and diversion services.<sup>78</sup> All liaison and diversion schemes should also explicitly address the particular needs of women with learning disabilities. The Care not Custody Coalition will continue to monitor progress on the government's commitment to ensure that people with learning disabilities are identified at the point of arrest and receive the support necessary for them to participate effectively throughout the criminal justice process, or, where appropriate, are diverted away from criminal justice into relevant services in the community.

5 September 2012

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### Written evidence from the Lucy Faithfull Foundation

#### *Nature and effectiveness of MOJ strategy for women offenders*

1. Although significant efforts have been made to address issues identified as relevant for women offenders at low risk of reoffending there is little evidence that sufficient attention has been given to strategies for the management and treatment of the small number of women who continue to represent a risk of harm to the public. Numerous documents include statistics which highlight the sizable numbers who are not perceived to represent a risk of harm without acknowledging the small percentage who do. This inherent flaw in the strategy means that service provision for a significant group of women has not been given adequate consideration. The focus on inclusion of third sector and voluntary organisations in the provision of treatment responses mean professionals from these agencies are faced with the management of risk issues which may fall outside of their area of expertise or skills levels. In these circumstances staff may simply retreat from the individual woman or fail to acknowledge the reality of the risk in the hope that it will not manifest itself during their term of contact. Additionally, prison based provision is often inadequate reducing the potential for women to experience positive outcomes during early release decision making processes.

Although the current strategy acknowledges the significance of relationships and children for female offenders it fails to engage with the safeguarding issues often associated with the complex life histories of many female offenders. Women with histories of trauma or substance use, while well intentioned towards their children, may lack the necessary psychological resources at a given point in time to ensure their children's needs are being met effectively. Self esteem issues which influence relationship choices may leave them at risk of involvement in relationships where their children may be at increased risk from external forces. Contact with Probation and Third sector staff indicates a lack of awareness of the realities for many female offenders of involvement in Family Court systems and the skills and knowledge necessary to increase their clients' self efficacy within this process and to ensure the safety of children. Although desistance material makes reference to the significance of motherhood for female offenders there is little evidence in the current strategy of any significant understanding of the complexities of this dynamic or the challenges many women face in a parenting capacity. All professional agencies hold a safeguarding duty but in relation to the strategies for female offenders this is rarely articulated.

#### *Nature and effectiveness of MOJ governance structures for women offending*

2. Frequent changes of personnel within the MOJ departments leave it difficult for external agencies to identify appropriate contacts to engage in discussion or to ask for advice. This also appears to be an issue for Probation Trust staff who, when asked, seem uncertain as to the roles of the various departments within the MOJ. This is reflected at more local levels within Probation Trusts with a lack of clarity regarding senior managers with responsibility for embedding the female strategy within their own area. From the perspective of a third sector agency we are often met with a piecemeal approach where no one identified person has responsibility for the female agenda and so when a woman moves a few miles into a different team the entire management structure, ethos and approach can change, often leaving the women confused regarding the lack of consistency.

#### *The extent to which work to address the multiple and complex needs of women offenders are integrated across Government*

3. Despite the publicity regarding the new strategy for the management and treatment of female offenders with personality disorders experience indicates that there is little evidence in practice of a significant change in service provision or increased liaison. This may be a transitional issue, however contact across female approved premises and prisons indicate that staff have seen little evidence of a significant change in service levels or nature of provision. Experience of women who have been able to access regional forensic units indicates a disconnect between services for mental health and female offenders, particularly those perceived to present significant levels of risk to the public. The process whereby women within the prison system are assessed and moved on to specialist personality disorder units appears to have inherent gaps which lead to women who are compliant not being adequately assessed as potentially requiring more specialist provision.

As previously mentioned there remains a lack of connection between the criminal justice processes and the family court processes with agencies in each sector remaining largely unaware of the responsibilities and the requirement of each system.

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<sup>78</sup> Hansard HC, 15 February 2011, c793

*The availability of appropriate provision for different groups of women offenders, including, under 18's, women with children, foreign nationals and black, asian and minority ethnic women, and those with mental health problems*

4. Females with convictions for sexual harm might be included in all of these categories and represent some of the most high profile and complex cases within the female system. Despite this the lack of attention to their treatment and management remains concerning. Inherent faults in the design of the NOMS Female Sex Offender strategy mean that few case managers have received any formal training in relation to this group while those who have suggest that it was insufficient to equip them with the necessary skills and knowledge to effectively engage with this client group, leading to requests for consultancy from our agency, for which there is no funding stream.

Although the efforts by some Probation Trusts to shift responsibility for female sex offenders from sex offender teams to female offender teams is a positive move the lack of specialist training for staff mean that their ability to assess associated risk and safeguarding issues is undermined by lack of knowledge and confidence. This is also reflected in the lack of appropriate treatment interventions made available.

Females under 18 with convictions for sexual offences are particularly disadvantaged as the lack of knowledge regarding adolescent sexual harm means that decisions made in relation to transition issues are often influenced by factors which bear little relevance to risk and rehabilitation, for example moving a 17 year old from the juvenile system where specialist assessment services could be made available into the adult system where none were available in order to facilitate her request that she be allowed to smoke. It has been our experience that the transition of young women from the juvenile to adult systems is often lacking in the attention given to the inherent trauma associated with the change in location layout, numbers and focus of the adult estate.

September 2012

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### Written evidence from the Howard League for Penal Reform<sup>79</sup>

#### INTRODUCTION

In 2009, the Howard League for Penal Reform established the All Party Parliamentary Group on Women in the Penal System, chaired by the Rt. Hon Baroness Corston. Its aim was to publicise issues around women in the penal system and push for the implementation of the recommendations of *The Corston report: a report by Baroness Jean Corston of a review of women with particular vulnerabilities in the criminal justice system* (Home Office, 2007). The Howard League for Penal Reform continues to provide administrative support to the APPG on Women in the Penal System.

In 2011 the Howard League for Penal Reform published *Women in the penal system: Second report on Women with particular vulnerabilities in the criminal justice system*. The report by the APPG on Women in the Penal System highlighted the achievements since the publication of the Corston report, including the establishment of a cross-departmental criminal justice women's unit and the publication of a national service framework for women offenders. It also drew attention to the recommendations which had not been met, including the lack of progress in replacing existing women's prisons with small custodial centres and the continued high rates of imprisonment for women convicted of non-violent offences.

The APPG, with support from the Howard League for Penal Reform, recently conducted an inquiry on girls in the penal system. It looked at the decisions that routed girls into or out of the penal system, provision for girls and made recommendations for reform across the social and penal system. The inquiry produced two briefing papers, *Keeping girls out of the penal system* and *From courts to custody*.

This submission is based on our policy work with women and girls in the penal system and those at risk of entering the penal system.

#### 1. The nature and effectiveness of the Ministry of Justice's strategy for women offenders

1.1 It is difficult to comment on the nature and effectiveness of the Ministry of Justice's current strategy for women offenders when a strategy document is not yet available.

1.2 Baroness Corston has expressed her concern about the lack of a written strategy for women in the penal system. In a debate in the House of Lords (Hansard, HL Deb, 20 March 2012, c764) Baroness Corston stated,

*We currently have a virtual strategy in that government Ministers say that they have a strategy but that they will not publish it. That is no strategy at all. Surely that is meaningless if the Government are serious in their attempt to be accountable and to monitor progress. How can they evidence progress in a transparent way without publishing, at the very least, a framework of intent, supported*

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<sup>79</sup> The Howard League for Penal Reform is the oldest penal reform charity in the world. It has campaigned on the issue of women and girls in prison, the treatment of pregnant women and provision for women with babies in prison for many years. The Howard League for Penal Reform's legal team has represented girls and young women caught up in the criminal justice system, including those in custody

*by a statement of what they are trying to achieve for women with vulnerabilities who are caught up in the criminal justice system?*

1.3 Ministers have responded stating that a strategic document on the priorities for women will be published “in due course” (Hansard, HL Deb, 20 March 2012, c764 and HC Deb, 3 July 2012, c742). The Ministry of Justice business plan 2012–15 states that high level strategic objectives for reducing female offending will be published in December 2012.

1.4 The priorities of the Ministry of Justice and the National Offender Management Service are focused on those who have offended, the majority of whom are male. Without strategic leadership within the Ministry of Justice there could be a reversal in the positive changes implemented since the publication of the Corston Report and women’s needs will slip off the agenda once again.

