

CHAPTER 4. WHO'S IN CHARGE? - THE NEED FOR VISIBLE LEADERSHIP AND A STRATEGIC APPROACH

4.1 "Who is in charge of provision for women in prison or more generally the much larger number of women who come within the orbit of the criminal justice system?" I asked this question many times during my review. No one could give me an answer. No one person or body is responsible or accountable for provision of care and services for women coming into contact with the criminal justice system. There is no one person or organisation championing women, directing from the top level, setting national standards, monitoring performance or coordinating the diverse organisations and individuals up and down the country whose work relates to women in the criminal justice system. Roles and responsibilities are split over a number of government departments and non-statutory agencies. The voluntary sector has a significant role but there is no one at a senior level who brings all this (in many cases admirable) work together or, moreover, takes responsibility when things go wrong.

4.2 I have been particularly struck during my review by the division of duties among all these bodies which makes seeking a simple piece of information a merry-go-round of emails, passed from one person to another, all with their own complicated indecipherable acronyms, before the question so much as lands on the right desk in the right organisation. The (seemingly slowly) developing regionalisation of commissioning of services by Regional Offender Managers within the National Offender Management Service is adding another tier to the criminal justice system structure. The division of responsibilities within regional areas, unless carefully handled, seems to me to risk further dilution of expertise, duplication of effort, much wheel reinvention and split of responsibilities resulting in important issues simply falling through the cracks. This development, coupled with the recent dismantlement of the functional management of the women's public sector prisons into geographical areas, seems to me to reinforce the need for someone at the very highest level to take charge.

4.3 I understand that within the National Offender Management Service (NOMS) policy relating to fundamental issues of concern to women in the criminal justice system is spilt over a number of Directorates. For example resettlement, mother and baby units and foreign nationals policy rests with the Offending Law and Sentencing Directorate, detoxification services rest with the Health and Offender Partnerships Directorate, and population management falls to the Finance and Commercial Directorate. (These locations are liable to change as NOMS undergoes further reorganisation.) Other government departments lead in other areas, for example, health issues are the responsibility of the Department of Health; the Department for Work and Pensions (DWP) and the Department for Education and Skills (DfES) have shared ownership of education, training and employment (and they in turn delegate to the Learning and Skills Council). The Department for Communities and Local Government (DCLG) leads on accommodation and Cabinet Office is the home of the Social Exclusion Task Force created in June 2006 (formerly the Social Exclusion Unit in the Office of the Deputy Prime Minister).

4.4 I have concluded that mainstreaming services for women in the criminal justice system is necessary and more likely to lead to a reduction of re-offending and seamless continuation of care and provision both inside and outside the prison walls, which appears sadly lacking at present. Further, the creation of the seven resettlement pathways (see paragraph 4.19 below) encourages closer working between agencies and “joined-up” thinking within each pathway and I certainly do not advocate a duplicate set of services being created for women. But it seems to me that partnership working cannot operate effectively on the ground in the absence of top-level direction bringing together all of these diverse interests into a cohesive strategy for women in the criminal justice system. It is simply not sufficient for NOMS to have what it calls an “influencing voice” (see paragraph 4.21) in respect of crucial factors like stable accommodation for women on release from prison, which belongs to another government department with its own priorities and budget.

CHAMPION FOR WOMEN

4.5 I am also very concerned that the Department of Health, despite policy commitment, is failing to get to grips with the needs of this particular population, especially those outside the prison walls. (See Chapter 7). An attempt is being made to bring together the Department of Health and NOMS by creating a Directorate of Health and Offender Partnerships, which straddles both DH and Home Office and accounts to both and a senior official from the DH leads on prison health and sits on the Prison Service Management Board. But it seems very clear to me that there needs to be a top level “champion” for women in the criminal justice system with sufficient clout to require changes - including legislative changes where necessary - across government departments. This body must have direct access to ministers from all the relevant departments and the support and commitment of those ministers. Two recently established inter-departmental ministerial groups, one for reducing re-offending and another on domestic violence are paving the way for cross-departmental working and co-ordination at the highest levels. Similar governance arrangements for women in the criminal justice system driving forward a national strategy and taking responsibility is in my view essential.

MANAGEMENT OF WOMEN'S PRISONS

4.6 The Prison Service team responsible for operational policy in women's prisons, Women and Young People's Group (W&YPG), rather to my surprise, told me they did not favour the idea of a cross-departmental structure, citing the lack of a separate justice system for women and lack of resources as their reasons. Nevertheless the group acknowledged that they continually experienced the needs of women in prison being considered as an after-thought in the development of systems and policies designed for men and they would welcome the appointment of a champion for women by creating an appropriate post within NOMS. At Prison Management Board level women's interests are represented by the Director of Operations who is also line manager of the W&YPG. The Howard League for Penal Reform has recommended that the Prison Service should appoint a Director of Women's Prisons to provide Board level responsibility for the women's estate and the Home Affairs Committee in its 2005 report on the *Rehabilitation of Offenders* also noted that there was no dedicated manager with responsibility for women prisoners. I consider that the current Board arrangements are satisfactory and I accept that they are essentially a matter for the Board and its Director General, but I agree with the Howard League that W&YPG itself has insufficient operational clout and that the Prison Service should consider addressing this as a response to the wider re-structuring arrangements that I am proposing. The group told me about a number of admirable initiatives on which it is working and I was also pleased to hear that, although it has no direct responsibility for the two privately run women's prisons, in practice there is a very strong relationship at all levels and the private prisons welcome the advice and expertise of their public sector peers. Staff working in the private sector, particularly those working in the field of drug abuse and mental health told me that they greatly valued these links and I was pleased at the contribution that the private estate made to my review and their general level of interest.

4.7 During my visit to Brockhill, I and my reference group were hugely impressed by the Carousel Project developed and running there as a means of supporting regular self-harming women. The programme provided activities and interventions designed to build self-esteem, assertiveness and confidence whilst encouraging development of coping strategies. It was showing a good success rate and was popular with the women. We were not the first to be impressed by this programme. It featured as an example of good practice in the Department of Health's publication earlier in 2006 *Women at Risk* and, indeed, was pictured on the front cover of that publication. As I write my report I am pleased to say that there are hopeful signs that Carousel will not be lost to self-harming women in prison but it concerns me that this has come about solely on account of the determination and dedication of a few caring individuals. I was told that there are systematic safeguards in place to make sure that such a valuable programme is not lost, for example, by oversight of the women's estate at Prison Board level, but I saw no evidence of this in practice. Carousel is not an isolated incident. I saw many excellent initiatives and heard of dozens of others during my review. They run for a while then stop because funding streams end or staff move on and there is no one in charge to make sure that this does not happen. I find it puzzling that Women and Young People's Group (W&YPG) has insufficient authority and budget to make things happen. While its head works with the Prison Service's operational director who has overall responsibility for both the women's and men's estates and recognises that many of the challenges prisons face impact harder on women than men, there is little visible direction in respect of women and a strong case for a much higher profile. Individual governors are responsible for their own budgets and, while there may be central oversight of the women's estate as a whole, there does not seem to be any central direction or authority.

