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CORSTON INDEPENDENT FUNDERS' COALITION

Response to Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders

Introduction

The Corston Independent Funders' Coalition is a group of 22 charitable trusts, foundations and individual philanthropists.¹ We were set up to secure and sustain a policy shift from imprisonment to community sentencing for vulnerable women offenders, through advocacy, funding and partnership with charities and government. In the past year, we estimate that our members have granted more than £34m to charities working with offenders, both in and out of prison.² We also have some considerable experience in working in partnership with the Ministry of Justice, through the two Women's Diversionary Fund joint programmes to support integrated women offender services in the community.³

The Corston Coalition welcomes the overall direction of travel set out in the Green Paper, and urges the Ministry of Justice to propose a clear programme for women in the criminal justice programme to complement this.

Response summary

We believe that the proposals in the Green Paper need to be brought together in a clear action plan for women offenders. This action plan should include:

- A recommitment to the principle that community penalties should be the norm for women offenders
- Guaranteed visible senior leadership for the programme, supported by dedicated women's operational team and local champions for women offenders. This senior leadership role or mechanism should be accountable for the transformation of justice for women and should lead cross-governmental efforts to reduce women's offending and ensure the needs of women with multiple needs and chaotic lives are met
- A timetable to reduce the capacity of the women's prison estate, and to re-direct this funding into provision for women offenders in the community
- A commitment to ensuring that all payment by results commissioned contracts for the delivery of community sentences, resettlement of short-sentenced prisoners and drug rehabilitation will specify women-specific outcomes and will require a women-specific work stream. This should build on the knowledge gained from the women's community projects programme funded by the Ministry of Justice since 2009.
- National work plans to improve support for women in the criminal justice system who have experienced domestic or sexual violence or who have been involved in prostitution
- A commitment to ensuring that all mental health liaison and diversion services have specialist services for women, building on the best practice in the sector

We also believe that, in pursuit of the public service reform objectives which are part of the Big Society, the Government should develop payment by results commissioning that explicitly facilitates the engagement of the voluntary and community sector, including small and specialist charities. We recommend the creation of specific support programmes to enable charities to compete for commissioned contracts, and for further attention to be paid to financing models for charitable providers.

The Coalition has also made a number of comments on other matters, set out in detail below. Our full response follows, commenting on both the proposals made in the paper and the specific questions asked.

The Coalition would also associate ourselves with the expert responses made by other stakeholders with whom we have consulted or to whose responses we have contributed; these include Women's Breakout, the Women's Justice Taskforce, the Transition to Adulthood Alliance and Revolving Doors, amongst others.

¹ The members of the Coalition are: Allen Lane Foundation, Antigone, Appletree Fund, Barrow Cadbury Trust, Bromley Trust, City Bridge Trust, the Diana, Princess of Wales Memorial Fund, Edwina Grosvenor, J. Paul Getty Jr. Trust, LankellyChase Foundation, McGrath Charitable Trust, Monument Trust, Nationwide Foundation, Northern Rock Foundation, Oak Foundation, Paul Hamlyn Foundation, Pilgrim Trust, Rank Foundation, Rosa, Swan Mountain Trust, Wakefield & Tetley Trust and the Wates Foundation.

² Internal figures, Corston Independent Funders' Coalition, 2010

³ WDF 1 in 2010; WDF2 in 2011.

Detailed responses to the proposals

Community sentences (questions 4-7)

We welcome the commitment to make community sentences more effective and robust. It is crucial, though, that community sentences are set up in a way that enables women to fulfil the requirements placed on them without the impact of those requirements being more onerous than for male offenders. We believe that a failure to take into account the impact of generic community sentences on women contributes to women's higher rate of breach.⁴ Women who have been breached are a significant proportion of the female prison population.⁵

Community sentences for women must ensure their safety, enable them to fulfil the requirements alongside other responsibilities such as caring responsibilities, and must at the very least signpost women into programmes to support effective completion and deal with offending behaviour and other vulnerabilities. Requiring women to attend mixed generic interventions will lead to a higher risk of breach: it is inappropriate to expect women to complete a programme where they are in a significant minority.

The design of community sentences must take into account the likelihood that women offenders have experienced violence or abuse, and the likelihood of male participants or other men present having perpetrated violence or abuse towards a female partner or other person. Curfew and tagging arrangements for women must take careful account of the need to ensure women's safety, whether or not they have disclosed domestic violence. Electronic monitoring field officers must signpost all women subject to curfew to sources of help and support, and wherever possible, second addresses for women who may be at risk of violence or abuse should be nominated, so that women could continue to fulfil the terms of their order or licence without being required to remain in unsafe situations. Women should not be required to meet offender managers at probation offices, but should be able to complete their appointments through attending meetings with their offender manager co-located with integrated women offender services, as needing to attend probation offices can mean that women are exposed to meeting other offenders who may have abused them or coerced them in the past.

The best community sentences are provided in women-only settings co-located with supportive interventions to meet women's needs across all the criminal justice pathways. Integrated women offender services have developed a number of models of intervention delivered to women completing community sentences. For example, the Inspire project in Brighton delivers a Specified Activity Requirement which has a 29per cent breach rate; this compares to a 73per cent breach rate for community sentences overall in Brighton.⁶ Staff on the project believe that this is because they are able to adopt a problem-solving attitude to working with the women outside the formal sentence, enabling them to make progress on barriers to completing the sentence. Consideration should be given to expanding the number of women-only community sentencing options, in order to make them available to the majority of high-traffic courts for women offenders.

Community payback is a specific intervention which has the potential to replace short prison sentences for a large number of women. We support moves to make community payback more intensive and immediate, as long as care is taken to ensure that women with caring responsibilities are not disadvantaged disproportionately by this new focus. Women must be able to complete community payback free from harassment by other members of the work group; we believe that in practical terms this means that most unpaid work placements for women should be in women-only groups.

Integrated offender management (questions 9-10)

The Coalition welcomes the focus on learning from integrated offender management programmes, and extending them to more localities and groups of offenders. We believe that IOM approaches when coupled with substantive voluntary sector engagement and the engagement of statutory services beyond the criminal justice system offer real opportunities to halt the pattern of low-level offending and drug dependency which characterises many women offenders. There are a number of examples where voluntary sector projects play a full part in IOM arrangements: in Reading, Alana House (a voluntary sector integrated women offender service) takes the lead for female offenders (including prolific and priority offenders and short-term prisoners) who fall within the IOM criteria and is identified as the primary provider of intervention for these women. In Gloucester, all women who meet the criteria for the specialist IOM schemes for PPOs and DIP clients are referred to the voluntary sector Isis women's centre.

⁴ Offender Management Caseload Statistics 2009, Ministry of Justice, 2010

⁵ Offender Management Caseload Statistics 2009, Ministry of Justice, 2010

⁶ Inspire has delivered the SAR to 73 women in the six months of operation to date.

One of the crucial barriers to effective participation of voluntary sector providers in IOM is a lack of parity of esteem: too often differences in the culture between statutory and voluntary agencies and a sense that the voluntary provider is somehow a lesser partner in the scheme can undermine their effectiveness. To overcome this, agencies must develop effective information sharing and collaboration protocols, and local statutory partners should be expected to engage voluntary agencies in IOM arrangements. As part of this, there must be transparent funding arrangements for those agencies participating that enable security and continuity of service, as well as supporting voluntary agencies' capacity to develop their services. Voluntary agencies must be engaged in strategic planning for the scheme as well as in case-management, and specialist voluntary agencies (such as those for women) must be included at appropriate points.