1.5 The Ministry of Justice, the Department of Health, the Department for Education and the Department for Communities and Local Government need to work collaboratively to ensure that services are in place to support vulnerable women and girls living in poverty, with mental health problems, facing physical and sexual abuse or addicted to drugs or alcohol. A strategy which focuses on women who have offended will not tackle the needs of vulnerable women and girls in the community at risk of ending up in the penal system.

1.6 When it is published, the Ministry of Justice strategy for women should include targets for the reduction of custodial sentences for women and a planned closure for all women’s prisons within the next five years. It has been five years since the publication of the Corston report yet in that time only one women’s prison, Morton Hall, has been re-rolled as an immigration removal centre and no women’s prisons have closed. A Ministry of Justice target for the reduction of the number of women in custody by 400 by March 2012 was not met.

## *2. The nature and effectiveness of Ministry of Justice governance structures for women’s offending*

2.1 Women account for less than 5% of the prison population and ten% of the probation caseload (Ministry of Justice, 2012).

2.2 Changes introduced following the publication of the Corston report, such as the establishment of a women’s criminal justice policy unit and an inter-ministerial group for women did help to ensure that women’s needs were recognised and given a higher priority in a department which caters for the needs of men. The investment in services for women in the community such as one-stop-shop women’s centres and early intervention projects ensured that greater numbers of vulnerable women could be supported in their communities and given the specialist help needed to turn their lives around.

2.3 Despite these changes to the governance structure, there has been no discernable impact on the numbers of women in prison.

2.4 There are proposals to devolve funding for women to the National Offender Management Service at regional level. This will mean that resources will be directed at women in contact with the Probation Service, not at vulnerable women at risk of entering the penal system. Baroness Corston stated in the House of Lords (HL Deb, 20 March 2012):

*These women will again be lost, as will a real opportunity to tackle their vulnerabilities before they end up experiencing custody and the consequent damage which that entails to themselves, their families and, particularly, their children.*

2.5 Changes to structures and processes will not necessarily ensure that vulnerable women are kept out of the penal system. The closure of women’s prisons, changes to the Code for Crown Prosecutors and to sentencing policy and practice to ensure more vulnerable women are diverted from the penal system would make a real difference.

## *3. The suitability of the women’s custodial estate and prison regimes*

3.1 There are 13 prisons for women in England. Between July 2010 and June 2011, there were 10,173 receptions of women into prison. The number of women in prison has increased by 24% from 3,355 in 2000 to 4,167 in 2012.

3.2 Prisons are not and never will be suitable places for the vulnerable women who are placed there. Over half the women in prison report having suffered domestic violence, one in three has experienced sexual abuse and 37% of women sent to prison say they have attempted suicide at some time in their life.

The Corston Report found:

- Mental health problems were far more prevalent among women in prison than in the male prison population or in the general population.
- Outside prison men were more likely to commit suicide than women but the position was reversed inside prison.
- Self-harm in prison was a huge problem and more prevalent in the women’s estate.

- Because of the small number of women's prisons and their geographical location, women tended to be located further from their homes than male prisoners, to the detriment of maintaining family ties, receiving visits and resettlement back into the community.
- Prison was disproportionately harsher for women because prisons and the practices within them had for the most part been designed for men.
- Levels of security in prison were put in place to stop men escaping.

3.3 Changes to prison policy and practices such as the ending of automatic strip searching of women on reception are welcome. However, tinkering with the prison estate or the prison regime will not address the fundamental problems that make prison disproportionately damaging to women.

3.4 It has been five years since the Corston report highlighted the damaging effects of women's prison and called for women's prisons to be replaced with "suitable, geographically dispersed, small multi-functional custodial units. The report went on to say:

*The existing system of women's prisons should be dismantled and replaced by smaller secure units for the minority of women from whom the public requires protection.*

3.5 There is cross-party support for reducing the number of women in prison as a priority. In response to a parliamentary question from Tom Brake MP (Hansard, HC Deb, 10 November 2011, c442), Crispin Blunt MP replied that his aspiration for the number of women in prison at the end of the next parliament was zero.

3.6 However, there has been a distinct lack of progress in taking women out of the prison estate. Until women's prisons are closed down, the courts will continue to utilise them. I reiterate Baroness Corston's recommendation that all women's prisons should be closed.

#### *4. The volume, range, quality and sustainability of community provision for women, including approved premises*

4.1 The Howard League for Penal Reform welcomes the investment that has been made to the provision of one-stop-shop services for vulnerable women at risk of custody. Women's centres have been able to provide support for women in their communities, thus diverting them from custody. The annual Howard League Community Programmes Awards have recognised the good practice at Eden House women's centre in Bristol and Adelaide House women's centre in Liverpool.

4.2 Despite the investment in community provision, the Howard League for Penal Reform is concerned that far too many women are still being sentenced to custody by the courts when a community sentence would be more effective in reducing crime and less damaging. The majority of women who are sentenced to custody do not need to be there.

- In 2011 just 849 women were given an immediate custodial sentence for the offence of violence against the person compared with 13,585 men. The vast majority of women sentenced to custody have not committed a violent offence and do not require a custodial sentence.
- Women who have been convicted of a violent offence do not necessarily require a custodial sentence. The individual circumstances behind the offence should be taken into consideration. Prison should only be used for those convicted of a serious violent offence and who are a continuing danger to the public.
- In 2011 60% of women were sentenced to custody for six months or less.
- 60% of women who are remanded into custody do not go on to receive a custodial sentence. Although these women spend a relatively short time in custody this can be very disruptive and damaging for their children, particularly in cases where the woman is a single mother.

4.3 Magistrates are sometimes unaware of local community provision for women and are not utilising the full range of options available to sentencers. The Howard League for Penal Reform has organised open days for Community Programme Award winners and local magistrates who attended said that they did not know about the range of provision at women's centres even though it was on their own doorstep.

4.4 In an inspection on the use of alternatives to custody for women, HMI Probation, HMCPSI and HMI Prisons (2011) found that provision for women varied considerably and offender managers lacked understanding about the range of resources available and lacked awareness and underpinning knowledge of the needs of women.

4.5 Women's centres are able to tackle the multiple and complex issues which trigger offending. Research has shown that women's centres have a significant impact on re-offending rates; the reoffending rate of women using Together Women project centres is just seven per cent.

4.6 While the announcement of £3.2 million joint funding from the Ministry of Justice and the Corston Independent Funders Coalition is significant, if we are to rely on women's centres to play a key role in the diversion of women from custody, then these centres will need funding to continue. The Howard League urges that the Ministry of Justice provides funding for community sentences for women and ensures that magistrates are utilising women's centres rather than resorting to custody.

## RECOMMENDATIONS

- Custodial sentences for women should be reserved for serious and violent individuals who pose a threat to the public.
- The Ministry of Justice must ensure continued funding for the delivery of services for women on community sentences.
- Sentencers should be fully informed about the range of community provision available for women, its effectiveness in preventing offending and the ineffectiveness of short custodial sentences for women.

*5. The availability of appropriate provision for different groups of women including girls, women with children and those with mental health problems*

5.1 The vast majority of women and girls who enter the penal system have multiple and complex needs and the criminal justice system is not the most appropriate agency to meet these needs. In many cases, women's and girl's problems are exacerbated by their entry into the penal system.

5.2 The Department of Health, the Department for Education and the Department for Communities and Local Government must work collaboratively with the Ministry of Justice and provide gender specific support for the most vulnerable women and girls to prevent them ending up in the penal system or in custody.

*6. Girls*

6.1 The Howard League for Penal Reform supported the All Party Parliamentary Group on Women in the Penal System's inquiry on girls. The year-long inquiry found there was a lack of gender specific provision for girls and a lack of understanding about the specific needs of girls in the penal system. Girls were brought into the penal system because of unaddressed welfare needs including neglect, abuse and poverty. The majority had committed minor misdemeanours. Evidence from the YJB (2011) showed that the number of offences committed by girls had fallen. The number of violent offences committed by girls fell from 17,415 in 2006–07 to 12,291 in 2009–10, a fall of 29%.

6.2 The inquiry found that the needs of girls in the penal system were overlooked or subsumed by the needs of boys. Girls accounted for 22% of the young people supervised by youth offending teams and 0.1% of the total prison population. Evidence submitted to the inquiry highlighted the lack of policy and practice guidance about girls' needs and the fact that youth justice intervention programmes were largely based on male offending patterns.