COMMISSION FOR WOMEN WHO OFFEND OR ARE AT RISK OF OFFENDING

4.8 There are advantages to geographical management of the prison estate, especially if offenders can remain in their home area. Of course, this is not usually the case for women. It works well where there is strong and supportive national and area management coupled with enlightened and innovative governing. It is also very clear that there must be firmly established local machinery in place that ensures local partnerships between statutory and other agencies, not just for prisons but also across the whole criminal justice system. Nor am I opposed in principle to regional commissioning of services for women. However, given their small number, their differential needs from the male majority population, their marginalisation at every stage of their contact with criminal justice agencies, the geographical spread of women's prisons and mostly remote locations, women's location out of home areas, and frequent movements across geographical boundaries, I believe that regional commissioning for women must be directed by strong, visible, effective and strategic national leadership at the highest levels. Direction must be in accordance with a well-planned and resourced national strategy for women in the criminal justice system, which all relevant ministers must sign up to and actively promote. A national framework must do more than set aspirational standards; it must monitor progress, have assured, long-term ring-fenced funding and clear lines of accountability.

4.9 This is not new. Dorothy Wedderburn in her report for the Prison Reform Trust (PRT) *Justice for Women* published in 2000 called for "the immediate establishment of a statutory commissioning body – the National Women's Justice Board – charged with producing a plan for action within the next two years". This recommendation has had widespread support over the intervening years, not simply from campaigning organisations like PRT and Fawcett but also from at least one former Home Office minister, a significant number of other parliamentarians, including Lord Woolf when Chief Justice, and a former Chief Inspector of Prisons, Lord Ramsbotham, who instigated an excellent debate on this subject in the House of Lords as recently as 29 June 2006.

4.10 In my judgment a “Women’s Justice Board” which replicates the Youth Justice Board in all respects is neither necessary nor desirable. But I do believe that there needs to be a strategic top level cross-departmental commission, headed by someone very senior – director level – with authority to direct work in hand relating to women in the criminal justice system, supported by sufficient staff from the various departments and agencies involved. The commission should be governed by a new inter-departmental ministerial group, as described above. Like Wedderburn I call for the immediate establishment of such a commission for women. I do not consider that it would need two years in which to draw up an action plan, as Wedderburn suggested. This could be done in an afternoon with the right people sitting round the table. Indeed, the Women’s Offending Reduction Programme (WORP) (see paragraph 4.39 below) would make a very good starting point. The commission needs to hit the ground running. A women’s commissioner role does not need to be enshrined in statute, at least initially. This would lead only to further procrastination when what is needed is immediate action. Much can be achieved without establishment on a statutory basis as the appointment of the Prisons and Probation Ombudsman has demonstrated. Nor do I accept that the lack of a discrete framework in law for women (as exists for young people) prevents a women’s commission from being established and I believe that the Youth Justice Board can be used as a model in so far as parallels can be drawn and useful lessons learnt.

4.11 I would add that I do not rule out the need for a separate sentencing framework for women at sometime in the future, indeed, the statutory duty from next April to take positive action to eliminate gender discrimination and promote equality under the *Equality Act* might require this in due course. However, I accept that now is not the appropriate time to make such a recommendation.

4.12 During my review I have received widespread support for the creation of a new structure of this kind, which many people working with women in the criminal justice system see as essential to direct and drive forward a strategic agenda for disadvantaged women. At the public event that I conducted on 31 October several speakers emphasised the need to ensure not only that such a structure is set up but also that it must be maintained and supported at the highest levels if it was to succeed. It must not be allowed to wither away as has the Programme Board of the Women’s Offending Reduction Programme (see paragraph 4.39 below).

4.13 There are a number of other factors that I believe support my conclusion that there needs to be a Commissioner for Women who offend or are at risk of offending appointed as a matter of urgency, which I outline in the following paragraphs. First, if we are to see an end to deaths in custody of women inappropriately located in prison, as many of the women who have died in recent years were, provision must be made to meet their well researched and documented but largely unmet needs. The practice of marginalising the small proportion of women in a system designed and structured for men must cease. I am concerned that, 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. The nature of facilities for women – a small number of geographically spread prisons; the arbitrary re-rolling of women’s prisons to cater for the demands of the growing male prison population; the lack of provision of suitable approved premises, especially for bail and particularly in rural areas; distance from home and families; frequent cross border transfers; and the wish of some women to settle away from their home areas on release in order to escape previous harmful relationships have resulted in women in the criminal justice system persistently being marginalised and their needs unmet. Without a proper central structure, regionalised provision of services is likely to lead to further dilution of expertise in women-specific agendas at a time when what is needed is a central point of excellence and a champion for women to drive agendas forward.

4.14 This situation is reminiscent of what the Audit Commission found in its report *Misspent Youth* in 1998 in respect of youth justice, where there was no integrated system with shared aims and objectives, little strategic overview and a division of responsibilities and financial accountability. That report found a system preoccupied with processing rather than trying to change behaviour. The processes were inefficient and expensive with little being done to tackle the causes of youth crime as the same young people were processed through the courts again and again. The report, which of course led to the creation of the Youth Justice Board (YJB), recommended that efforts to prevent re-offending needed to be coordinated between the myriad of agencies involved through a strategic approach building on the framework of existing local structures. Youth justice needed a focal point of leadership and delivery. The YJB has subsequently been central in shaping and coordinating the complex web of agencies involved and has brought leadership, coherence and consistency to youth justice. I believe that it is now time to do the same for women by establishing a strategic commission with power to make things happen, visibly overseen by an over-arching cross-departmental ministerial group. I strongly so recommend.

4.15 The new gender equality duty which comes into force in April 2007 (see paragraph 2.29 above) for the first time places a legal obligation on public bodies to show that they are actively promoting equality of opportunity between men and women. Creating proper structures to take forward a strategy for women in the criminal justice system would demonstrate the government's commitment to this new legislation. I would add that such a structure would not exonerate other more generic structures from full consideration of gender issues. The Inter-Ministerial Group for Reducing Re-Offending, for example, would do well to look again at its aims, which are wholly laudable but they omit the need for different approaches to women's criminality, sweeping them up in a reference to "diversity issues".