Drug treatment (questions 11-13)

The patterns of women's substance misuse differ from those of men, just as the patterns of women's offending differ from those of men. It is particularly important to recognise that a large number of women in the criminal justice system (65 per cent in one study of women leaving HMP Styal⁷) have both mental health problems and a drug dependency. In the design of a graduated approach to community drug intervention programmes, the need to help women address the underlying mental health problems that fuel the drug dependency must be considered. Helping women to stop taking drugs without offering mental health care means that women are routinely expected to confront the impact of neglect and abuse without recourse to specialised support.⁸ The ongoing impact of violence against women and girls, both in adulthood and in childhood, must be considered explicitly in the design of drug intervention programmes. Without dedicated mental health support, programmes may enable short-term reduction or abstinence but relapse is likely when the mental health problem reasserts itself. This pattern must be taken into account in the design of payment by results drug intervention programmes for women offenders.

Therefore, alongside drug treatment interventions, women offenders must be offered emotional and mental health support, such as counselling, psychological therapies and teaching coping skills. Given the impact of violence and abuse and its link to mental ill-health and drug abuse, women should be able to access women-only drug services within the graduated approach – including residential and medium-intensity services.

Women offenders (question 14)

We are disappointed that, following the significant progress since the Corston Report and the wealth of evidence available about the different circumstances of women offenders, it is thought necessary to seek views anew on how male and female offenders differ. We would refer the Ministry to their own published annual report required under Section 95 of the Criminal Justice Act 1991⁹ for evidence of how women and men's experience of the criminal justice system differ.

For ease of reading, a note of some of the significant vulnerabilities of women offenders is attached at Appendix 1; we would draw particular attention to the following characteristics of women in the criminal justice system that set them apart from men:

- Likely to have high needs across a number of areas, including mental ill-health and drug or alcohol abuse
- Less likely to have settled accommodation, experience of work or educational qualifications, and more likely to live on a very low income
- Overwhelmingly likely to have experienced violence or abuse at the hands of a male partner or family member
- Likely to be a parent, and to have or to have lost primary caring responsibility for their children
- Likely to be convicted of low-level non-violent offences
- Far more likely to be involved in self-harm and to attempt suicide than men whilst in custody

The Corston Coalition believes that the direction of travel set out in the Green Paper need to be brought together in a clear strategic plan for women offenders. The first key aspect of making services responsive to women offenders is ensuring that there is visible leadership and appetite for transformation. Ministers must urgently reconfirm their view that community penalties should be the norm for women offenders, apart from those convicted of serious offences.

The strategic plan for transforming justice for women offenders must be supported by a structure that guarantees visible senior leadership and accountability. Notwithstanding that there have been a number of senior champions,

⁷ Working with Complexity: Meeting the Resettlement Needs of Women at HMP Styal, Revolving Doors Agency, November 2006

⁸ There is also some evidence to suggest that this may be an additional risk factor for self-harm and attempted suicide. Evidence presented by Dave Marteu, Department of Health, at a consultation on Breaking the Cycle and women offenders, 15 February 2011

⁹ Statistics on women and the criminal justice system 2009/10, Ministry of Justice, 2010
<http://www.justice.gov.uk/womencriminaljusticesystem.htm>

dedicated leadership of the women's change agenda in the criminal justice system has been lacking. Therefore we recommend that leadership of this agenda is explicitly designated to a director and board in NOMS, supported by an operational women's team. We recommend that this team should set a national programme for women in the criminal justice system, both in prison and in the community. Although co-ordinated services for women can only become a reality at a local level, in order that the focus is not lost a national team and strategy is a necessity. This team should be supported by explicitly designated leads or champions at appropriate levels in the new structure of NOMS, building on the excellent work of the women's single points of contact in NOMS regions and probation trusts to date. If further structural reform is anticipated, then specific attention must be paid to safeguarding the interests of the minority of women offenders in the new framework and ensuring that there is adequate resource to meet their needs.

The majority of women in the criminal justice system have experienced domestic or sexual violence, and this often is an indirect contributing factor to their offending. It is crucial that the action plan for women offenders includes a clear programme to support women who have experienced violence and abuse. In particular, retaining the focus brought to resettlement work by the additional two pathways for women¹⁰ in whatever framework is adopted is crucial. In addition, high rates of alcohol misuse by women, often in conjunction with existing drug use, means that a distinct strategy for tackling alcohol addiction for women needs to be developed.

In 2008, the UK spent £131m on women's prisons and healthcare for women prisoners,¹¹ and the cost of a place in a female local prison is £41,084.¹² Ministers should urgently set in train a process of continual reduction in the number of women in prison, eventually bringing capacity and need into line at the point where those convicted of serious offences are the only women held in custody. NOMS should reconfirm its commitment to the target to reduce the women's prison estate by 300 places by March 2011 and by 400 places by March 2012. The proposals for the reduction in the use of remand set out at paragraph 179 should enable a considerable reduction in the number of women in custody of the order of 450 women, given the proportion of the population who are on remand, and the proportion of those who do not go on to receive a custodial sentence. Without constraints on capacity, prison numbers will not reduce, so it is vital that the capacity reduction programme commences at the outset. Alongside this, ministers should create a mechanism whereby funding saved from reduction in women's prison capacity is available to fund community programmes to divert women from custody and from offending. The savings that could be produced if custody was used more efficiently are considerable, and should be partly ring-fenced to fund continued women's community provision, at the cost of around £1800 per woman per annual intervention.¹³

As part of the action plan, we recommend that all payment by results commissioned contracts for the delivery of community sentences, resettlement of short-sentenced prisoners and drug rehabilitation must specify women-specific outcomes and require a women-specific work stream. Attention should be paid specifically to women's circumstances and to their different routes into and out of offending. Every agency, contractor and commissioned provider in the criminal justice system should have to plan for and demonstrate action against the women offenders action plan. And where programmes of interventions are commissioned, each contract should specify a certain level of engagement with women offenders through specialist services. *Please also refer to our answer to question 28 below.*

This commissioning programme should build on the knowledge gained from the 45 women's community projects funded by the Ministry of Justice since 2009. These services aim to "support women and to direct them away from offending behaviour by making sure that services and interventions are properly coordinated and tailored to meet their individual needs by means of multi-agency one-stop access to services and support."¹⁴

For the most part, these integrated women offender services are rooted in small or medium-sized local and regional charities, and many have grown from wider work on related issues. The vast majority are voluntary sector-run, commissioned or funded and in partnership with statutory agencies. The methods of delivery may vary depending on local need and circumstances. Most urban projects operate a drop-in model from a women-only centre or space, although a number – notably those in rural areas or serving a dispersed population – operate an outreach model. Some projects have single lead agencies whereas others are run on a multi-agency basis.

¹⁰ The National Reducing Re-offending Action Plan, published in July 2004, outlined a set of seven key areas of action to support the reintegration of offenders into society, known as the "pathways". An additional two were added by Baroness Corston in 2007, in recognition of the additional obstacles faced by women. These additional pathways support women who have been abused, raped or who have experienced domestic violence, and women who have been involved in prostitution.

¹¹ Social Exclusion Task Force short study into women offenders, Cabinet Office, 2009

http://www.cabinetoffice.gov.uk/social_exclusion_task_force/short_studies/women_offenders.aspx

¹² Annual Report and Accounts April 2006-March 2007, HM Prison Service

¹³ Corston Coalition internal figures

¹⁴ p62, The Corston Report, Home Office, 2007

Although the integrated women offender projects are rooted in the voluntary sector, they have a strong interface with the criminal justice system. The projects practise all-stages diversion – that is, women at any stage in the criminal justice system can access their services, whether they be at risk of offending; offending as yet unsanctioned; in receipt of a conditional caution or community sentence; on bail awaiting trial or sentence; in prison (through in-reach); or resettling from prison. The integrated women offenders projects support women who refer themselves, those who are voluntarily referred by partner agencies such as the police and probation, and those who are referred as part of a mandatory condition – for example, a bail condition, community sentence or conditional caution. Many projects (currently 13¹⁵) host co-located probation workers who are able to see some or all of their caseload of women offenders in the project.