6.3 The YJB has recognised the need for a different approach to working with girls and is developing a toolkit for YOTs. However, many of the girls who end up in the penal system do not need to be there. Inappropriate criminal justice interventions for girls are expensive and counterproductive, increasing their chances of remaining in the penal system as young women. There should be a greater focus on supporting vulnerable girls to prevent them ending up in the penal system and diverting them to more appropriate interventions if necessary.

## RECOMMENDATIONS

- In accordance with the United Nations Convention on the Rights of the Child article 3, the best interests of the child should be paramount consideration in all matters concerning girls.
- Children should be kept out of penal system and all agencies that come into contact with children should be judged on how they are achieving this.
- The criminal justice system should not be used to solve social problems.
- The youth justice system should not discriminate against children on the basis of gender.
- Prison units for girls should be closed, in line with the recommendations of the Corston report. The few girls who require custody should only ever be held in secure children's homes with highly trained staff and therapeutic interventions to meet their needs.

*7. Women with children*

7.1 There are no robust statistics about the numbers of children affected by their mother's contact with the criminal justice system. A study by the Cabinet Office found that there was little information about women serving community sentences or their families and the Prison Service or children's services did not routinely collect information regarding the dependents of mothers in prison. The report stated:

*Over half of women in prison are estimated to be mothers, although there are no definitive statistics on the number of women offenders who are parents, or robust data on their children.*

7.2 The Howard League for Penal Reform (2011) submitted evidence to the United Nations Committee on the Rights of the Child on the impact of the imprisonment of a parent on children. It found a large proportion of imprisoned mothers were single parents. Only five% of female prisoners' children remained in the family home compared to 90% of male prisoners' children. The imprisonment of a mother was damaging to children causing mental health problems, grief, poverty and low self-esteem.

7.3 Provision for women with babies in prison is extremely limited. Mother and Baby Units (MBUs) provide a very restrictive experience for mothers and their babies. Opportunities for women to make the choices that most mothers take for granted are limited. Simple activities such as taking your child to the park for some fresh air are not an option for mothers imprisoned with their babies. Women's lack of autonomy in prison means their capacity to create a sense of home and family for their baby is diminished.

7.4 The Chief Inspector of Prisons, Nick Hardwick, has raised concerns about the fact very few units allow mothers to cook wholesome food for their children. A report by the Children's Commissioner for England (Office of the Children's Commissioner, 2008) into prison MBUs concluded that:

*There should be an end to the routine use of custody for women who are pregnant, or mothers of very young children, other than in exceptional circumstances where they represent a danger to society.*

7.5 In 2010 the Howard League for Penal Reform's legal team represented a teenage girl who had breached her community order and was sentenced to custody for a significant proportion of her pregnancy. We appealed the sentence on the grounds it was manifestly excessive but this appeal was refused. We have since lodged an application with the European Court of Human Rights on the grounds that UK courts failed to comply with their duties under international law including their duties under the UN Convention on the Rights of the Child.

#### RECOMMENDATIONS

- The very small number of mothers who require a custodial sentence should not be housed in prisons but instead should be kept with their babies in local secure units.
- The majority of mothers currently serving custodial sentences could be safely managed in community based programmes.
- Sentencers should be required to consider the welfare of a mother's children before sentencing her to custody as is the practice in South Africa.

#### 8. Women and girls with mental health problems

8.1 Lawyers from the Howard League for Penal Reform legal team have represented girls and young women in prison with mental health problems. The Howard League for Penal Reform (2008) submitted evidence to independent review, conducted by Lord Bradley on the diversion of individuals with mental health problems from the criminal justice system and prison. It is a stakeholder for the development of the NICE clinical guidance aimed at improving the mental health of people in prison.

8.2 Prison aggravates mental health problems. The distress manifested by imprisoned girls and women with mental health needs is often treated as a discipline issue by prison staff. This leads to an increase in self-harming and suicidal behaviour. Prison staff are not appropriately trained or qualified to deal with this behaviour and it can be damaging for everyone involved.

#### CASE STUDY

*"A" was a 21 year old woman who had a history of mental health problems, self-harm and attempted suicide exacerbated by her time in custody. The Howard League legal team represented her during her time in custody for a number of adjudications and parole hearings. A number of the incidents which gave rise to the adjudications related to A's self-harm. For example, A would damage property in order to gain materials to use for self-harming. In light of A's medical history, these incidents should not have been dealt with in this way by the prison. Following representations being made by the legal team these adjudications were quashed and deleted from A's records.*

*During the process of representing A for her prison law disciplinary matters, her solicitors at the Howard League became aware of her significant mental health issues and were concerned that the prison in which she was detained was not an appropriate place for her to be held as she was not receiving the medical treatment and support she needed. On A's instructions, they assisted in obtaining an independent psychiatric assessment of A which led to her being transferred from the prison to a secure psychiatric hospital under the Mental Health Act. Once at hospital she was able to receive appropriate medical help to assist with her recovery.*

8.3 Diverting women and girls with mental health problems from the criminal justice system and prison must be a key priority at every stage of the criminal justice process, from the decision to prosecute, to sentencing and transfers of prisoners with mental health problems to hospital. The failure to divert women and girls often leads to destructive coping strategies, such as self-harm, which are more likely to extend into adulthood if established at a young age.

8.4 Mental health services in the community are often inadequate and under-resourced and this is magnified in custody. Given the disproportionately high numbers of women and girls in prison with mental health problems, there is an even greater need for mental health services yet often the treatment they need is not available. Even if it were, it is questionable how effective treatment would be when carried out in a punitive rather than a therapeutic setting.

8.5 The government's commitment to develop a national network expansion of liaison and diversion schemes at police stations and courts by 2014 should help to ensure that more women are diverted from the penal system towards more appropriate interventions. However, in its evaluation of mental health diversion schemes the Centre for Mental Health (2009) found that opportunities for diversion were being missed and diversion services had developed in a haphazard and piecemeal way.

8.6 The punishment of women and girls with mental health problems intensifies the cycle of offending and places them, staff who work with them and the public in great danger. Breaking the link between people with mental health problems and the criminal justice system must be a key priority.

#### RECOMMENDATIONS

- Women and girls with mental health problems should not be held in prison custody.
- Every effort should be made to divert women and girls with mental health problems from the penal system into more appropriate services at the earliest opportunity.

#### 9. Conclusions

9.1 The majority of women who end up in the penal system have committed non-violent offences. Many of these women have more than one problem which needs addressing including drug and alcohol problems, domestic violence, experiences of sexual abuse or rape. The criminal justice system is ill-equipped to tackle these multiple problems and in many cases, compounds rather than solves issues, increasing a woman's chance she will end up in custody.

9.2 Whilst there has been widespread recognition that women who end up in the penal system have different needs to men and a different approach is needed to prevent them ending up in custody, there still appears to be a lack of commitment to tackle the inappropriate use of custody for women and to close women's prisons.

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September 2012

### Written evidence from the Probation Chiefs' Association

#### 1. *The nature and effectiveness of the MoJ's strategy for women offenders and those at risk of reoffending/integrated across government*

1.1 Major steps have been taken by the Ministry of Justice (MoJ) and the National Offender Management Service (NOMS) to raise awareness of the different pathways women take into crime, the complexity of their needs and how this requires a "different and distinct" approach. The Probation Chiefs Association (PCA) values the significant progress made so far but urges against complacency and welcomes this review as an opportunity to realign strategy, structures and practice in the context of what we have learned about women offenders post Corston (a succinct overview of the profile and need of women offenders and the growing body of evidence on what type of provision is likely to be effective for those with complex needs was produced by the social exclusion task force in 2009<sup>1</sup>).

1.2 MoJ and NOMS developed a National Service Framework for working with women offenders including a guide for practitioners (*A Distinct Approach: A guide to working with women offenders*<sup>2</sup>) which has to an extent helped strengthen partnership activity in Probation Trusts at both regional and local level in terms of developing specific service provision for women offenders. It helped develop a women-centred approach and greater understanding of the issues eg that women are more likely to be misusing opiates/crack cocaine; are more likely to have mental health problems; to have been victims of domestic abuse. The fact that Trusts embraced these practice recommendations is evidenced in the joint inspectorate report into the use of alternatives to custody for women<sup>3</sup>.