4.16 There is a wealth of knowledge, research, experience, good practice and expertise throughout all of the agencies working with women in the criminal justice system but much good work is being carried out in isolation, with duplication of effort, little coordination and, in some cases, in ignorance of identical work being carried out elsewhere. This is the case not just across agencies and government but also within some organisations, particularly NOMS. No one person or body is drawing together all of these strands of important work or maintaining any kind of corporate ownership. Changes of staff result in good initiatives being lost and recreated because there is no corporate database or corporate memory. It is essential that a central body gets to grips with this basic administrative task.

4.17 During my review I was particularly struck by the grand-scale duplication of effort in the area of constructing databases, mapping exercises and gap analyses in respect of services for women. Some pioneering work conducted some years ago by the former Prison Service's Headquarters team, for example, about abuse issues, appeared to be virtually unknown outside the Prison Service. I discovered that similar Department of Health led work, the Victims of Violence and Abuse Prevention Programme (VAPP) was being conducted without the benefit of having seen this work and, moreover, its project manager had never visited a women's prison, notwithstanding the number of abused women in prison. Other excellent initiatives which touched on women in the criminal justice system, for example about victims and about domestic violence, had no overarching strategic body ensuring a coordinated approach across the piece. I applaud the creation of the Inter-Departmental Ministerial Group on Domestic Violence, established to performance manage the *National Domestic Violence Delivery Plan*. This group provides a model for a similar group for driving forward a national strategy for women in the criminal justice system and the two groups must also establish links with each other.

4.18 During my review The Griffins Society, now primarily a research organisation, offered to act as a central repository for information for and about women in the criminal justice system. The Griffins are developing a role as facilitator, coordinator and disseminator of information in this area and are keen to support other agencies. One of their ongoing long-term core projects is to develop a website as an information resource, including databases on resources and publications. They aim to bring together information about services for women, research and publications from the many existing sources, collate them into simplified databases and make them available on line. I believe that these databases would be a valuable resource for use by women themselves looking for local or national support services or information and for use by academics and practitioners in every area of the criminal justice system working with women. The Griffins intend to invite service users to submit reviews and evaluations of services of which they have experience so that over time the resources could build into a qualitative as well as comprehensive knowledge base and aid promotion of good practice. I recommend acceptance of The Griffins' offer and suggest that it should be supported in this enterprise by all departments and agencies, many of whom hold existing data that could be useful to others and should be shared more widely. A central recognised repository would I believe be a great asset to all those involved with women in the criminal justice system and would cut out the duplication of effort I have noted. One role of the new Commission for Women who offend or are at risk of offending would be to foster corporate sharing and ownership across departments and agencies, break down the "silo" approach and encourage others to take on tasks for the benefit of all.

SEVEN PATHWAYS TO RESETTLEMENT

4.19 The excellent and thorough report *Reducing re-offending by ex-prisoners* published in July 2002 by the Social Exclusion Unit (SEU) identified the fragmentation of responsibility and accountability, with different people and organisations and geographical areas having responsibility for different outcomes but no one accountable for pulling these together. SEU noted, for example, that while the overriding responsibility for reducing re-offending rested with the Home Office, no one had responsibility for getting prisoners into stable accommodation on release and housing policy rested with a different government department (DCLG). The government's response to the report was to develop the seven "Pathways to Resettlement" that the SEU had identified, namely: accommodation; education, training and employment; health; drugs and alcohol; finance, benefit and debt; children and families; and attitudes, thinking and behaviour. Within each pathway the various statutory bodies and other agencies are now pulling their work together and I have seen that work is being done to establish regional and local pathway action plans and strategies. There is, for example, some excellent work being done in London, whose Re-offending Action Plan supporting a Resettlement Strategy contains a whole chapter relating to women. This is an excellent model from which other regions could learn.

4.20 London is also piloting a resettlement project which aims to return London prisoners to Holloway prior to their release date to better prepare them for release into their home areas. This is an ambitious project given the complexity and turnover of Holloway's population (and the current foreign national situation). It releases an average of 58 prisoners a month; 89% of them are serving sentences of less than a year; 45% of women in Holloway are from black and minority ethnic (BME) groups; and over 30% are foreign nationals. The pilot presents an opportunity to test innovative approaches to BME women in particular and to devise approaches that draw on the skills and experience of the voluntary and community sectors. It goes without saying that releasing prisoners into their home areas should be a first principle of every resettlement strategy of every region. But it is aspirational for women with only two open prisons, one in Yorkshire and one in Kent and with some regions having no women's prison at all. Women in Prison (WIP), a small voluntary body that helps women find accommodation on release from prison, has found that distance from home is a major barrier in this work. During a three-month project at Holloway, for example, WIP workers saw women from Liverpool, Southampton, Tunbridge Wells, Portsmouth, Faversham, St Albans, Haywards Heath, Bedford, Chatham, Reading, Leicester, Northampton, Norwich, Eastbourne and Milton Keynes, as well as various London boroughs.

ACCOMMODATION

4.21 However, it remains the case, as the Social Exclusion Unit (SEU) report pointed out four years ago, that still no one has responsibility for getting prisoners into stable accommodation on release. NOMS official statistics state that 88% of women had accommodation to go to on leaving prison during 2005. However, the statistics count only sentenced women and accommodation is not necessarily settled. It includes any accommodation, such as staying with a friend. For women, stable accommodation is probably the most significant resettlement need. For this reason I considered this particular pathway closely during my review. The SEU report noted the "Catch 22" situation that many women find themselves in – if they do not have children in their care they are unlikely to be given priority status by housing authorities, but if they do not have suitable housing children are unlikely to be returned to their care. The lead on the accommodation pathway told me, "We accept that there can be differences in the accommodation needs of women and work closely with the Department for Communities and Local Government by having an influencing voice on issues of offender accommodation provision, local authority housing strategies and supporting people strategies". An "influencing voice" seems to me insufficient in the face of the stark reality of women finding suitable accommodation on release from prison.