The model of intervention used by the integrated women offender projects has a number of key aspects common to all projects:

- Access to a number of services across a range of needs in one location or through one care plan. Access to services is usually dependent on having a very specific need (e.g. mental health issue, learning disability, need for accommodation), and that not having a single clear, identifiable high-priority need can mean not gaining access to services.¹⁶ In contrast, the model caters for women who have significant needs in a number of areas but whose needs, taken in isolation, might not reach the thresholds for other interventions. The model calls for services to be located around the woman: rather than the woman herself having to manage a variety of agencies with whom she must engage, the projects provide a one-stop-shop where a number of services are hosted in one place, and support is provided to access any which are off-site.
- Work from an understanding of women’s needs in a women-only and gender-aware setting. Services are provided more effectively in a safe woman-only setting where issues of violence and abuse can be sensitively dealt with. The services provided also recognise women’s roles as mothers and carers. Fifty-one per cent of the women referred to the Ministry of Justice-funded projects have children; of these nine per cent have children in care and twenty per cent have children living elsewhere.¹⁷ A number of the projects are developing programmes to support women to rebuild relationships with their children, including providing parenting support and supervised contact sessions.
- A belief that change and a better life is possible for women with multiple needs and chaotic lives. The projects work from the standpoint that chaos, offending and vulnerability is not inevitable for their clients, and that change and a better life is possible. The model balances assertive, proactive support, challenging and motivating clients and providing positive feedback to reinforce appropriate behaviours.

<i>Services delivered in integrated women offender services in the community</i>		
Core	Best practice	Optional, depending on local circumstances
Key working (assessment, support planning and co-ordination) One-to-one assertive support, motivation and problem-solving Confidence and self esteem-building activities Crèche or childcare provision Referrals to specialist agencies Domestic violence, rape and sexual abuse support	Mental health services One-to-one counselling Benefits, finance and debt advice Challenging offending or anger management courses Drug and alcohol misuse support services and interventions Primary healthcare Volunteering and mentoring training and opportunities Housing advice Parenting support Prison in-reach and resettlement support Practical help (e.g. some meals, access to shower, clothes exchange, washing machine)	Accommodation ROTL (release on temporary leave from prison) placements Education, training and employment support Legal advice Methadone/substitute prescribing Specific work with sex workers Social enterprise activities Healthy living and self-management sessions
	CJS-specific interventions On-site access to probation Court liaison and diversion scheme Community sentence provision: <ul style="list-style-type: none"> - Unpaid work placements - Specified activity placements - Engagement and support orders - Drug rehabilitation requirements Referral as part of a conditional caution	

¹⁵ Update to Ministry of Justice steering group, unpublished, November 2010

¹⁶ Service responses and outcomes for adults described as having chaotic lives and multiple needs: a scoping exercise, University of Keele, 2007

¹⁷ Update to Ministry of Justice steering group, unpublished, November 2010

There is considerable emerging evidence available about the impact of this new style of integrated women offenders service on reducing women's offending and supporting them to deal with other needs.

The 2009 evaluation found the Evolve integrated women offenders project at Calderdale Women's Centre enhanced women's skills to make decisions and be in control of their lives, and strengthened relationships with their children and families. The programme also reduced the likelihood of women re-offending through providing holistic support and challenging offending behaviour.¹⁸ Between July 2007 to July 2008, only 4 women of 87 who accessed the project reoffended.¹⁹ The Together Women projects also had a substantial impact on re-offending. Self-reported re-offending rates in the first year of operation in the north-west Together Women projects were seven per cent, and in the projects in the Yorkshire and Humberside region were 13 per cent. This compares to a reoffending rate of 33 per cent for women offenders overall in the same period.²⁰ The SWAN project in Northumberland has made a 70 per cent reduction in the rate of re-offending of the women who have engaged with the project. There has also been a significant reduction in the number of charges (73 per cent) made by the police and the number of convictions (81 per cent) amongst engaged female offenders. There has also been a 72 per cent reduction in appearances before magistrates.²¹

This emerging positive pattern is repeated in the service reporting from other women's community projects.²²

- Alana House in Reading - 3 women of 96 self-reported reoffending during their engagement with the project
- Chepstow House in Stoke - 12 women of the 70 referred from probation have reoffended (17 per cent)
- The Cyrenians Wow project in Newcastle - two-thirds of those who have engaged with the programme have not reoffended, and of the third who have, 17 per cent have reduced the seriousness or frequency of their offending
- The Salford Foundation Together Women programme - five per cent of nearly 200 women engaged for more than three months reoffended
- PROMISE in Plymouth - of 96 women assessed, 49 women achieved no reoffending and 36 demonstrated a reduction in offending
- Women's Work in Derby - 84 per cent of those engaged with the project did not reoffend
- Turning Point women's centre, Leicester - 54 per cent of those engaged with the project did not reoffend

This positive change and reduction in offending was also seen in other similar projects. At the Women's Turnaround Project in Cardiff, most women report that the project had helped them to reduce or stop offending and had empowered them to reduce drug or alcohol use. Only two women were known to have been charged with new offences, and that two-thirds of women had made 'significant positive steps' ranging from keeping appointments to remaining drug free.²³ At the Asha Centre, there was a favourable, albeit not statistically significant, impact on reconviction rates, compared with those for custody, probation orders and community service orders.²⁴

It is important to note that these figures quoted are from the pioneer projects in this sector. Mainstream funding for this model came on-stream in mid-2009, and some projects have not yet been running for year, so there has not been enough time to perform detailed evaluation. Further evidence as to the effectiveness of integrated work with women offenders is awaited; the Nuffield Foundation have recently funded the Institute for Criminal Policy Research to perform an eighteen-month evaluation of seven key women's community projects.

Given that 61 per cent of women serve less than six months in prison,²⁵ it is realistic to expect that, with careful targeting of funding and clear criteria setting out which women to work with, use of community penalties supported by the women's community projects could divert a substantial number of otherwise short-sentenced women from prison, realising significant savings. It is vital that the strengths of these projects are built on in transforming how the criminal justice system treats women: the sector has recently set up a quality and infrastructure body, Women's Breakout (formerly the Women's Centres Forum) and during 2011 will publish service standards for quality women

¹⁸ Evaluation of the Evolve Project at WomenCentre Ltd, Nacro, May 2009

¹⁹ Evaluation of the Evolve Project at WomenCentre Ltd, Nacro, May 2009

²⁰ Quoted in Women offenders: more troubled than troublesome?, Jenny Roberts, in What Else Works? Creative work with offenders, eds. Brayford, Cowe and Deering, 2010

²¹ SWAN evaluation, Escape Family Support, 2010

²² All numbers in this paragraph from service information supplied to the Corston Coalition, February 2011

²³ An Evaluation of the Women's Turnaround Project Cardiff, National Offender Management Service Wales, 2008

²⁴ Provision for Women Offenders in the Community, Fawcett Society, 2007

²⁵ Offender Management Caseload Statistics 2009, Ministry of Justice, 2010

offenders' provision in the community. These standards should be adopted by commissioners in order to guarantee quality.