1.3 *However, the PCA is of the view that there has not been sufficient time for that infrastructure to become embedded, to change historical patterns of providing services or to begin to address the deep rooted needs that are recognised as barriers that get in the way of female offenders being able to desist. There is an emerging body of evidence of "what works or what might work" in enabling women to desist from crime. Gelsthorpe (2011) lists 9 recommendations for provision of women's services which recognise the fact that women are likely to be both victim and offender and to have complex needs.<sup>4</sup> Examples include women only services which have good links to mainstream agencies and which integrate offenders with non-offenders. The women centred approach being taken by Probation Trusts mirrors these recommendations and the NOMS/MoJ strategy should focus on sustaining this approach and evaluating progress towards desistance.*

1.4 NOMS introduced gender specific standards for women's prisons and an enhanced Bail Accommodation Support Scheme (BASS) was developed for women. All 35 Probation Trusts established lead senior managers to coordinate gender specific services and to link with the Women's Strategy Unit in the MoJ. This gave visibility and coherence to the strategy and the goal of reducing the numbers of women entering custody provided clear focus. Some good projects were developed with a plurality of partners to provide viable alternatives to custody.

1.5 *It is unfortunate that following the MoJ restructure there is no longer a women's team in place—there has been a loss of impetus and it is disappointing that the amendment to the legal aid sentencing and criminal justice bill, tabled by Lady Corston to establish a women's criminal justice policy unit within MoJ was defeated. The plan was for this unit to draw on cross government representatives from the Department of Health, Communities and Local Government, Department of Work and Pensions and Home Office. PCA believe that this would provide a means to achieve a strategic and coherent approach to reducing the number of women in the Criminal Justice System and extending more support for community sentences which could in turn reduce the female prison population.*

1.6 Funding was made available 2009 via NOMS and the Corston Independent Funders Coalition (CIFC) to develop viable alternatives to custody and as a direct consequence over 45 Women's Community Projects (WCPs) have been created. 31 have been centrally funded—3.5 million has been set aside for these projects for 2012–13 and will be allocated to Trusts via the NOMs budget. Since April 2012 responsibility for the funded projects has been devolved to Probation Trusts with an expectation that they manage the quality and performance of the WCPs (see comments on governance in section 2). A summary of different models of service provision and examples of good practice, most of which involve partnerships with Probation was published by Fawcett<sup>5</sup>.

1.7 *However funding for WCPs remains limited and short term allocated on a year by year basis and this has led to projects having to focus efforts on sustainability rather than impact. The message from NOMS is that in line with their commissioning intentions there will be disinvestment in inefficient/ineffective services? At this stage the majority of WCPs are in early development and so this presents something of a challenge for MoJ/NOMS in that longer term funding is needed to enable them to develop and be in a position to monitor and evaluate effectiveness. Overall PCA is concerned that insufficient resources have been committed to the national strategy for women offenders and that continued investment in WCPs is critical. Probation Trusts are best placed to coordinate and manage women's services at a local level supported by a national drive to ensure that other partners are engaged—particularly Police and Crime Commissioners (PCCs) and the Health and Well Being Boards (HWBBs).*

## 2. The nature and effectiveness of MOJ's governance structures for women offenders

2.1 In 2009 NOMS gave a commitment to reduce the operational capacity in the women's estate by 300 by March 2011—this was achieved and resulted in the re-role of one prison. NOMS decided to take a targeted approach to achieve this and focused resources on three larger probation areas where it was considered most effect could be gained. At the time it was felt that there was insufficient preparation/consultation with Probation Trusts with a consequence being that not enough was done strategically to get partners on board or to address the very different needs of women in small rural areas. In essence this highlighted the tensions of performing against national targets whilst working to develop a strong local resource base which could support women to change whilst taking account of the realities of their lives.

2.2 The responsibility for performance management of individual women's services has evolved differently and up until April 2012 it was managed via a combination of NOMS regional teams, NOMS Cymru and individual Probation Trusts. The NOMS Women's Team (NWT) centrally collected data on the performance of WCPs in relation to their development and the delivery across the nine pathways—unfortunately the outcomes from this did not routinely reach individual Probation Trusts, sometimes getting log jammed at NOMS regional level. NWT worked well to coordinate activity around women offenders and also collected information on the financial capability and sustainability of the WCPs on behalf of the CIFIC.

2.3 In April 2012 NOMS grants for WCPs were devolved to local Trusts with ring fenced funding for those already receiving the grant. NOMS said they would leave it for local Trusts to decide how they managed this grant, but put in place a quarterly reporting requirement of data that was significantly different to that data set previously requested of the WCPs. It has been agreed that this will be standardised for 2012–13 and that monitoring will focus on the collation of referral data.

2.4 *The governance structure for women offenders is presently unclear. PCA would like to see a drive towards joint local commissioning with an end goal which all agencies can be held accountable to—at the moment there are complementary targets but they need to be focused more specifically on reducing women's offending (evidenced by progression and interim outcomes) and reducing the number of women entering custody. PCA would like to see a women's policy unit in the MoJ and supports the Women's Justice Taskforce<sup>6</sup> recommendation to set in place a cross government strategy with responsibility to lie with a designated Minister and accountability to be built into relevant roles within government departments and local authorities.*

## 3. The extent to which work to address the multiple complex needs of women offenders is integrated across government

3.1 NWT (which folded in March 2011) recognised that we have some way to go in terms of raising awareness within the criminal justice sector about the different approach required for women offenders. Whilst NWT was in existence there was a focus on raising the profile of women offenders with Criminal Justice Boards (CJBs) and ensuring that Magistrates and Sentencers understood the complex needs of women. In Probation Trusts where Intensive Alternatives to Custody (IAC) were piloted, there was significant engagement with Magistrates and District Judges<sup>7</sup> to promote the benefits of holistic bespoke packages of supervision for women which recognised their experience as both victims and offenders. Sentencers involved on the Project Boards and partners in the wider community safety arena were key drivers of IAC schemes ensuring that resources were available to support the “control” element via Integrated Offender Management (IOM) developments. The projects all worked closely with the Voluntary Community Sector (VCS) with significant support from the WCPs. Many Probation Trusts continued to provide IAC once central funding ended but with some loss of momentum.

3.2 Outside of criminal justice there is now awareness that a significant number of service users with the greatest problems and most complex needs utilise services across a range of government/local authority departments, ie adult and children social services, education, health, etc. However, this is not yet sufficiently integrated via the various departments with the work of probation. Local Authorities are only now starting to grasp the financial and intergenerational impact of women and young girls entering the justice system and in particular the impact of imprisonment.

3.3 There is still limited understanding of how far reaching the issues are. The Troubled Families agenda has helped to raise awareness of the specific social characteristics of women offenders eg half the women entering prison ran away from home as a child; one third were excluded from school: 70% suffer from 2 or more mental health disorders and 55% report drug misuse<sup>8</sup>. Despite the fact that during 2009 there were approximately 200,000 children who had experience of a parent in prison, with 17,240 children separated from their mothers by imprisonment in 2010<sup>8</sup> there is still no mechanism in place for systematically identifying children affected by their parents entering the criminal justice system. Work taking place in schools to address this issue is embryonic at best and non existent at worst.

3.4 *Following Corston there has been a greater understanding within Government of the complex needs of women offenders and recognition that all government departments have a role in preventing and reducing offending. What is missing is the presence of an accountable individual within Government responsible for driving this, continuing a programme of research and making it happen. Probation Trusts have been successful in coordinating support and resources at a local level and have made some significant achievements in stemming the number of women entering custody and in getting them successfully through community orders.*

3.5 *The introduction of Police and Crime Commissioners (PCCs) is resulting in many local partnerships reviewing structures and future commissioning arrangements. Along with the introduction of Health and Well Being Boards (HWBBs) and new arrangements for funding offender health, there is an opportunity to set local integrated targets. Probation Trusts are not statutory members of HWBBs but are making strong strategic links and with a central drive also this will ensure that the complex needs of women offenders are prioritised. Alongside this there should be a clear focus within the Troubled Families agenda of preventative work which directs resources to children whose parents are involved with crime reduction agencies—this should not be limited to those children with parents in prison but cover the wider spectrum of community orders, particularly the children of medium to high risk offenders.*

4. *The extent to which the gender equality duty has become a lever for mainstream service commissioners outside of the criminal justice system to provide services which tackle the underlying causes of female offending*

4.1 The Gender Equality Duty has been replaced by a public duty under the Equality Act 2010 for all public authorities in relation to eliminating discrimination, advancing equality and fostering good relations across all groups. This public duty requires public authorities to pay due regard in both service delivery and employment practice across the protected characteristics. This includes in relation to working with women offenders.