4.22 This was brought home to me in the as yet unpublished paper by Women in Prison (WIP) *Finding somewhere to live: the resettlement needs of young women leaving prison*, reporting on a three year project that ran from 2002 – 2005. The overwhelming concern of most of the young women using the project was housing and the project worker was frustrated time and again by the difficulty of finding appropriate housing even if WIP or another agency was involved at an early stage. The WIP worker felt that structural issues outside of prison made her job almost impossible and even with housing advice available in all women's prisons, women were still leaving prison with nowhere to go. Disturbingly she reported that on accompanying women to Homeless Persons Units (HPUs) on the day of their release she was met by unfriendly and for the most part unhelpful staff, who generally showed a lack of interest and were unwilling to give advice (which is of course their job) and at times, by rudeness and downright obstruction, even when a strong vulnerability case was made. Often women were kept waiting for hours. The worker had to act as a tenacious advocate, drawing on legal advice from elsewhere and battle every case. This is a dreadful waste of time and resources, distressful for the women at a particularly vulnerable time (a recent study indicates that recently released prisoners are at a much greater risk of suicide than the general prison population, especially in the first few weeks after release) and of course begs the question what would have become of them had no one been with them as advocate. The Home Office *Reducing Re-Offending National Action Plan* published in 2004 says that "*stable* [my emphasis] accommodation can make a difference of over 20% in terms of re-offending on release" but finding any sort of accommodation is especially difficult for women.

4.23 Women who expect to be homeless on release and who do not have friends or family they can stay with have three options, namely, supported housing/hostels; emergency accommodation through HPUs; and private rented accommodation. Few women leaving prison feel that rented accommodation is an option open to them and they are often shocked and depressed by the lack of choices available to them, especially if they need accommodation at short notice to get early release on Home Detention Curfew. Hostels of course need to be sure that they can provide the right level of support to applicants and are limited by their funding criteria as to who they can take but WIP concludes that women leaving prison (many of whom have literacy problems) cannot hope to negotiate the system, which involves lengthy application forms and an interview, without expert help. Interviews do not take place before release (often because women are located far away from their home area) and many supported housing projects have waiting lists. WIP reports that many women just disappear back into the familiar unsafe peer group between release and the interview and a place becoming available.

4.24 Anyone who has nowhere to stay can ask his or her local council housing department for help. The council can provide emergency accommodation while undertaking further checks if satisfied that the person is homeless, eligible for assistance and in priority need. Women leaving prison can qualify for priority need if they are pregnant, responsible for dependent children, are aged 16 or 17, have been in the care system (for a particular time and dependent on their age) and/or are particularly vulnerable. WIP described the decision making both on local connection (many women say that their best chance of staying off drugs and away from crime on release is a fresh start for them and their children in a new place and the location of the only two women's open prisons at each end of the country encourages this) and vulnerability as "capricious". It was often necessary for WIP staff to present strong arguments and assert themselves in order to achieve a result for their client. WIP was appalled that women presenting with serious self-harm with supporting evidence from the prison's mental health team could be denied accommodation while wrangles over local connections took place. WIP is a small agency and can help only a small number of women. Based on their experience WIP assumes that many extremely vulnerable women are either turned away or have simply opted out of the whole process and disappeared from view. Revolving Doors has had similar experiences.

4.25 The experiences that women related to WIP about their interviews with HPUs were all negative, saying that staff just wanted to be rid of them and accused them of lying. There is one particular case study in WIP's paper that is so shocking that I repeat it here:

"Maxine, a 25 year old, partially sighted and barely able to read or write, had before prison been living in a crack house, shoplifting to supply other residents so she would be allowed to stay. WIP's project worker met her on her release day and they travelled to the Homeless Person's Unit (HPU) in her hometown, arriving at 2.30 pm. They were kept waiting in reception and every half hour or so the HPU staff would call down to reception and speak to them by phone. They said they had recently turned Maxine down and wanted to know what had changed to add to her vulnerability. The WIP worker and Maxine described her worsening depression, handed in written evidence from the prison about her suicide attempts in custody and a letter from her drugs worker. HPU staff asked over the phone what medication she was on and when told said "I'm not being funny but that's just a bog standard ordinary anti-depressant". At 5 pm a member of staff saw them in person and agreed to house Maxine temporarily. Maxine's drug worker congratulated the WIP worker saying that she had taken Maxine to the HPU before and never managed to get her this far".

4.26 I have concentrated particularly on accommodation because women in prison say that it is their greatest resettlement concern on release and it seems to me to be the pathway most in need of speedy, fundamental gender specific reform. In July 2006 DCLG published the *Homeless Code of Guidance for Local Authorities* which included guidance to authorities that intentional homelessness should not be assumed in cases where an application for housing is made following a period in custody. This guidance sets an unhelpful tone for wider strategies for housing ex-prisoners, which ought not to be at the discretion of staff at HPUs. The use of the criterion of intentional homelessness for ex-prisoners should be abolished. At Askham Grange, Supporting Others through Voluntary Action (SOVA) and Stonham (a housing corporation) are working together converting some unused buildings there for residence by soon to be released and newly released women to aid their resettlement into the community. This is just the kind of project that is needed and Stonham has other property available elsewhere and is keen to provide supported accommodation for women post release or on bail. This type of project lends itself to unpaid work schemes for women serving community sentences. (See paragraph 5.15).

EDUCATION, TRAINING AND SKILLS

4.27 I also spent some time during my review considering education, learning, training and skills because this is a subject in which I have a particular interest and which seemed to me during my visits and meetings very sadly lacking in the concept of emotional literacy, the base from which all learning must start. Respect for one another, forming and maintaining relationships, developing self-confidence, simply being able to get along with people without conflict must come before numeracy and literacy skills. Life skills, for example, how to live as a family or group, how to contribute to the greater good, how to boil an egg, clean a toilet or one's teeth are missing from the experiences of many of the women in modern society who come in contact with the criminal justice system. The chaotic lifestyles and backgrounds that I have described earlier in my report, the disproportionate prevalence of learning disabilities and difficulties result in many women in the criminal justice system having very little employment experience or grasp of some very basic life skills.

4.28 It is likely to be a long and difficult process for most women to get employment on release from prison and it is not helpful to set them unrealistic targets. Lapses are common and to be expected so it is far better to prepare women to cope with setbacks by increasing their confidence and self-esteem. Personal development and activities that are artistic in nature, such as drama, mime, clowning, painting, dance all help disadvantaged women gain confidence and self esteem and begin to understand that education and employment might be relevant to them. It also reduces distress. A woman at one prison interviewed for a study on *Real work in Prisons* said that for the first time in her life she felt independent, having completed a life-course *Independence*. She said she no longer had to rely on her family for support and it helped alleviate the guilt and pain she had caused her family. I was told during my review how a pantomime in one women's prison, in which every woman on the unit played some part, had dramatically reduced levels of self-harm. I heard of a number of other similar projects and initiatives, some of them delivered by outside agencies such as The Bridge and Dance United. These are excellent but short-lived. Also significant in this context is Alison Liebling's important work on safer local prisons, which correlates personal development activity with reduced distress and reduced levels of suicide.