We would also note at this point the uncertain funding environment for many of the women's community projects; the mainstream Ministry of Justice funding for these projects comes to an end at the end of March 2011. Members of the Coalition have been in discussions with the Ministry of Justice, and we are hopeful that this situation can be resolved on a temporary basis, to enable these projects to build on their promising practice. However, in future years, starting in 2012-13, we believe that NOMS should make available dedicated funding to commission work to reduce women's offending and divert women from custody, on an open competition basis that ensures that, as far as possible, all women in the criminal justice system in England and Wales have access to dedicated women-specific services in the community. This dedicated commissioning programme may in future years become part of the payment by results programmes, but must not be delayed whilst the larger programme is designed. *Please also refer to our answer to question 28 below.*

We would also like to specifically draw attention to the situation of foreign national women, who form 17 per cent²⁶ of the population of women in custody. As part of the strategic plan for women offenders, the needs and pathways to exit offending for foreign national women in the justice system need to be addressed. All efforts should be made to ensure that nationality does not prejudice court decisions and that foreign women are included in any objectives to divert women from custody, both in the context of the remand and sentenced population.

Work and housing (questions 15-18)

The Coalition broadly welcomes the proposals about getting offenders into work. We would note, however, that for many women offenders, work is an aspiration that may be some distance off. Women in the criminal justice system are highly likely to have few qualifications and not to have a previous work history: the design of the Work Programme must be such that it values positive progress towards work as well as employment per se. It may be that for some of the more vulnerable women offenders in the Work Programme client group, a pre-Work Programme intervention is necessary to enable them to resolve immediate issues across a number of the CJS pathways before they can make progress on a more work-focussed intervention. This programme could usefully be delivered by the integrated women offender services as part of a multi-purpose reducing reoffending intervention.

For many women offenders, achieving secure housing remains a key concern; a larger proportion of women than men are homeless on release.²⁷ Stabilising accommodation and parenting responsibilities have been identified as key in minimising re-offending for women – and, unlike for male offenders, are more important than securing employment. Women are particularly likely to lose their home if imprisoned, as they are less likely than male prisoners to have other family members able to maintain a tenancy on their behalf. There needs to be better liaison between housing authorities and prisons in order to ensure that women do not lose their tenancies whilst in prison, and courts need to better understand the impact of caring responsibilities on their sentencing decisions. In particular, the situation of mothers leaving prison who are unable to regain custody of their children without a suitable tenancy but remain ineligible for the appropriate tenancy without custody must be addressed, perhaps through learning from projects such as Commonweal Housing's Re-Unite project in south London.²⁸ The Ministry of Justice should consider a system of incentives for private landlords, including deposits and bonds. Currently many of the integrated offender management programmes can supply deposits directly to private landlords; this scheme could usefully be extended to probation services and prison resettlement services, to give them the discretion to fund deposits where to do so would enable a transition into permanent accommodation. However, overall, the unwelcome impact of the housing benefit changes which have been announced in recent months will be to make housing security considerably more difficult to achieve for "undesirable" tenants such as former offenders; an offenders' rent deposit scheme cannot ameliorate this impact.

Mental health (questions 19-21)

The Coalition is delighted by the commitment in the Green Paper to roll out mental health liaison and diversion services to all areas in the coming years. A programme of diverting offenders with mental health problems has the potential to make major savings in the criminal justice system, as those who need it can access help and support and appropriate information can be supplied to the court, police custody sergeants and crown prosecution service to inform better decision-making.

²⁶ Offender Management Statistics Quarterly Bulletin, April to June 2010, London: Ministry of Justice, 2010

²⁷ Reducing reoffending by ex-prisoners, Social Exclusion Unit, 2002

²⁸ http://www.commonwealhousing.org.uk/pages/re-unite_.html

Women in the criminal justice system have higher rates of mental ill health both than the population as a whole and than male offenders.²⁹ Diverting women with mental health needs from being drawn into the criminal justice system will enable them to get earlier support to change their lifestyles and achieve stability. Mental health liaison and diversion services enable better decisions to be made about women offenders in the knowledge of the support that is available, and are thus a vital step in ensuring that custody is only used in when appropriate.

It is crucial that all mental health liaison and diversion schemes have a specific women's pathway, and, wherever possible, are able to provide a female worker at the assessment stage and direct women to appropriate women-specific mental health provision and associated support services. This will require that all services have a thorough understanding of women's mental health needs, and how they differ from those of men - in particular the prevalence of past sexual abuse for women. Fifty percent of women sentenced prisoners have a personality disorder,³⁰ which implies that the numbers of those passing through the criminal justice system who have a personality disorder are significant. The Corston Coalition would associate itself with the recommendations of *Under the Radar*, the Centre for Mental Health's 2010 report on women offenders with borderline personality disorder,³¹ and would particularly note the importance of providing training in identifying BPD in diversion and liaison schemes, and the need wherever feasible to have specific services for women with BPD in line with NICE guidelines, both in the community and in custodial settings.

An example of best practice that has been funded by the Women's Diversionary Fund 1 and by individual members of the Corston Coalition is the Together women's court diversion service at Thames Magistrates Court serving the London boroughs of Hackney and Tower Hamlets.³² Sentencers are consistently unable to access information regarding the needs of women defendants and the resources available in the community, and often lack the confidence that women will receive the support to enable them to engage with a non-custodial sentence. The Together service acts as a crucial link and referral pathway between the court, probation and the community, including the local integrated women offender service, and raises the confidence of sentencers in community disposals.

A forensic mental health practitioner identifies women defendants at court and undertakes assessment. Reports are given to sentencers, on the day and at pre-sentence stage, addressing the offender's mental health and general health and social care needs. The court is also invited to refer all requests for psychiatric reports to the service in order to 'triage' requests and reduce unnecessary assessments which may result in a period on remand; at another of Together's projects, this process of triage has reduced requests for psychiatric reports by 35 per cent.³³ Should the woman be bailed or receive a community sentence, the service works with probation and relevant agencies in the community to coordinate responsive and comprehensive plans to reduce breach. This may include the Together practitioner providing some outreach support to encourage the women to attend key appointments. All practitioners have postgraduate forensic mental health qualifications, skills in the areas of assessment, care planning, effective inter-agency and partnership working and exceptional communication skills.

This service costs in the region of £55,000 per year. In its first year of operation, it screened more than 252 women and assessed more than 110 women passing through the one court. The service contributed to a considerable increase in women being bailed with support plans in place rather than being remanded in custody – and nearly eighty per cent of those decisions were as a result of the service's intervention in terms of problem-solving and supplying expertise to the court. The number of receptions of women into HMP Holloway from LB Tower Hamlets has decreased by 40 per cent, largely attributable to the impact of the service.

Finally, for all groups of offenders, successful implementation of diversion policies will require adequate provision in mental health services to meet the needs of those diverted through the scheme.

Payment by results (questions 22-31)

The Coalition welcomes the opportunity to contribute to the development of payment by results mechanisms for the criminal justice system. We believe that if the payment by results regime is designed in the right way, is delivered by a

²⁹ <http://www.admin.ox.ac.uk/po/070213per cent20prison.shtml>

³⁰ Psychiatric Morbidity among Prisoners in England and Wales, Singleton, Meltzer & Gatward, Office for National Statistics, 1998, quoted in *Under the Radar*, Matt Fossey and Georgia Black, Centre for Mental Health, September 2010

³¹ *Under the Radar*, Matt Fossey and Georgia Black, Centre for Mental Health, September 2010

http://www.centreformentalhealth.org.uk/publications/under_the_radar.aspx?ID=620

³² All information from monitoring provided to the Women's Diversionary Fund

³³ From an analysis of the first nine months of Together's general court liaison project at Camberwell Court, seen by the Corston Coalition

diverse group of providers and builds on the expertise that exists across all sectors, it could deliver reduced reoffending.

Over years, sometimes decades, of funding in the criminal justice sector, members of the Corston Coalition have learned that often the best programmes to turn offenders away from reoffending pre- and post-custody are grounded in voluntary sector delivery. Our key concern in the design of payment by results mechanisms is to ensure that voluntary and community organisations of all sizes with considerable expertise are not excluded from accessing government funding to rehabilitate those serving community sentences and those leaving prison.