4.2 The Equality Act 2010 makes it clear that services commissioned by the public sector have the same legal focus as services provided by the public sector, irrespective of who the provider is, the public sector duty is extended through the work of that agent. It is critical then, through the work of commissioning, that due regard is paid (as the law requires) to the needs of the service users.

4.3 *It is unclear to what extent this has been a lever to provide gender specific services. Unless the resources, partnership structures and a clear focus from government together support such change, especially within a climate of reduced budgets, this can become yet another issue for competing budgets. Where partnership can provide an opportunity to support this work there is the potential for this to be very positive.*

5. *The suitability of the women's estate and prison regimes*

5.1 In June 2012 the number of women prisoners stood at 4,116, 47 fewer than at the same point in 2011. However, during the whole of 2011 there were 10,181 women received into custody—this figure gives a more realistic feel of the extent of the issue. In total 26% had no previous convictions compared to 12% of men. Of those serving less than 12 months 29% were without previous convictions compared with 12% for men. During 2011 4,260 women entered prison on remand, but 60% did not receive a custodial sentence<sup>8</sup>. The majority of women are in custody for low level crime (theft, handling stolen goods) linked to substance misuse, mental health issues often compounded by their own experience of being victims of sexual/domestic abuse. Too many women still end up in custody as a result of breach action (1,052 in 2009, although it is unclear whether this is for failure to comply or is combined with additional offences<sup>8</sup>).

5.2 Women often serve their sentences too far from their home area—this is a particular issue for Wales where there is not a female establishment which means that women have to serve their sentence in England where it is difficult to meet their specific cultural/language needs. The geography of the female estate means that women receive fewer visitors than male prisoners and have more problems maintaining the links which will help their resettlement. An option would be for part of the female estate to be replaced by small, geographically dispersed residential units and women's community centres to provide a more appropriate infrastructure to facilitate women to serve their sentences and engage with resettlement services. West Mercia Probation Trust are in the process of developing a women's residential alternative to custody community option: this would be a community order with a 7 week residence requirement which could include a curfew/unpaid work as an additional requirement. Maintaining accommodation, contact with children and family, education and training and addressing health issues would be key components of the proposal. Given that 60% of those women on remand do not go on to receive a custodial sentence and that in 2011 58% of women were sentenced to 6 months or less<sup>8</sup> this would be a viable alternative.

5.3 *PCA's view is that MoJ strategy should include an explicit commitment to reduce the use of custody for women and to invest wholeheartedly in alternatives for those women who present a low risk of harm. Although it has reduced, large numbers of women are still going into custody and are at risk of going into custody. This fails to take account of the costly negative impact on the women themselves losing their accommodation and caring role and on the community where alternative child care often needs to be found etc. This is still often for relatively low level index offences, where women end up being breached because of the significant difficulties posed in working to address their very complex needs and problems. There still appears to be an insufficient recognition of the very real barriers that women's complex needs present.*

6. *The volume range and quality and sustainability of community provision for women including approved premises*

6.1 When the Joint Inspectorate examined the work of probation staff with community partners to meet women's needs, it was found that provision across some pathways was poor. For over half of the women in their case sample, mental health services were unsatisfactory. This continuing failure to deal effectively with

women's needs in the community makes it likely that prison will continue to be used as seemingly the only disposal available to the courts for vulnerable women who appear before them and who are living rootless, chaotic lives.

6.2 The expansion of the use of women's "one stop shops" or WCPs which provide a holistic set of rehabilitative interventions within a single safe space, have been one of the most promising achievements since the publication of the Corston Report. However, the provision is "patchy" with not everywhere having a WCP. Also sustainability is questionable with cuts in funding across all government departments—the funding is now built into the baseline budgets for Probation Trusts but this amounts to less than 3.5 million for the current financial year—putting this in perspective it costs on average £56,415 per annum for a female prison place yet 64% of women serving less than 12 months offend within one year<sup>8</sup>. The evidence is that women are more likely to complete a community order than men with the cost of an intensive order being between £10,000–£15,000. There continues to be a great need for alternatives to custody for women who pose no risk of serious harm and the financial cost benefits are arguably strong.

6.3 Surrey and Sussex Probation Trust (SSPT) undertook a piece of research involving 192 women offenders. It was validated by Leicester University and evidenced that support from Probation Officers to women who have experienced domestic abuse and self-harm was highly valued: women offenders reported feeling more in control of their lives and able to take responsibility for their actions<sup>9</sup>. More research of this kind which explores the views of women using the Service would help in shaping the design and provision of services.

6.4 There is evidence from OASys data<sup>1</sup> that there is an emerging "high need, high cost" group of women who have the highest likelihood of re-offending, have the most complex needs—(91% with a drug misuse need), but most worrying is that this segment is characterised by having the youngest age profile. This is the group most likely to need an alternative to custody such as Women's Approved Premises (WAPs). The majority of WAPs have similar problems to women's prisons in that they are few in number and often far from the woman's home area. Those which are in place work hard to provide a holistic women-centered approach and most have excellent links with the VCS and WCPs. However, the structure and regimes of WAPs were built around the need to provide enhanced supervision for male offenders and many are on a journey to deliver a "different and distinct" approach for women. The majority are certainly unsuitable in their present form for women who are convicted of low to medium level offending and the expectation has been that the enhanced BASS meets the needs of these women. Interestingly, the Joint Inspectorate<sup>3</sup> reported some concerns about the low usage of enhanced BASS but speculated as to whether this was because the service was intended for low or medium risk women who should not need to go to custody, therefore bailing them to BASS was possibly seen as unnecessary.

*6.5 PCA supports the drive to maintain a continued focus on the use of alternatives to custody which utilise viable women specific provision including the development of alternative residential options which would reduce the risk of offending and offer supportive environments for a range of women with services tailored to their risk and need profile.*

*7. The availability of appropriate provision for different groups of women offenders including under 18s, women with children, foreign nationals and Black, Asian and Minority Ethnic women and those with mental health problems*

7.1 While identifying common threads in the experience of girls and women in the CJS, there are concerns that diversity issues are inadequately addressed, such as the distinct needs of older women, pregnant women and Black, Asian and Minority Ethnic women (BAME). While BAME groups constitute 9% of the overall population of England and Wales, BAME women account for 28% of the female prison population. In addressing the distinct position of girls and women within the criminal justice system, any future strategy must therefore consider the way that gender intersects with other protected characteristics.

7.2 There is still no national strategy for the 15% of the female prison population classified as non-nationals. Women with no recourse to public funds face a range of distinct challenges. There is currently only one VCS organisation, Detention Advice Service, that is able to offer advice on immigration issues to female prisoners.

*September 2012*

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#### GLOSSARY

BAME	Black, Asian, Minority Ethnic
BASS	Bail Accommodation Support Scheme
CIFC	Corston Independent Funders Coalition
CJBs	Crimingal Justice Boards
HWBBs	Health & Well Being Boards
IAC	Intensive Alternatives to Custody
IOM	Integrated Offender Management
MoJ	Ministry of Justice
NOMS	National Offender Management Service
NWT	NOMS Women's Team
PCA	Probation Chiefs Association
PCCs	Police Crime Commissioners
VCS	Voluntary Community Sector
WAP	Women's Approved Premises
WCPs	Women's Community Projects

#### Written evidence from the Magistrates' Association

This submission comments on the following points from the terms of reference:

- The nature and effectiveness of the Ministry of Justice's strategy for women offenders and those at risk of offending
- The volume, range, quality, and sustainability of community provision for female offenders, including approved premises
- The availability of appropriate provision for different groups of women offenders, including, under 18s, women with children, foreign nationals and black, asian and minority ethnic women, and those with mental health problems.

#### SUMMARY

- (a) The drive for localism leads to inconsistency in sentence provision. A strong steer from the centre is needed to ensure adequate provision is made for sometimes small numbers of women offenders.
- (b) Provision of community sentencing specifically for women is very variable and in many places non-existent. Separate services for women can lead to reductions in breaches of orders and reoffending.
- (c) Specific sentencing for women may be under-used because there are doubts about sustainability.
- (d) Inconsistency of community programmes provision can lead to injustice .
- (e) Separate sentence provision for women is more important than segregating those of different race or nationality. Provision for women with mental health issues should be standard as the majority of female offenders likely to receive a community or custodial sentence fall into this category.