4.29 I am not of course advocating that women should be excluded from qualifications and work-focused interventions and understand the premise that re-offending can be reduced by improving the employment skills of offenders. But there are a variety of diverse needs and standards of attainment, particularly among women who traditionally suffer discrimination in the job market and their employment needs are different from men's. (See paragraph 2.27 above). The "woman-centred" approach that I advocate elsewhere in my report applies equally to the area of education, training and skills and each woman must be assessed individually to ensure that her particular needs are met. I was pleased to hear evidence from DfES that, following publication of the Green Paper *Reducing re-offending through skills and employment*, it called for views on how to overcome barriers to successful engagement in learning and employment for women and it will publish the results shortly. I understand that women in custody and community settings were interviewed and, while most of them aspired to move into work, many wanted also to develop life skills. They recognised the significance of building esteem and confidence but also said that finding security and identity was important to them. Their first priorities included self-care, coping with personal responsibilities, taking part in informal conversation and sitting in a group. Next they identified building confidence, identity and self-esteem, addressing life skills, helping organise and participating in activities. Only when they had accomplished these basic skills did they feel that they would be equipped to move on into participation in vocational accredited courses, higher education and work placements.

4.30 I advocate the unitisation of recognised qualifications as additional stepping-stones so that small steps can be recognised and rewarded (and unplanned transfers between prisons rendered less disruptive). Receiving a certificate for the first time gives adults a sense of achievement and motivation. The Award Scheme Development and Accreditation Network (ASDAN) (in which I must declare an interest as a trustee) is an internationally recognised awarding body, which offers a wide range of curriculum programmes and qualifications for all abilities, mainly in the 11-25 age group. Its purpose is to "promote the personal and social development of learners through achievement of ASDAN awards so as to enhance their self-esteem, their aspirations and their contribution to the community". A number of ASDAN's programmes and qualifications, which are approved by DfES, would I believe be useful in the prison setting, one in particular for women. This is the *Certificate in Life Skills*, which is a qualification, comprising six units: citizenship, community, home management, ICT, personal care and preparation for working life. ASDAN's Foundation Training Certificate already runs at Low Newton and I was pleased that Styal took up my suggestion to invite ASDAN to see how it can contribute there.

4.31 Some women are ready for bigger challenges. Indeed, some have said that prison has provided them with more opportunities and without external distractions they have thrived. SOVA's *Moving Mountains* by Caroline O'Keeffe contains several case studies, of which this is an example, "I would never have done it when I was outside. I left school at 14. I didn't have no qualifications when I come to prison. I thought I couldn't do it." A young woman I met in prison during my review, who had suffered an appalling childhood of abuse, drugs and abandonment, understood what she had missed and said to me, "I shouldn't be here. I should be in college". I am not of course suggesting that prison is the right place for these women to have their educational needs met for the first time; this should have happened much sooner by other means, as I go on to explore later in my report. The point I make here is that every woman is different and needs an approach tailored to her individual needs.

4.32 At the top end of the scale I was particularly impressed by *Designs from Inside* a project started at Holloway by the charity Business in Prisons. Ex-prisoners and serving prisoners nearing release work together to set up small businesses, within which they learn and practice entrepreneurial skills. Businesses, which all require basic, easily learned and cheap to operate equipment, so far include dye sublimation printing, silk screen printing, floristry and dress-making. The women learn about invoicing, costing, VAT calculations, customer service, marketing, stock control and general business skills. With guidance from the Project Manager in producing a basic business plan and cash flow forecast, these women are able to launch out on their own. There are currently three serving prisoners who have acquired quite advanced skills and are operating successful businesses and one ex-offender, having presented her business plan to the Prince's Trust, has been granted a £2,000 business loan. This particular project, like so many other groundbreaking innovations will fall by the wayside when its funding stream runs dry in March 2007. Investment of under £200,000 would secure its future by launching a social enterprise, which would fund most of its own costs through sales.

4.33 More generally, I am concerned that the seven resettlement pathways, while achieving joined up thinking and bringing together all the agencies working within each pathway, may also be creating seven "silos", seven funding streams and the potential for marginalising women seven times over. The pathways must not be allowed to develop in isolation of each other and need coordination across the piece at a strategic level. The pathways are a good tool to organise a complex action plan at the centre and to 'join up' the agencies involved in a particular subject and this is admirable. As one person told me it was a way of "tidying-up" all of the diverse strands across government and other sectors and I understand this. The difficulties arise in practice, however, because neither the practitioners nor the service users fit neatly into the seven categories, and instead of joining-up the pathway approach risks fragmenting roles and responsibilities.

4.34 Particularly for women, this approach risks an artificial division of issues rather than a holistic woman-centred approach with the possibility that a woman with multiple complex needs (as is often the case) is counted several times over without any coordination or oversight and no one taking overall charge and being accountable. The Social Exclusion Task Force's report *Reaching Out* published in September 2006 makes much the same point. The task force noted that adults living chaotic lives were often in contact with multiple agencies, "with each person costing statutory services tens of thousands of pounds every year. Individual agencies sometimes miss those who have multiple needs and may fail to look holistically at the individual". Nor do the seven pathways cover all women's needs and I was pleased to note that the Prison Service Women and Young People's Group, in recognition that the artificial pathway divisions failed to encompass two crucial women-specific issues, have identified two additional pathways for women, which I recommend should be mandatory in every regional resettlement plan for women, namely:

- Pathway 8: support for women who have been abused, raped or who have experienced domestic violence.
- Pathway 9: support for women who have been involved in prostitution.

4.35 Many of the small voluntary agencies working with women do not fit exclusively into a sole pathway and these artificial divisions risk putting an intolerable administrative burden on these small bodies. Women In Prison (WIP), for example, which specialises particularly in both accommodation and education, is having to establish networks with different pathways, as well as with every individual region. This is not a sensible use of limited volunteer resources. I applaud the government's wish to involve the voluntary sector in the criminal justice agenda and agree that partnership working across public, private and voluntary sectors is a sensible way forward. This is particularly the case in respect of disadvantaged women who fail to access and distrust conventional services but do respond (sometimes after many approaches) to a key worker in a voluntary agency like Revolving Doors. Many such agencies, which are doing hugely important work filling the cracks that the public services are simply unable to reach, fear for their future because engagement with official agencies and accessing funding sources are becoming more and more complex, time-consuming and bureaucratic. Small agencies can no longer go it alone in bidding for funding directly from commissioners. Instead they unite into consortia, which means that not only must they take care to ally themselves with the group most likely to win the contract but also they must meet the particular criteria set by the consortium.