The record of governments in enabling VCS engagement in government contracts is not strong: just five of the 35 organisations that have been shortlisted by DWP to bid as prime contractors for the Work Programme are from the voluntary sector, and no voluntary organisations appear on the preferred bidder shortlist for Community Payback. In its review of the Pathways to Work programme, the Public Accounts Committee noted:

Prime providers have referred only 12 per cent of participants to their subcontractors, choosing to work directly with the remaining 88 per cent. This concentration of work with prime providers does not appear consistent with the Department's commissioning strategy and its objective of maintaining a healthy welfare-to-work supplier market. [...] The Department is now asking organisations bidding for contracts under the Work Programme to provide, at an early stage, much more detailed information on their supply chain policy and experience.³⁴

It would be worth the Ministry of Justice considering the lessons from other national contracting exercises for service delivery, such as those carried out by DWP, reflecting particularly on how to ensure that VCS providers, given the commitment to a diversity of providers, can be supported to play a full part in a payment by results approach.

We believe that the Ministry of Justice needs to take an active role in shaping the market of provision and providing a framework to support innovative delivery, including by small charities – and that this will involve abandoning neutrality between the sectors of potential providers. In order to ensure that the Ministry of Justice plays its part in the transformation of public services envisaged by the Big Society, the Ministry of Justice must explicitly set the expectation and take action to ensure that a considerable proportion of this work will be directed firstly to the voluntary and community sector, and secondly, within that, to the small and specialist voluntary and community sector. We would like to see a national target proportion of the value to be spent with the voluntary and community sector as a whole; a national target for the number of VCS providers that are expected to take part in these contracts; a national target for the number of small and specialist VCS providers taking part; and, within each contract, a target proportion of the value to be spent with VCS providers.

It is implied in the Green Paper that for the most part, opportunities to bid for rehabilitative services will cover large groups of offenders and, probably, will be geographically large. Whilst these types of large contracts may appear to be the most efficient way of commissioning, it is clear that the size and complexity of these contracts will prohibit all but the largest providers bidding for them, and that considerable expertise in delivery may be lost as a result. In addition, combining rehabilitation with the delivery of all aspects of community sentences will exclude the majority of civil society organisations – whose expertise is not in managing the delivery of punitive or risk-reduction interventions – from being the lead contractor for the community sentence programmes. We would therefore support a limit on the size of contracts – perhaps seeking to group a small number of local authority areas as a maximum, or offering overlapping contracts of various sizes in the same geography – and to decouple the delivery of community sentences from payment by results for rehabilitation outcomes for those serving community sentences. These changes would enable voluntary organisations to bid to be prime or sole providers whilst staying within their areas of expertise, managing financial risks and their duty to exercise responsible stewardship of the charity's assets.

By its nature, large-scale payment-by-results rehabilitation programmes will favour larger organisations (private, statutory and charitable) able to fund and negotiate the tender process; demonstrate the managerial capacity to run numerous programmes; and manage the time-lag associated with payment subsequent to activity costs. Without careful thought, the Ministry of Justice could design a system of commissioning that is effectively excludes the expertise of many of the medium-size and smaller charities, from whom much of the innovation in the system has traditionally come.³⁵ Smaller charities can deliver services that are more tailored to individuals and communities and better able to meet the needs of the hardest to reach. Part of their success is due to being able to deliver personally-tailored attention to individuals' needs in a way that one-size-fits-all government or centrally-directed provision

³⁴ Paragraph 23, Support to incapacity benefits claimants through Pathways to Work, Public Accounts Committee, House of Commons, September 2010 <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmpubacc/404/40407.htm#n58>

³⁵ Most medium and small charities working in the CJS are organisations with paid professional staff, although they may also seek volunteers; we are not, in this instance, speaking of the micro-organisations which rely wholly or substantially on volunteers.

cannot. Efficiencies relating to size can easily prove decisive in a competitive market, outweighing the less measurable benefits of smaller organisations being better placed to meet local needs. But few small charities, given that they have limited reserves and thus limited resilience to adversity, will be able to take the risk that they fail to deliver on a contract under a purely results-based framework.

We would recommend a programme to ensure that voluntary and community organisations of all sizes are able to play a part in mainstream rehabilitation programmes. This must include awareness-raising about the nature of voluntary and community organisations with commissioners and policymakers; our experience is that too often the distinct perspective of voluntary providers is not appreciated. We would recommend that those experienced in the VCS – such as the strategic partners of the Office for Civil Society and those independent charitable funders with extensive experience in the criminal justice system – provide expert support to the commissioning and decision-making processes.

We would also urge the Ministry of Justice to commission a specific programme to increase the capacity of VCS organisations to bid for contracts. This should include providing upfront investment in the bidding capacity of small VCS organisations at pre-tender stage through a dedicated funding round to prepare organisations for payment-by-results commissioning and assist them in forming partnerships. There is a key role for VCS-led partnerships and consortia, which offer real opportunities for smaller charities. Supporting the development of such VCS-led consortia, both through brokering and through dedicated capacity funding to engage smaller organisations, should form part of the PBR programme.

The Ministry of Justice also needs to encourage fair subcontracting and partnership working between different providers. In the best cases, working as a subcontractor to a prime provider will enable the small organisations to run their services with the relationships with the end commissioner being managed elsewhere. However, in other circumstances, particularly in ones where the small charity has less experience of contracting and have failed to negotiate an appropriate price, there is real risk for the organisation. In addition, it is not unknown for project managers at bidding stage to cite examples of well-regarded small organisations with whom they will work if successful, yet during the delivery of the work, the small organisations find that they are paid per client, with fluctuating numbers referred, or, worse, considered merely a referral route without associated funding. The Coalition supports the adoption of the Merlin Standard, which promotes excellence within supply chains, pending successful completion of the pilot programme at the DWP. Alongside this, we recommend independent oversight of supply chain management to ensure that all subcontractors are fairly treated, with an ombudsman service to settle disputes and penalties for prime contractors who manage their partners unfairly. In addition, prime contractors should be required to build the capacity of smaller charities working with the same or similar client groups, forming partnerships with fair access to funding and referrals.

We are also concerned about how funding will be made available to VCS organisations to enter into payment by results commissions. It is not appropriate for the Ministry of Justice, if it is concerned to develop a robust market of diverse providers, to adopt a hands-off approach to how programme partners fund their ongoing delivery costs. An exclusive outcomes payment model on contracts will mean that the forward funding requirements will be too high for those in the voluntary sector, as prime contractors are likely to pass the same payment model along supply chains, and trustee boards will decide that the risk cannot be managed.

We therefore recommend staging payments, with a proportion of funding upfront, and a proportion paid at outcome. Under this payment system, upfront payments could be reduced once outcomes are beginning to be achieved and the provider's cash flow starts to increase. Standard good practice in dealing with suppliers, including charitable suppliers, suggests that paying at least fifteen per cent of the value of the contract upfront accelerates the start-up of the project. It is also important to ensure that all invoices are paid swiftly; contracts will break down if there are delays between submitting evidence and getting payment. Contracts should be co-ordinated, wherever possible, with other central government funding streams. For example, the Evolve programme delivered by WomenCentre in Calderdale and Kirklees relies on 37 different funding streams, each with different contracts, targets, reporting periods and duration; managing these streams diverts resources from service delivery and the supervision of frontline staff.

As part of the PBR commissioning, we support differential payments for those offenders who are “harder-to-help” in order to prevent contractors concentrating their efforts on those who are closest to exit from the criminal justice system and putting fewer resources into helping those with complex needs. It is crucial that supply chain management ensures that higher payments are passed on from the prime contractors to specialist providers who have the necessary expertise to help the most disadvantaged, and that prime contractors are expected to give enough referrals to their specialist partners.