1. To date there has been little MoJ top down direction on how to tackle women's offending. Earlier this year, we asked the minister to take a firmer line from the centre to drive local provision for offenders but he replied that it is for individual Probation Trusts to commission local services. The minister's reply is reproduced at the end of this evidence. The confirmation by MoJ in May that the Government would publish a cross-departmental strategy for women was welcome as this should not only assist with integration of different services, but will also help to secure more consistent justice provision nationally and reduce the unfairness resulting from a piecemeal approach. A Women's Justice Board as recommended by the Women's Justice Taskforce would be even more effective as it would be able to set and monitor policy nationally and operate from a clear understanding of the needs of women offenders and how best to reduce reoffending.

2. At present, community provision of sentences specifically for women is sparse and patchy. There are a number of projects, some independent, some within NOMS, offering a range of services for women, but in many areas little or no provision exists. Of the 35 Probation Trusts there are 20 where none of the projects

registered with Women's Breakout is located. The presence of one or more projects within a Probation Trust does not necessarily mean all women offenders within that Trust area have access to the projects. Many are part funded by Local Authorities or subject to planning constraints, and cannot offer services to women living outside the Authority. For example, within Avon & Somerset Probation Trust is Eden House, a successful project run by partners including NOMS, offering a range of services to women offenders. However the project is only available to women living within the Unitary Authority of Bristol, leaving all of Somerset and South Gloucestershire with no provision. It is likely that many of the 15 Probation Trusts with some provision are actually similarly poorly supplied. Not all women offenders have difficulty with the unisex approach which has historically been delivered, but the majority have issues which leave them vulnerable. This can lead to reluctance to attend offices or work placements where male offenders are likely to be present, leading to lack of compliance and lack of engagement with community orders. We believe that the minimum services which should be available in all areas are:

- (a) Bail accommodation.
- (b) Separate premises or days for probation appointments.
- (c) Separate placements for community payback.
- (d) Separate rehabilitation programmes.
  - (i) Bail accommodation is currently provided via the Stonham Bail Accommodation Support Services (BASS) contract, however provision is patchy in some areas and the service appears not to be widely known about in courts. The number of women on remand is a matter for concern but the LASPO Act will address this to some degree by restricting the courts' ability to refuse bail where there is no realistic prospect of a custodial sentence. However, provision and use of appropriate bail accommodation may well reduce the number further. The Criminal Justice Joint Inspection 2011 report into the use of alternatives to custody for women found that "awareness by courts and probation of these services tended to be low, so they were underused." It still does not seem to be standard practice in all courts for the CPS, probation or defence advocates to explore the possibility of a BASS place before bail decisions are made.
  - (ii) Where women's community projects exist, and probation appointments are held within their premises, attendance by offenders is improved. Some women report reluctance to attend probation appointments at probation offices because the presence of male offenders is intimidating. Women's centres have also reported that women are better able to lower their barriers in a "safe" environment and therefore engage better with probation services and are able to start addressing their offending behaviour. Stephanie Covington of the Center for Gender and Justice, California has said that we need to presume the women we serve have a history of traumatic stress and we need to exercise "universal precautions". What makes a difference is creating a safe environment, listening to her story, and empathy. Breaches of orders and reoffending are thereby both reduced. 23 projects registered with Women's Breakout offer on-site access to probation, but some of these will only be able to deal with offenders within a specific Local Authority area so will not be available within an entire Probation Trust. It is not known if any probation offices currently run women only days or hold appointments at other locations apart from Women's Centres. It is acknowledged that some areas will not have high enough numbers of women offenders to open separate offices, but urgent consideration should be given to allocating specific days to women offenders or sending offenders to neighbouring areas where such provision is available. Support for Women Around Northumberland (SWAN) is a project funded by MoJ which offers a mobile service allowing access by those in rural areas. This type of "virtual Women's Centre" could be replicated without incurring the expense of separate premises.
  - (iii) Attendance on community payback placements is better if work is carried out in women-only placements, as some women can find mixed placements working alongside male offenders intimidating. 12 projects under Women's Breakout run unpaid work but it is not known how many Probation Trusts offer arrangements outside these projects. Three projects run Attendance Orders. There is at least one Attendance Centre in Camden run specifically for women and there would seem to be no reason for others not to offer women only days or sessions. Attendance can also be improved if the offender is supported by one of the Women's Projects, as reported by Anawim Birmingham project in a case study: "Probation said they have noticed a marked improvement with her engagement in Community Payback since she started to attend Anawim".
  - (iv) Not only do women attend and engage better with rehabilitation programmes in women-only groups, but the programmes tailored to women offenders also have better success rates. There are a number of projects offering different programmes and courses, but little consistency. Many areas do not offer any groups specifically for women. It is reported that such sentencing options as do exist are under-used and we believe that to be in part because the provision is so patchy that many courts are probably unaware of the options. The Criminal Justice Joint Inspection 2011 report into the use of alternatives to custody

for women reported that although there was a lack of women-specific provision for both unpaid work and offending behaviour programmes, women-only groups, where run, were generally successful.

3. Sustainability of many projects is questionable. It was announced in January that NOMS will provide £3.5 million funding for 30 centres in 2012–13. Some are partly funded by Local Authorities and some rely entirely on charitable or private funding. It is unclear what effectiveness criteria will be used for Payment by Results and whether some of the projects will survive as providers of community sentences. If local Probation Trusts do not see the work being done by a project as a priority and fail to commission its services for a year, those services are unlikely to be available later should priorities change. Uncertainty about the longer term viability of projects leads to reluctance to order sentences of 12 months or more which rely on their services.

4. Courts deal with offences which occur within their catchment area. The offenders may not live within the same area and the sentence will depend on what is offered by the probation services where they live. Furthermore, the reduction in court houses and benches means that some benches now cover very extensive areas which include many Local Authority areas. With inconsistencies in the provision of sentences available for women offenders, it is increasingly likely that benches will receive different sentence recommendations from probation services for very similar offences. These discrepancies may lead to very visible unfairness.

- (f) The Corston report of 2007 identified that “Up to 80% of women in prison have diagnosable mental health problems”. Although prison may exacerbate these problems, it is likely that they will also be present in those sentenced to a community order. It would therefore seem that appropriate provision for women with mental health problems should be incorporated into any service for women offenders. Generally we believe there is little separate provision for foreign nationals or those of different ethnic origins but we consider that it would be more important to be sentenced as a woman and attend placements with other women, than to attend with men of the same nationality or race. Additional support may well be needed but should be assessed and provided on an individual basis. Sentencing for under-18s is of course distinct from adult sentencing, community sentences are overseen by YOT rather than probation, and sentences are carried out at separate premises. However, there is not usually any difference in community sentence provision for young men and women. While some Women’s Centres have crèche facilities, these are not universal or necessarily full-time. Very many women in the CJS are mothers (including many under 18) and childcare difficulties can often be the cause of missed appointments. Unpaid work placements are not generally viable if a child has to be taken to school and collected as the hours are too long. If small children have to be taken to appointments, this would also make it even more important for the sentence to be carried out in a safe environment. Several women’s prisons include mother and baby units but this thinking does not seem to have carried over to those on community sentences.

September 2012

Annex

### Letter from Crispin Blunt MP dated 19 April 2012

#### CORSTON RECOMMENDATIONS

Thank you for your letter of 20 March 2012 concerning a motion passed by the Annual General Meeting of the Magistrates’ Association last November about implementation of the Corston Report, and in particular the availability of suitable community sentencing options.

I am pleased that the Association’s motion recognises the work of the Government to give effect to the findings of the Corston Report, and in particular to reduce the number of vulnerable and non-violent women in custody. As you will know, our continued work to reduce offending by women and to provide alternatives to custody in appropriate cases has seen a significant reduction in short sentenced receptions (down 13% in the first quarter and down 4% in the second quarter in 2011–12 from the previous year). Reduction in demand meant that it was feasible to close HMP Morton Hall as a women’s prison last year, meeting our plan to reduce the number of places in the women’s estate by 400.