4.36 A similar fragmentation of services occurs in respect of statutory agencies. The Social Exclusion Task Force's most recent report *Reaching Out* advocates a 10-year strategic review of long-term drivers of social exclusion and government responses. It noted that adults facing severe or multiple disadvantages, who often live at the very margins of society, like many women in the criminal justice system, tend to be less likely to access statutory services and when they do are less likely to benefit from them. Contact with services tends to happen only at crisis points in their lives, like children being taken into care or a prison sentence. Individual services are not set up to address complex needs. Each agency tries to deliver services within its own remit and funding follows along similar fragmented service lines. The Social Exclusion Task Force noted, moreover, that the cost of multiple deprivation is high and outcomes poor. Their conclusions mirror my own, that there need to be clear responsibilities and tailored responses, at strategic level, at regional level, at local partnership level and at individual case management level. The balance must be shifted away from reaction more towards early identification and intervention. This is exactly the approach that I recommend for women within the criminal justice system and I believe that the recommendations I make in my report will, if implemented as a package, go a long way to achieving these ends.

4.37 I asked all of the seven pathway leads what high level strategy they had put in place to ensure that the specific needs of women were properly considered within their pathway. I also invited their views as to whether the existence of the YJB helped them to focus at a strategic level on the specific needs of young people and whether a similar structure for women might provide a similar focus for women. I had noted, for example, specific "workstreams" within some of the pathway action plans that involved joint working with the YJB. No such workstreams appeared to exist for adult women and it seemed to me that no account was being taken at a strategic level of women's differential needs.

4.38 I found the responses very disappointing, lacking vision and demonstrative of the lack of comprehension at the highest levels within NOMS and elsewhere that anything different needs to be done for women. None of the pathway leads were able to demonstrate to me that they have a specific high-level strategy for women. Virtually nothing was said about the particular difficulties or restraints faced in dealing with women, who are a tiny minority at every stage within the criminal justice system. Some of the pathway leads acknowledged the attraction of a women's board which would create a new focus for women offenders but they expressed concerns about the dislocation from mainstream services and I agree that this risk must be carefully managed within the new structure that I propose.

WOMEN'S OFFENDING REDUCTION PROGRAMME

4.39 I have made several references to the excellent Women's Offending Reduction Programme (WORP), which was launched in March 2004 with a three-year lifespan. It is a "multi-agency strategic plan of action to deliver a distinct and joined-up response to the needs and characteristics of women offenders. Its purpose is to reduce women's offending and the number of women in custody by providing a better-tailored and more appropriate response to the particular factors which have an impact on why women offend. The intention is not to give women offenders preferential treatment but to achieve equality of treatment and access to provision." The programme seeks to provide a framework within which everyone involved in dealing with women offenders can see the whole picture, share learning and experiences of how best to meet the complex needs of women and coordinate delivery of their commitments to best effect. It aims to mainstream gender consideration rather than develop separate systems for women and link into other mainstream strategies such as the *National Drug Strategy*, the Department of Health's *Women's Mental Health Strategy* and the *National Rehabilitation Strategy*. Action points for stakeholders within and outside the criminal justice system have been designed to ensure that their policies, interventions and services are made more appropriate to meet the needs and characteristics of women offenders. This is an excellent programme with an ambitious action plan which I fully endorse. I am impressed by its achievements, most particularly the launch of the Together Women Programme. (See paragraph 6.16 below).

4.40 However, it is disappointing that the WORP has not been able to achieve more, despite the best efforts of the small dedicated team of four whose enthusiasm and commitment is exemplary. Without authority, power or backing at the highest levels the team is unable to effect change in the policies and priorities of others even within its own organisation, leaving aside the myriad of other government departments and agencies involved. The history of its beleaguered Programme Board illustrates this point. When WORP was launched each of its stakeholders signed up to deliver and monitor progress on action points relating to their own area of work. The board overseeing this work included senior representatives from each of the key departments and agencies and was chaired at director level. The role of board members was to "champion" women within their own organisation, ensure delivery of their part of the programme and report back on progress. These governance arrangements have broken down and the board has not met since February 2005. The reason for this was that board members delegated board meeting attendance below a level of sufficient knowledge or understanding to contribute to discussion or authority to take decisions or agree action. This seems to me to reflect failure by some stakeholders to grasp the women's agenda, integrate it into their own policies and pursue it within their own organisation.

CONCLUSION

4.41 It was clear to me from responses I had from officials during my review in a number of areas, particularly from key pathway lead roles, that there had been little thought given to mainstreaming gender into their own policies or integrating the WORP into their own action plans and taking ownership of gender issues. Some of my enquiries were simply referred back to the WORP team to deal with. The team itself has sat within three different directorates of the Home Office/NOMS during its short life and its future placement is uncertain. It now needs a permanent home within the new structure that I am recommending. The WORP was originally to run for three years, ending in March 2007. This provides an excellent and timely opportunity to re-launch the programme as the heart of the new Commission for Women who offend or are at risk of offending, with tangible input from all relevant government departments, effective governance arrangements and ministerial support across government.

4.42 I have given some thought as to the appropriate location of the new Commission. Its remit is "women who offend and women who are at risk of offending". A large number of women fall into the latter category; those actually in prison are just the tip of the iceberg. For this reason I consider that, in the longer term, the Commission should move its focus from the offending agenda to a more woman-based local community agenda, where much of the action resulting from my recommendations will fall. I therefore recommend that a long-term aim of government should be to move the lead, ownership and accountability to the Department of Communities and Local Government. Initially, however, the Commission should be led and owned by the Home Office (not NOMS where its focus would be too narrowly limited to offenders). See my Blueprint in Chapter 8 for more detail about my proposed structure.