Even with some upfront payment, though, it is unlikely that many smaller VCS organisations will be able to manage their cash flow in order to provide services effectively. Careful attention therefore needs to be paid to finding sources of finance for smaller organisations: whilst the Big Society Bank has been expected to play this role, the announcement that lending from the BSB will be on commercial terms has effectively closed this source of finance to most charities, and the Ministry of Justice should look carefully at alternatives.

The willingness of “social investors” to facilitate payment by results commissioning by funding VCS contractors upfront should not be relied upon. If the aspiration is to reach all low-risk offenders in England and Wales then the scale of such forward funding is simply not available. Trusts and foundations, such as those who are members of the Corston Coalition, do not see it as their role to provide long-term upfront funding to VCS organisations in order for them to take part in government-determined payment by results commissioning; to do so would remove independence and control from trusts and foundations, independent charitable establishments in their own right. A total payment-by-results regime, in the absence of a large number of social investors prepared to take the risks on behalf of the charities, is not compatible with a Big Society approach to public service reform. We are concerned at the lack of detail in the Green Paper about who such “social investors” are thought to be, and would welcome further discussions on this point.

Alongside large-scale payment by results commissioning, the Ministry of Justice should also consider running a light-touch grants round to support small charities and innovative ideas. There should be a limit on the annual turnover of charities who could apply for the work, and the grants should be complementary to any payment-by-results contract regime.

The structure of payment-by-results mechanisms needs to be considered carefully. Payment-by-results tends to skew investment into programmes that can offer easily calculated benefits, and which contribute to a narrow departmental target rather than to the state and society in the round. This may risk missing more nebulous results that in the long-term really will impact on offending. The obvious result by which payment could be made, in the justice system, is by reducing reoffending. This is in itself problematic, as convictions are an obviously-imperfect proxy for reoffending. The mechanism should also be designed so as not only to value cessation of offending, but also to value reduced frequency and severity of offending.

Alongside this, payment by results should seek to value other positive results which reduce costs to the state as a whole. These might include entry to employment, sustaining a tenancy, removal of a child from the safeguarding at-risk register, reduced dependence on drugs or alcohol or successful sustaining of a maintenance regime. Many of the innovative charities working with offenders achieve good results precisely because they do not focus narrowly on merely reducing offending outcomes, but attempt a reintegration of their clients into mainstream society, with support and intervention on a range of fronts to address a range of needs. It is widely accepted that stabilising an individual in accommodation, strengthening family relationships, supporting work and enabling exit from problematic drug or alcohol dependency are major drivers to reduced offending.

Payment by results for women offenders (question 28)

Please also refer to our answer to question 14 above

We believe that a specific approach to payment by results should be taken for women offenders. Women have different patterns of offending and vulnerability to men, and will take different routes out of offending. We would like to a specific approach to commissioning on results for women offenders to be adopted, based on a knowledge of the particular circumstances of women offenders. We are not convinced that commissioning separate contracts for women offenders is necessarily a route to a sustainable embedded service that is part of the mainstream offer for women offenders – although it may be in high-volume areas such as metropolitan areas. Instead we would like to see a clear commitment that every payment by results programme for both community sentences and through-the-gate support will require separate appropriate specific outcomes for women offenders and a specific stream of work for women offenders. Wherever possible, this work should be carried out in women-only settings by providers who are accredited by Women’s Breakout, the quality and infrastructure body for the women’s community sector.³⁶

We also believe that the results required for women offenders need to be tailored to their circumstances. We support measuring the effectiveness of providers through reduced reoffending, but would argue that this is not the only

³⁶ Women’s Breakout (formerly the Women’s Centres Forum) are developing an accreditation process to demonstrate quality in service provision for work with women offenders and vulnerable and chaotic women in community settings. The quality mark will be available for applications by the end of 2011, and it is hoped that it will aid commissioners and prime contractors in seeking high-quality work with women. Commissioners should consider specifying that contractors should hold the quality accreditation as part of their quality assurance process.

indicator of successful work to rehabilitate women offenders. Given the vulnerability of women offenders and the widespread aspiration, shared by government, that women offenders should only be sentenced to custody for serious offences and those where the offender poses a risk to the public, an outcome that should be valued under payment by results is diversion from custody. Diverting women from custody where appropriate saves considerable public expenditure, and, with the correct support, ensures that the root causes of women's offending can be tackled. Too often, unnecessary imprisonment reduces the protective factors for decreased offending still further – reducing women's access to their children, leading to a loss of accommodation, worsening often precarious mental health.

We also believe that other wider positive results should be valued. In particular, women offenders, given that many lead chaotic lives and have multiple needs, are highly likely to have children who have additional needs or about whom there are safeguarding concerns. These families are likely to be high-concern and high-cost to local statutory agencies, and we would welcome further work on how payment by results commissioning frameworks from an offending perspective can support and value positive outcomes for families – particularly the reduction of risk to children and consequent reduced need for local authority care. As part of piloting payment by results Local Incentive Pilots, the Ministry of Justice should consider co-commissioning women offender programmes alongside local authorities.

Reforming public services (questions 29-31)

The Coalition broadly supports the changes proposed to the structure and delivery models of the statutory agencies engaged in the criminal justice system, with a couple of key caveats. Whilst it is important to enable professionals to exercise greater discretion, it is important that this discretion does not lead to inconsistency. For example, trusts and foundations such as those who are members of the Corston Coalition have over many years funded organisations to work inside prisons. Our experience is that an unsupportive governor can severely curtail the activities of high-quality innovative voluntary organisations, and that changes in prison leadership cause real instability; we would like to see a presumption that voluntary partners should be able to work in prisons under an agreed framework, and that individual prison managers should not routinely overrule this except for security reasons. Again, this parity of regard for non-state providers is a key part of Big Society public sector reform.

We support the proposed approach to NOMS structures set out in paragraphs 163 and 164. In determining the structure of NOMS, it is vital that there remains a strong operational policy lead for women offenders, and that women's prisons are managed centrally as part of the women's strategic plan so as to oversee the required reduction in capacity. We believe that it is vital that smaller VCS organisations are engaged with the criminal justice system, and welcome a local approach to commissioning that is responsive to local needs. We would suggest the establishment of local VCS reference groups, with dedicated representation for specialist services such as those for women offenders, to support effective joint-working and to help commissioners understand the local market in criminal justice services. As we have stated above, we support earmarking a proportion of contract opportunities for VCS agencies, and within that a set proportion for small and specialist VCS agencies.

Public understanding (questions 32-35)

The Corston Coalition recently (in November 2010) carried out some public opinion research about views on sentencing and support for women offenders.³⁷ The key question asks whether local community centres where women are sent to address the root causes of their crimes, and where they have to do compulsory work in the community as payback for what they have done, should be available as an alternative to custody. Eighty per cent of those surveyed agreed or strongly agreed. This is remarkably congruent with the results of a similar public opinion survey conducted in March 2007 for Smart Justice, where 86 per cent agreed, and should give ministers confidence to proceed with diversion from custody.

Making better use of prison and community sentences (questions 36-47)

We are delighted by the proposal in paragraph 179 to remove the option of remand in custody for defendants who would be unlikely to receive a custodial sentence. This proposal will, at a stroke, have a considerable impact on the numbers of women being imprisoned, and will make a major contribution to ensuring that prison is only used for women who are suspected or convicted of a serious offence or are a risk to the public. Eighteen per cent of the women's prison population are made up of women on remand;³⁸ these women spend an average of four to six weeks in prison and nearly 60 per cent do not go on to receive a custodial sentence.³⁹ The majority of women on remand will be tried for theft or handling stolen goods. Four out of ten remanded women have received help or treatment for

³⁷ ICM opinion poll, for the Corston Coalition, 26-28 November 2010. Sample of 1000 adults 18+ in GB, by telephone omnibus. Full results available on request.