I would like to assure you that the Government remains committed to addressing women’s offending, both for their own good and that of the public. We must ensure that women who offend are successfully rehabilitated, whether they serve sentences in custody or the community, and that we take an approach to women in the criminal justice system that recognises their different needs, including developing responses to their mental health and substance misuse problems.

I welcome the Association’s support for greater use of alternatives to custody for female offenders. We want to increase confidence in community sentences, demonstrating that they are meaningfully punitive and can provide good options for offenders with caring responsibilities where being sent to prison could cause chaos for children and families. We currently spend an estimated £80 million a year on adult females serving community and suspended sentences, and women are doing slightly better than men on these sentences.

*paragraph omitted in the interests of brevity*

I am concerned to note that the Magistrates' Association feels that there are currently too few women's community services providing viable alternatives to custody. Women's Community Services, which aim to address the underlying reasons for many women's offending, such as drug and alcohol addiction, mental health and their often long histories of domestic violence and abuse, are an important part of our holistic approach to women in the criminal justice system. I am pleased that NOMS has identified £3.5 million to support these services for 2012–13, which will be in addition to Probation Trusts' basic settlements, and will be given with the contractual expectation of enhanced services to women offenders.

Given the Government's strong commitment to localism, you will not be surprised if I say that the future for women's services lies at the local level, with responsibility for many decisions transferred from Whitehall to Probation Trusts. Going forward, we will be looking to see more locally devolved commissioning to ensure provision is integrated into local services. I envisage that Probation Trusts will play a vital role in delivering our strategic priorities for women at a local level. I recognise that Trusts have already changed much of their working practice over the last few years, and following the Corston Report, the provision of women only sessions or venues for probation delivery has been embedded within the standards set in Probation Specifications.

I note your concern that localism may lead to inconsistency and unfairness. I would like to reassure you that the National Offender Management Service sets its commissioning intentions for the provision of community services on a national basis. This means that Probation Trusts are required to demonstrate how they will ensure that appropriate provision is available to enable women to complete their sentences successfully and that their risks of reoffending are addressed through a broad range of women's community services. This nationally set approach is designed to engender the delivery of targeted services on the ground in response to local needs, as well as ensure that the responsibility for providing gender-specific and holistic services has been built in to the fabric of every Probation Trust as a part of comprehensive local service delivery. Stronger commissioning relationships will enable Trusts to work closely with the Women's Community Services to improve options available to courts in the community. Localism will ensure provision is better matched to the needs of local communities and the move to establishing Trusts as the local commissioners of Women Community Services is a clear early demonstration of this principle.

I share your view that, as with all our attempts to reduce reoffending, it is important that we can effectively evaluate the services we invest resources into. And, again as with all services, it is both challenging and essential that we focus as far as possible on measuring outcomes. NOMS are revising the information collected from providers to focus more clearly on custody and reoffending rates for the women they work with. As part of the local commissioning arrangements the Probation Trusts and providers need to work together to decide what data, evaluation and measurement will enhance engagement with Sentencers, Local Authorities and other partner organisations.

I welcome your support for Female Offender Specified Activity Requirements (FOSARs). These are currently available in 26 of the 35 Probation Trusts in England and Wales. I appreciate that means that FOSARs is not an option for all sentencers and the concerns that this raises. The National Offender Management Service is currently commencing a review of Specified Activity Requirements (SARs), including those designed for women offenders. The review will examine the available evidence in order to establish how SARs can be targeted most effectively to achieve best outcomes. This evidence will support the commissioning decisions made at a local level and will inform the national NOMS commissioning intentions.

You have suggested that a more intensive order is also necessary, and that there should be an intensive "alternative to custody" (IAC) pilot for women. I do not believe that such a pilot is needed. The IAC pilots that ran between 2008–09 and 2010–11 involved both male and female offenders, including the creation of IAC packages designed to meet the needs of women. The pilots were undertaken in seven areas six of which included women offenders (Manchester targeted male offenders aged between 18 and 25 years). Those pilot areas which included women offenders (West Yorkshire, Derbyshire, Merseyside, Humberside and Wales) have mainstreamed IAC services for women. The Wales Probation Trust which incorporated two of the pilot areas has mainstreamed IAC for women across the whole Trust area.

*paragraph omitted in the interests of brevity*

*Crispin Blunt*

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### **Supplementary evidence from the Ministry of Justice following the evidence session of 26 March 2013**

#### **PROPOSED CORRECTIONS TO TRANSCRIPT OF ORAL EVIDENCE**

Thank you for giving me the opportunity to review the transcript of my oral evidence to the Justice Select Committee on 26 March 2013, as part of your inquiry into female offenders. I would like to take this opportunity to clarify a couple of points in my evidence, as follows:

*Q259 and Q262, pages 4 and 5*

As you know, I was not in a position to discuss the membership of the Advisory Board in detail as invitations had not yet been sent. These were issued on 16 April, and I would like to let the Committee know that Ministers from other Government departments will not be members of the Board, as stated in my evidence. Rather, I have written to Ministerial colleagues asking them to nominate senior officials to represent their respective departments.

As stated in my priorities for female offenders' publication, an important task for the Advisory Board will be to instigate more effective joined up working across Government departments, particularly on work strands that straddle departmental responsibilities. We believe that the work streams on which the Board will focus will benefit from the direct engagement of officials, who will bring to the table a detailed knowledge of their policy areas and how they impact on female offenders and those women at risk of entering the justice system. There is, of course, a clear expectation that these officials will engage with their Ministers on specific issues, where necessary. I may also invite Ministerial colleagues to attend a particular meeting of the Board, or otherwise to be engaged in its work, where this would be helpful.

*Q304, page 18*

Please note that the review of the women's estate was announced on 10 January 2013, not 10 February, as I stated in my evidence.

*April 2013*

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### **Supplementary written evidence from the Ministry of Justice**

#### **ADVISORY BOARD ON FEMALE OFFENDERS**

I am writing, further to my letter of 21 March to the Home Affairs Committee about the publication of our strategic priorities for female offenders, to invite you to nominate a senior official to become a member of the new Advisory Board on female offenders announced in that document.

As you know, the Advisory Board, which I will chair, will bring together key stakeholders, criminal justice partners and senior officials to support me in providing strong leadership on delivery of our strategic priorities. I attach a list of the proposed membership (*Annex A*) and draft Terms of Reference (*Annex B*).

The Board will focus on specific work streams related to key areas of our work, as below:

#### **1. ENHANCED PROVISION IN THE COMMUNITY FOR FEMALE OFFENDERS**

We want the Board to take a creative, innovative look at the scope, within existing financial constraints, for improved sentencing options that combine a sufficiently punitive element with rehabilitative support that would give sentencers robust community sentencing options as an alternative to the use of short custodial sentences. Linking in with work streams 2 and 3, we will also explore with the Advisory Board, how we could use current community options, such as Approved Premises, more effectively.

#### **2. TRANSFORMING REHABILITATION FOR FEMALE OFFENDERS**

The Transforming Rehabilitation consultation document sought specific views on how we can ensure the new rehabilitation commissioning model, including payment by results and the provision of post-release supervision for those sentenced to custody for less than 12 months, recognises and addresses the specific needs of female offenders, to enable better outcomes for these women. We will publish our response to the consultation shortly. However, we recognise that the relatively small number of female offenders presents particular challenges. We intend that the Advisory Board should support us in designing the system to ensure that women's needs and priorities are recognised in the provision of services in the community and through-the-gate of prison.

#### **3. REVIEW OF WOMEN'S PRISON ESTATE**

On 10 January, we announced a review of the women's prison estate, to report by the summer. The review is expected to examine current capacity, distances from home, and the future composition of the estate so as to improve women's access to relevant opportunities and regimes for their rehabilitation needs. It is crucially important that we have appropriate accommodation that meets the needs of female prisoners, and that we have the right design, location and facilities, which are affordable and deliverable. There may be different views on what the new estate should look like, and the Advisory Board will provide external, practitioner focussed input to this complex work. As the review progresses, Board members may be asked to consider and provide advice on specific issues arising from this work.