RECOMMENDATIONS

- I recommend the immediate establishment of an Inter-Departmental Ministerial Group for women who offend or are at risk of offending to govern a new Commission and to drive forward the Commission's agenda within their individual departments. Ministers from Home Office, DCLG, DH, DfES, DCA and DWP should sit on the Group. There should be close links between the new Group, the Inter-Departmental Ministerial Group for Reducing Re-offending and the Inter-Departmental Ministerial Group on Domestic Violence. The Group should be led by the Home Office Minister initially but transferred to the DCLG Minister within three years because the focus of the Group is more closely aligned to the community agenda.
- I recommend the immediate establishment of a Commission for women who offend or are at risk of offending, led at director level, with a remit of care and support for women who offend or are at risk of offending. This must be a cross-departmental structure, which incorporates the Women's Offending Reduction Programme; sits initially within the Home Office but transfers to DCLG within three years; and is staffed by a multi-agency team from the Home Office, DCLG, DH, DfES, DCA and DWP. Staff should also be seconded from relevant NGOs and voluntary agencies. Within three years the Commission should transfer from the Home Office to DCLG.
- The Inter-Ministerial Group for Reducing Re-offending should re-examine its aims and ensure that its approaches properly address specific issues relating to women's criminality.
- I do not recommend a separate sentencing framework for women but this should be re-considered in the light of early experience of the statutory gender equality duty.
- There should be greater visible direction in respect of women in custody and a much higher profile.
- I recommend acceptance of the offer made by The Griffins to act as a central repository for information for and about women who offend or are at risk of offending and to promote its use by others.
- Systematic safeguards should be put in place so that good practice approaches like Carousel are not lost.
- The seven pathways should be much better coordinated strategically for women and should incorporate pathways eight and nine for women (see paragraph 4.34), which I endorse.
- Work to establish regional and local pathway strategies and action plans is vital and good practice relating to women, for example, London's Resettlement Strategy, should be promoted and disseminated.
- The accommodation pathway is the most in need of speedy, fundamental, gender-specific reform and should be reviewed urgently, taking account of the comments in my report. 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.
- Life skills should be given a much higher priority within the education, training and employment pathway and women must be individually assessed to ensure that their needs are met.

CHAPTER 5. ALTERNATIVE SANCTIONS - THE NEED FOR A PROPORTIONATE APPROACH

5.1 Individual freedom is a fundamental human right. Imprisonment is justified only for those who commit extremely serious crimes or pose a danger to the public. Short custodial sentences provide no opportunity for rehabilitative work, they are costly to the taxpayer, resource intensive and displace resources from the serious work for which prison is necessary. Nor is there evidence that short sentences lead to significantly reduced re-offending. For women, even the shortest sentences disrupt the family unit and cause distress to their children. There are strong arguments that prison is counter-productive for this group and, on balance, against the public interest. The focus in the media and in politics with violent and dangerous offenders and with the protection of the public from them is understandable but is diverting resources and attention from lower-level offenders, especially women. They continue to be marginalised in a predominantly male system. Moreover, some are themselves victims of violent and dangerous male offenders. Society is rightly exercised about paedophiles but seems to be lacking in sympathy for their victims.

5.2 Many women in prison have been subject to sexual or violent assault or abuse. Prison is not the answer for such women. Nor does the government believe it to be. In its *Five Year Strategy for Protecting the Public and Reducing Re-offending* published by the Home Office in February 2006, it is stated that: "We think prison should be used for the most dangerous, violent and seriously persistent offenders; and that others are usually best punished in the community. There are also some groups of offenders where there are signs that too many people are ending up in prison who would be better dealt with elsewhere; and others where the average length of sentences has been rising even though the number and seriousness of crimes has not". In a Statement to the House of Commons on 20 July 2006 the Home Secretary went further to define those groups of offenders who ought not to end up in prison, saying "It is clear to me – and, I am sure, to many in the House – that there are people in prison who should not be there. They range from foreign nationals to vulnerable women to those for whom mental health treatment would be more appropriate." He went on, "I do not consider that what we propose... is about being tougher or softer; it is about being fairer and smarter and, above all, about better protecting the public against the most serious offenders... We want to act in a humane way... Some vulnerable women are involved in a cycle and end up in prison; if they go out, they end up in prison again. We want to address that in a sensible and smart as well as efficient fashion, from the point of view of protection of the public as well as from the point of view of the individual."

5.3 I am pleased to see the word "individual" in the Home Secretary's statement, as I believe that treating people as individuals is key to any successful intervention. The next chapter of my report describes how women's community centres like Asha and Calderdale are paving the way for a radical new approach. In his Statement to the House on 20 July the Home Secretary was restating what has in fact been government policy for some time, in the form of the Women's Offending Reduction Programme (WORP), published in March 2004. (See paragraph 4.39 above). It is evident from the statistics, however, that prison is being used more rather than less for women.

SENTENCING OPTIONS

5.4 During my review I spoke to many sentencers and two meetings dedicated to sentencing issues took place, both lively and well attended. I chaired a seminar about sentencing and related issues and am grateful to Nicholas Rheinberg, the Cheshire Coroner, who opened up his Courtroom for another meeting which brought some sentencers face to face with coroners who had conducted inquests into deaths of women in custody. This gave sentencers and coroners some insight into each other's roles and viewpoints. It also brought home the fact that, although some sentencers are very reluctant indeed to give custodial sentences to low-level offending women or to remand them to custody lightly, sometimes they believe they simply have no alternative. One coroner said he believed that the widening scope of an Article 2 compliant inquest could, in some circumstances, encompass sentencing issues.

5.5 I have read the histories of some of the women who have died in custody in recent years in the Prisons and Probation Ombudsman's investigation reports. I am in no doubt many of those women ought not to have been in prison and I have concluded that this situation is a sad reflection on the systemic failures of a number of agencies that have allowed these women to slip through several nets long before they ended up in court before a judge. Schools, general practitioners, the police and the CPS all see signs of crisis but there are few services to whom they can refer women.

5.6 It is also evident to me that more is needed by way of alternative sanctions and disposals, which are gender specific and in which sentencers can have confidence. More needs to be done to inform sentencers about the existence and nature of those schemes which do exist. Much more needs to be done to divert low-level offending women not just from court but also from prosecution. More needs to be done to divert young women away from criminal activity before they start offending. The restrictions placed on sentencers particularly around breaches of community orders must be made more flexible as a matter of urgency. More bail placements are needed for women suitable to their needs. More supported accommodation is needed on release to break the cycle of repeat offending and custody and speedier access to psychiatric reports is essential. This is a big agenda that cuts across many different statutory and other agencies. None of it is new. Other eminent commentators have made similar recommendations before as the following paragraphs demonstrate. I also pay tribute to the persistence of many organisations and individuals on whose work I have drawn, for example, Fawcett, NACRO and the Prison Reform Trust (PRT), listed in the bibliography at the end of my report. This agenda is consistent with stated government policy on these issues. What is needed, as a matter of urgency, is a Commissioner for women who offend or are at risk of offending to push it forward and make sure that it happens.