³⁸ Offender Management Statistics Quarterly Bulletin, April to June 2010, Ministry of Justice, 2010

³⁹ Lord Bradley's report on people with mental health problems or learning disabilities in the criminal justice system, Department of Health, 2009

mental health in the year before being sent to prison and a quarter say they have injected drugs in the month before custody.⁴⁰ Building on this positive proposal, we would encourage the Ministry of Justice to consider increasing this presumption of bail to all those for whom a custodial sentence of less than six months is likely, so as to maximise the ability of offenders – particularly female offenders – to make arrangements for their likely absence.

Too often remand is used by the courts as a result of systems failures, so that the court does not have enough information about the needs and experiences of vulnerable women. As evidenced above in the case study of Together's mental health court diversion scheme for women, women are also remanded unnecessarily pending the provision of psychiatric reports. In order to ensure that women are supported to use a period on bail to begin to change their pattern of behaviour, courts and all other services should routinely refer bailed women to women-specific sources of help and support such as integrated women offender services. In addition, although the enhanced women's Bail and Accommodation Support Scheme pilot in 2010 was not successful, mainstream BASS provision must be suitable for women and take their needs and concerns into account.

The Corston Coalition broadly supports the proposals about community sentences set out in the Green Paper. Given the profile of women offenders, we support the re-adoption of a presumption that the majority of women offenders will be sentenced to punishment in the community rather than custody. We remain disappointed that short custodial sentences will not be abolished: this is a missed opportunity to radically reduce the women's prison population and use the money that would be saved by doing so to provide robust, gender-specific community sentences which address the root causes of women's offending behaviour far more effectively than short prison sentences.

We would like to see a requirement for sentencers to take caring responsibilities into account; too often women offenders are unable to make adequate arrangements for the care of their children; it is disproportionate to impose a short custodial sentence where this will lead to the loss of a home and possible custody of children in addition to the punishment imposed by the court. Sentencing decisions should evidence commitment to the welfare of children and ensure that the human rights of dependents are not violated. It should be an expectation that all courts are fully informed about dependent children before imprisonment, where necessary deferring sentencing until suitable arrangements are put in place. If the mother faces a custodial sentence and her child is under six months, then she should be assessed for a place in a mother and baby unit prior to sentencing.

Holistic, personalised support is essential in order to effectively address the multiple needs of offenders and reduce reoffending. This should be facilitated by a lead professional or agency, and supported by joint working between agencies. The Coalition believes that community sentences for persistent women offenders are most effective when they are served alongside supportive interventions to enable women to deal with their problems and cease offending. Voluntary sector integrated women offender services provide an alternative to prison, enabling magistrates to sentence women to community penalties with confidence and in the knowledge that they genuinely aid rehabilitation.

We welcome the proposed additional discretion around breach of community orders. Breach is a major contributor to the number of women entering custody – 13 per cent of all women entering prison under an immediate custodial sentence in 2009.⁴¹ We believe a more flexible and imaginative approach that works with women to increase their compliance with an order will reduce breach and reduce reoffending. As we note above, the best community sentences are provided in women-only settings co-located with supportive interventions to meet women's needs across all the criminal justice pathways.

We would urge caution in increasing the use of financial penalties for women offenders: most women offenders live on a low and precarious income, and choosing financial penalties may precipitate further vulnerability. However, conversely, seeking to avoid the inappropriate imposition of fines should not lead to women being up-tariffed in relation to their offence and offending history.

We support the use of the women-specific conditional caution, but do not believe that the police should have power to authorise conditional cautions without referral to the Crown Prosecution Service. We would urge that careful consideration is given to the use of conditional cautions to ensure that women are not being brought unnecessarily into the criminal justice system when their key presenting need is for support and a criminal justice referral is a means of securing that support.

Cross-government working (questions 57-58)

⁴⁰ Lacking Conviction, Prison Reform Trust, 2004

⁴¹ Offender Management Caseload Statistics 2009, Ministry of Justice, 2010

Seeing the issues affecting imprisonment of women as merely being of the criminal justice system leads to a limited understanding of the solutions available. These solutions are as likely to be in the domain of health services, local authority housing, community safety and children's departments and Jobcentre Plus / the Work Programme as they are the criminal justice system. Directors of public health, police and crime commissioners have a key role to play in the provision of effective and joined up services addressing the wide range of offenders' needs. Current reforms in health and policing provide opportunities for local responsibility and accountability to be established. Ministers should ensure these local leaders consider the health and support needs of offenders, and directors of public health, police and crime commissioners and criminal justice commissioners should have a statutory duty to work together to address these issues.

Nationally, the Ministry of Justice must lead on the creation of a workable mechanism to hold multiple government departments to account on their delivery of services to reduce offending, especially for women. There must also be a financial mechanism to compensate for the costs of early intervention, most of which will be borne by departments other than the Ministry of Justice, whilst most of the savings will come from reduced costs to the criminal justice system. This is a vital aspect of funding comprehensive and sustainable early intervention services, led from outside the criminal justice system.

Support for families is a critical arena for reducing women's offending and marginalisation. Many of the most entrenched and chaotic women offenders will have experienced one or more of their children being taken into local authority care: this alone costs more than £36,000 per child per year, and may not improve the life chances of the child. Supporting stabilisation, reduction in offending and sustainment of family relationships could result in considerable cost savings, so we are pleased to hear of the community budget pilots for families at risk. We would urge the adoption of a clear gendered rationale as part of the structure of these pilots. Too often, the focus is on women as partners and parents of offenders, rather than supporting them to reduce their own needs and chaotic lifestyles in their own right. Projects providing intensive support to vulnerable families through multi-agency whole family support plans and assertive working can support women to reduce offending and remain outside the criminal justice system, as well as stopping the cycle of intergenerational offending. As we noted in our comments about payment by results above, the close liaison of programmes to reduce women's offending and processes to safeguard children at risk of abuse and neglect are vital – particularly in the design of the community budget pilots for vulnerable families which have recently been announced.⁴²

Further information

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⁴² <http://www.communities.gov.uk/news/corporate/1748111>

Appendix 1 – the needs and vulnerabilities of women in the criminal justice system

In the UK, those women who break the law and come into contact with the criminal justice system, with the exception of those convicted of motoring offences, are overwhelmingly women with multiple needs living chaotic lives. Many are those who are known to services, particularly where they have children, and a significant number are part of the “revolving doors” group – frequently cycling through a destructive pattern of mental health problems, offending, drug or alcohol misuse, exploitation and prison.

A 2007 study estimated that people with chaotic lifestyles comprise 0.9 per cent of the general population and those with multiple needs make up 3.5 per cent; the overlap between these two groups was estimated at 0.2 per cent.⁴³ Women thought to be marginally under-represented as compared to the general population.⁴⁴ This would imply that there are around 84,000 women with both chaotic lifestyles and multiple needs, and nearly 910,000 with either chaotic lifestyles or multiple needs. In addition, other sources estimate that there are about 83,000 female problem drugs users (using opiates and/or crack cocaine) in England,⁴⁵ and there are thought to be 80,000 women involved in selling sex (on- or off-street) UK-wide.⁴⁶

Many women with multiple needs and/or chaotic lives will end up in contact with the criminal justice system. In 2009, 314,627 sentences were given to women. The vast majority were for community-based penalties, with 77 per cent (241,939) being fines and 10 per cent (32,396) community sentences.⁴⁷ In 2007, 55,740 cautions and more than 45,000 Penalty Notices for Disorder were issued to adult women.⁴⁸

In 2009, the number of women sentenced to custody entering prison was 8,192 in 2009; in addition, 5,724 women were remanded in custody.⁴⁹ In the last decade, the women’s prison population has risen by 60 per cent.⁵⁰ Most of the rise in the female prison population can be explained by a significant increase in the severity of sentences – for example, in 1996, ten per cent of women convicted of an indictable offence were sent to prison, but by 2007, this was 15 per cent.⁵¹