#### 4. WHOLE SYSTEM APPROACH

Our plans to strengthen the community order framework will ensure that community orders are punitive as well as rehabilitative, and it is crucial that sentencers are aware of the gender-specific options available to support this. The Advisory Board will have a role:

- (a) Working with partners within the criminal justice system—to ensure that the needs and profile of female offenders are recognised and understood by those working with them at all points of the criminal justice system. We will work with sentencers and CJS partners to promote the community sentencing options for women. The Board may also decide to work with partners to identify whether there are gaps in current provision, or whether guidance for staff and processes could be improved for identifying and supporting vulnerable female offenders on their journey through the system.
- (b) Working with partners outside the criminal justice system—to raise the profile of female offenders and factors associated with their offending, such as domestic violence and sexual abuse, mental health needs, and substance misuse problems. The Board will work with Government departments and other partners to ensure effective joint working, both nationally and locally, to address these factors. This will include, for example working with the Home Office on work strands within their Action Plan for Ending Violence Against Women and Girls. The Board will also have a role in ensuring that links are made, as appropriate, with work being taken forward for girls in the criminal justice system.

There are a range of factors associated with women's offending, such as mental health issues; drug and alcohol misuse; domestic violence and sexual abuse; homelessness; skills, employment and finance; and caring responsibilities (for dependent children and other family members). At this time of reduced resources and changes to the commissioning landscape, both nationally and locally, it is important that we take a cross-Government approach to addressing these factors. I believe that there will be real benefits, both for the criminal justice system and beyond, if we can successfully address these factors so as to reduce reoffending by women, and provide support to those women who may be at risk of entering the justice system. By bringing together key bodies with an interest in female offenders, both within and outside Government, the Board will be able to support a more joined up approach on this important agenda.

I expect the Board to meet three or four times a year, with meetings held at the Ministry of Justice in central London, the address for which is detailed above. I should be grateful if you could please nominate an official at director level to sit on this Board. Officials will be invited to attend meetings, as necessary, when business relevant to their policy area is to be discussed. Our first meeting will take place on *Tuesday 7 May 2013*, from *11.00–13.00* in *Room 9.29A*.

Nominations should be sent to the female offenders' policy team at the Ministry of Justice on [womenspolicyteam@justice.gsi.gov.uk](mailto:womenspolicyteam@justice.gsi.gov.uk) not later than *Monday 22 April*. Shena Clarke, who leads the team, will also be happy to answer any queries about the new Board ([shena.clarke@justice.gsi.gov.uk](mailto:shena.clarke@justice.gsi.gov.uk) or 020 3334 6065).

*April 2013*

#### Annex A

##### ADVISORY BOARD FOR FEMALE OFFENDERS: PROPOSED MEMBERSHIP

Helen Grant MP	Chair, Parliamentary Under-Secretary of State, Minister for Victims and the Courts
Rt Hon Lord McNally	Minister of State and Deputy Leader of the House of Lords
Rt Hon Baroness Corston	Labour peer
Baroness Walmsley	Liberal Democrat peer
Michael Spurr	Chief Executive Officer, NOMS
Helen Judge	Director, Sentencing and Rehabilitation, MoJ
Juliet Lyon CBE	Director, Prison Reform Trust
Rachel Halford	Director, Women in Prisons
Clive Martin	Director, Clinks
Jackie Russell	Director, Women's Breakout
Polly Neate	Chief Executive, Women's Aid
Liz Calderbank	HM Chief Inspector of Probation
Nick Hardwick	HM Chief Inspector of Prisons
John Long	IOM lead, Association of Chief Police Officers
Liz Rijnenberg	Probation Chiefs Association, Lead Women Offenders
Police & Crime Commissioner	Nominated representative
John Fassensfelt	Chairman, Magistrates Association
Judiciary	Observer status

GOVERNMENT DEPARTMENTS

Department of Health  
Home Office  
Department for Communities & Local Government

ATTENDING AS REQUIRED

Department for Work & Pensions  
Department for Business, Innovation & Skills  
Attorney General's Office  
Government Equalities Office  
Wales Office

**Annex B**

ADVISORY BOARD ON FEMALE OFFENDERS: TERMS OF REFERENCE

PURPOSE

1. The purpose of the Board is to provide ministerial leadership on delivery of the key priorities for female offenders.
2. It will do this by:
  - raising awareness of the needs and profile of female offenders within the Criminal Justice System and across-Government;
  - providing a forum for sharing expertise and knowledge from within and outside Government to inform the development of policy on female offenders, undertaking specific tasks, as required;
  - advising on specified elements of the Government's reform programme for offenders, notably the rehabilitation programme and review of the female custodial estate, ensuring that these take account of the particular needs of female offenders both in the community and in custody, and across the whole system; and
  - advising on those factors associated with women's offending such as mental health, accommodation, substance misuse, domestic violence, sexual abuse, and finance/employment both where they impact on reoffending and women at risk of offending.

WORK STREAMS

3. The Board will be responsible for the following work streams:
  - (i) *Enhanced provision in the community for female offenders*

We want the Board to take a creative, innovative look at the scope, within existing financial constraints, for improved sentencing options that combine a sufficiently punitive element with rehabilitative support that would give sentencers robust community sentencing options as an alternative to the use of short custodial sentences. Linking in with work streams (ii) and (iii), we will also explore with the Advisory Board, how we could use current community options, such as Approved Premises, more effectively.
  - (ii) *Transforming Rehabilitation for female offenders*

The Transforming Rehabilitation consultation document sought specific views on how we can ensure the new rehabilitation commissioning model, including payment by results and the provision of post-release supervision for those sentenced to custody for less than 12 months, recognises and addresses the specific needs of female offenders, to enable better outcomes for these women. We will publish our response to the consultation shortly. However, we recognise that the relatively small number of female offenders presents particular challenges. We intend that the Advisory Board should support us in designing the system to ensure that women's needs and priorities are recognised in the provision of services in the community and through-the-gate of prison.
  - (iii) *Review of women's prison estate*

On 10 January, we announced a review of the women's prison estate, to report by the summer. The review is expected to examine current capacity, distances from home, and the future composition of the estate so as to improve women's access to relevant opportunities and regimes for their rehabilitation needs. It is crucially important that we have appropriate accommodation that meets the needs of female prisoners, and that we have the right design, location and facilities, which are affordable and deliverable. There may be different views on what the new estate should look like, and the Advisory Board will provide external, practitioner focussed input to this complex work. As the review progresses, Board members may be asked to consider and provide advice on specific issues arising from this work.

(iv) *Whole system approach*

Our plans to strengthen the community order framework will ensure that community orders are punitive as well as rehabilitative, and it is crucial that sentencers are aware of the gender-specific options available to support this. The Advisory Board will have a role:

- (a) Working with partners within the criminal justice system—to ensure that the needs and profile of female offenders are recognised and understood by those working with them at all points of the criminal justice system. We will work with sentencers and CJS partners to promote the community sentencing options for women. The Board may also decide to work with partners to identify whether there are gaps in current provision, or whether guidance for staff and processes could be improved for identifying and supporting vulnerable female offenders on their journey through the system.
- (b) Working with partners outside the criminal justice system—to raise the profile of female offenders and factors associated with their offending, such as domestic violence and sexual abuse, mental health needs, and substance misuse problems. The Board will work with Government departments and other partners to ensure effective joint working, both nationally and locally, to address these factors. This will include, for example working with the Home Office on work strands within their Action Plan for Ending Violence Against Women and Girls. The Board will also have a role in ensuring that links are made, as appropriate, with work being taken forward for girls in the criminal justice system.

4. The Board will act in an advisory capacity at all times. All decisions affecting policy, budget setting, management or related resourcing decisions, remain the responsibility of the relevant Minister.

**KEY PRIORITIES FOR FEMALE OFFENDERS**

- Ensuring the provision of credible, robust sentencing options in the community that will enable female offenders to be punished and rehabilitated in the community where appropriate. We are committed to ensuring all community orders include a punitive element. Other options such as tagging and curfews can also be used to provide greater monitoring and structure to offenders' lives;
- Ensuring the provision of services in the community that recognise and address the specific needs of female offenders, where these are different from those of male offenders;
- Tailoring the women's custodial estate and regimes so that they reform and rehabilitate offenders effectively, punish properly, protect the public fully, meet gender specific standards, and locate women in prisons as near to their families as possible; and
- Through the transforming rehabilitation programme, supporting better life management by female offenders ensuring all criminal justice system partners work together to enable women to stop reoffending.

These will be taken forward within the Government's programme for transforming the rehabilitation of offenders.

**ADMINISTRATION**

The Board will meet three or four times each year. Secretariat support will be provided by the Ministry of Justice Women's Policy team.