Women are disproportionately likely to be low-level non-violent offenders: the majority of women are serving a prison sentence for non-violent offences (63 per cent)⁵², and most are serving very short sentences, with 62 per cent serving less than six months and 72 per cent serving less than one year.⁵³ The largest offence groups for sentenced receptions in 2009 were theft and handling (34 per cent); ‘other offences’ (23 per cent) and violence against the person (14 per cent).⁵⁴

Needless to say, women offenders and women at risk of offending are a highly-vulnerable and marginalised group and a significant number have particularly high needs.⁵⁵ Of those women under probation supervision 2005-07, 76 per cent had two or more needs from the following:⁵⁶

- Accommodation
- Skills and employability
- Finances
- Relationships
- Lifestyle and associates
- Drugs
- Alcohol
- Emotional wellbeing
- Thinking and behaviour
- Attitudes

Little other information is readily available about the needs of women offenders who are not sentenced to custody, so much of the evidence in this section relates to the sub-set of women offenders in the prison population; it is likely,

⁴³ In England. The research defined multiple need as having two of the following: mental illness; certain personality disorders; severe alcohol dependence; drug dependence; learning disability and adult neuro-developmental disorders. It defined chaotic lives as having four or more of the following characteristics: difficulty dealing with paperwork; difficulty managing money; no formal qualifications; no confidant; few friends; unemployed; highly mobile; and low income. Better outcomes for the most excluded, University of Nottingham, 2007

⁴⁴ p16, p19 Better outcomes for the most excluded, University of Nottingham, 2007

⁴⁵ p32, Measuring different aspects of problem drug use: methodological developments, Home Office, 2006

⁴⁶ Paying the Price, Home Office, 2004

⁴⁷ Sentencing Statistics 2009, Ministry of Justice, 2010

⁴⁸ Sentencing Statistics 2007, Ministry of Justice, 2008

⁴⁹ Offender Management Caseload Statistics 2009, Ministry of Justice, July 2010

⁵⁰ NOMS, Prison Population and Accommodation Briefing, 18 June 2010, quoted in p24 Bromley Briefings, PRT, June 2010

⁵¹ Sentencing Statistics 2007, Ministry of Justice, 2008, quoted in p24 Bromley Briefings, PRT, June 2010

⁵² Population in Custody, England and Wales, April 2010, Ministry of Justice, 2010

⁵³ Offender Management Caseload Statistics 2009, Ministry of Justice, July 2010

⁵⁴ Offender Management Caseload Statistics 2009, Ministry of Justice, July 2010

⁵⁵ Data for 11,763 women, from OASys assessments. Short Study on Women Offenders, Social Exclusion Taskforce, 2009

⁵⁶ Data for 11,763 women, from OASys assessments. Short Study on Women Offenders, Social Exclusion Taskforce, 2009

however, that low-level repeat offenders (both those in custody and not) have higher needs than longer-sentenced women prisoners.

Mental health problems are very prevalent - 70 per cent of female sentenced prisoners suffer from two or more mental health disorders⁵⁷, and 60 per cent of women on probation caseloads have mental health problems.⁵⁸ 30 per cent of women in prison have had a previous psychiatric admission.⁵⁹ 14 per cent of female sentenced prisoners have a psychotic disorder - 23 times the level in the general population.⁶⁰

More than half of all women prisoners have experienced domestic violence, and a third have experienced sexual abuse.⁶¹ In a study by the Safer Custody Group, only 12 of the 50 prolific self-harming women studied had not experienced abuse or rape in their lives. Of those who had experienced rape or abuse, 18 were children when it happened. Half had been in a psychiatric inpatient unit in the past, and 19 had been receiving psychiatric treatment prior to custody.⁶²

More than one-third (37 per cent) of all female prisoners self-harmed in 2009, compared with 7 per cent of all male prisoners.⁶³ Despite accounting for just five per cent of the prison population, women accounted for 23 per cent of the incidences of self harm in the prison population as a whole. Many incidents reflect prolific self-harm by the same women. In 2008 an average of nine incidents were recorded for each woman harming herself compared to two incidents for each man.⁶⁴

27 per cent have a serious drug problem.⁶⁵ A report by the Cabinet Office Social Exclusion Unit found that around 70 per cent of women coming into custody require clinical detoxification and that 65 per cent had used drugs during the year before custody. 49 per cent of women had used crack cocaine and 44 per cent had used heroin compared to 30 per cent of men.⁶⁶ Rates of heroin, cocaine or crack use were higher (44 per cent to 35 per cent) for prisoners sentenced to less than one year than those serving longer terms.⁶⁷

Two-fifths of female sentenced prisoners (39 per cent) admit to hazardous drinking which carries the risk of physical or mental harm. Of these, about half have a severe alcohol dependency.⁶⁸ This is considerably higher than for male prisoners, and is almost certainly an under-estimate.⁶⁹ 54 per cent of the surveyed prisoners with alcohol problems also reported a problem with drugs, and 44 per cent said they had emotional or mental health issues in addition to their alcohol problems. The correlation with emotional or mental health problems was especially pronounced among the women surveyed.⁷⁰

Imprisonment has a disproportionate impact on women. Women remain more likely to be the main carers for children, and two-thirds of those imprisoned are mothers to under-18s.⁷¹ 95 per cent of the children of women offenders have to leave their home on the conviction of their mother;⁷² experiencing the imprisonment of a parent has a profound negative effect on children's wellbeing and future outcomes. The imposition of short sentences has a particular impact on women's ability to maintain contact with their children and a home to which to return after the sentence.

The vulnerabilities of women offenders who are not sentenced to custody are less well-evidenced, but there is little reason to believe that a significant number of those sentenced to non-motoring offences have significant needs and experience significant social exclusion. It is clear that whilst women convicted of a crime have offended and thus need to be sanctioned, the reasons why they have ended up committing crime are more often than not to do with their own extreme vulnerability and previous failures to protect and support.

⁵⁷ Paul Goggins, minister for prisons and probation speaking in a debate on prisons and mental health, Hansard, 17 March 2004

⁵⁸ Data for 11,763 women, from OASys assessments. Short Study on Women Offenders, Social Exclusion Taskforce, 2009

⁵⁹ Conference Report, Sharing Good Practice in Prison Health, Department of Health, 4/5 June 2007

⁶⁰ Psychiatric Morbidity among Prisoners in England and Wales, Singleton et al, Office for National Statistics, 1998

⁶¹ Reducing reoffending by ex-prisoners, Social Exclusion Unit, 2002, quoted in p25, Bromley Briefing, July 2010

⁶² Race relations in prison: responding to adult women from black and minority ethnic backgrounds, HM Chief Inspector of Prisons, 2009

⁶³ Statistics on Women and the Criminal Justice System 2009, Ministry of Justice, 2010

⁶⁴ Safety in custody statistics 2008-09, Ministry of Justice, 2009

⁶⁵ p5, Bromley Briefing, November 2009

⁶⁶ Short Study on Women Offenders, Cabinet Office Social Exclusion Task Force, 2009

⁶⁷ The problems and needs of newly sentenced prisoners: results from a national survey, Stewart, D. Ministry of Justice, 2008

⁶⁸ Alcohol and reoffending: who cares? Prison Reform Trust, 2004

⁶⁹ Alcohol services in prisons: an unmet need, HM Chief Inspector of Prisons for England and Wales, 2010

⁷⁰ Alcohol services in prisons: an unmet need, HM Chief Inspector of Prisons for England and Wales, 2010

⁷¹ p20, Bromley Briefing, November 2009

⁷² p5, Bromley Briefing, November 2009