5.7 The Home Affairs Committee reported on alternatives to prison sentences in 1998 and concluded that many people then being sentenced to imprisonment could be dealt with more effectively and at far less expense by a non-custodial sentence. Further, that sentencers must show more willingness to award non-custodial sentences and acquaint themselves with the range of possibilities on offer, by making regular visits to probation centres and community service placements. Six years later Lord Coulsfield's independent inquiry into alternatives to prison noted that only a quarter of magistrates and judges and 7% of stipendiaries had visited a community service placement in the previous 2 years. Today, although the use of community sentences for women has increased there has not been a corresponding reduction of the use of prison; indeed, the number of women being sentenced to custody has also increased. Sentencers appear to be using non-custodial sentences not as the alternatives to prison for which they were designed but in addition to prison, increasing the overall number of women in the system rather than rebalancing the system by removing low-level offenders from prison into the community.

5.8 I endorse Lord Coulsfield's conclusion in his excellent report that there needs to be a "shared understanding of the proper approach to sentencing in marginal cases and on real knowledge of and confidence in the alternatives... It means working with persistence and determination to make and build upon improvements each of which may be small but, when taken together, make a real impact on the problem". Echoing Wedderburn's concerns about the damaging effects on women's families and children of imprisonment and unreasonable community orders, Coulsfield recommended that community orders and programmes for women should be built around their needs, reflecting the realities of their lifestyles in relation to childcare, school holidays and so on. He went on, "Many women offenders have suffered abuse by men which may be implicated in their offending. It makes common sense that a mixed group may not be the most productive environment for women to deal with these issues." Coulsfield was particularly impressed, as I have been, by the Asha approach (See Chapter 6) and made the point that much of the help female offenders need is the same as that of other disadvantaged women. Coulsfield too welcomed the proposals in the Women's Offending Reduction Programme (see paragraph 4.39).

5.9 The Home Affairs Committee in its report on *Rehabilitation of Offenders* published in 2005 said, "the vast majority of women are in prison for non-violent offences and have never been a danger to the public". The Committee recommended that the government should set targets for reducing the numbers of women being sentenced to prison and make more use of the community sentence. The Committee also recommended that there should be a focused prison rehabilitation strategy for women incorporated into a national action plan. I endorse this recommendation, which mirrors my own conclusions and recommendations.

COMMUNITY SENTENCES

5.10 Lord Phillips, the Lord Chief Justice and the country's most senior judge, is a strong advocate of the community sentence and believes that, for less serious offenders, rehabilitation can more effectively be achieved as part of a properly planned and resourced community sentence, focussed on the root cause of offending. This is not an easy option; community sentences can mean hard work, or a curfew while holding down a job, or a requirement to keep appointments and complete a challenging and demanding programme. Prison actually demands less of offenders and can quickly lead to institutionalisation. Little is expected from those serving short sentences and many people have recognised the futility of sending women to prison for an average of 30 days, which is the case at Holloway. During such a short spell nothing positive can be achieved but damage can result in terms of lost accommodation, lost employment and disruption to family life. Lord Phillips, Lord Coulsfield and the Home Affairs Select Committee all concluded that confidence of the public, politicians and the judiciary in the alternatives to prison was key. As Lord Bingham put it, "Unless the public has confidence, far from reducing the prison population there will be calls for increasing it."

5.11 In his public lecture delivered on 10 May 2006 *Alternatives to Custody – The Case for Community Sentencing* Lord Phillips said that the law requires that offenders are not sent to prison unless their offending is so serious that no alternative is appropriate and when they are sent to prison it should be for no longer than their offending requires. For low-level offenders, whom he described as an anti-social and costly menace to society, Lord Phillips advocated a primary objective of rehabilitation and contended that a community sentence would be more likely to provide this than a prison sentence. Under the current law there are several ingredients that can be packaged into a tailor-made set of requirements of each community sentence to suit individual needs. These generally include a punitive component such as unpaid work or curfew; a reparation component to the victim or the community; and an offending behaviour component such as attending a programme, or a mental health, drug rehabilitation, or alcohol treatment. But sentencers can only make use of these ingredients if they exist and if they know about them. They must be more widely available, gender specific and resourced on a scale that matches the need.

5.12 I am convinced that many women would benefit from community orders provided that the package of measures is tailored to meet their needs. This can be achieved by making more use of women's community centres like Asha. (See Chapter 6 for more detail about the services that centres like Asha can provide). Another advantage of community sentences is that they are far cheaper than prison. Libby Purves wrote in the Times on 4 April 2006 that community sentences are allocated, per head, one-tenth of the cost of keeping someone in prison, yet are 10% better at preventing re-offending. Lord Coulsfield put the figure at one-twelfth. He too noted that in the literature on effectiveness, community based programmes have shown more positive results than custody based ones. The problems that lead to offending - drug addiction, unemployment, unsuitable accommodation, debt - are all far more likely to be resolved through casework, support and treatment than by being incarcerated in prison. Certainly better value for money even without the advantage to the community of any unpaid work!

5.13 Imprisonment of women offers no compensating benefit to society. The vast majority of women offenders are not dangerous. Because most women do not commit crime there is no deterrence value. Women sentenced to less than a year have insufficient time to complete any meaningful rehabilitative work in prison and are not subject to supervision on release. Many people regard imprisonment of women as just desserts for crime committed but the cost to society is enormous, not simply the cost of keeping women in prison (each prison place represents a capital investment of about £77k annually) but also the indirect cost of family disruption, damage to children and substitute care, lost employment and subsequent mental health problems. The continued use of prison for women appears to offer no advantages at huge financial and social cost.

OTHER COMMUNITY SOLUTIONS

5.14 I am convinced that community sentences which are already available to sentencers could be used more widely and effectively for women. Electronic monitoring and curfew can be part of a community order. Tailored orders can help women to address the underlying causes of their offending behaviour and prevent further offending. The unpaid work requirement of the community sentence, which is suitable for medium or higher risk offenders, is Community Payback, which was rolled out across all areas in November 2005 and appears to be producing encouraging results. In London, where the scheme is a joint probation and police initiative operating in all 32 boroughs, there are over 90 unpaid work projects operating across the city each week. Inevitably the numbers of women involved are small but local community panels should be encouraged to develop projects, tailored to suit the needs of women who may have been exploited by men and mistrustful of working alongside them, and take account also of their domestic and childcare commitments. Where numbers are low, cross-border schemes should be possible, especially in London. Women offenders should not be excluded either from fines or unpaid work schemes because of stereotyping or assumptions. I was pleased to be told of one scheme which operated from 10 am until 3 pm to take account of women's childcare responsibilities. However, I was disappointed then to hear that the scheme was preparing and serving lunch at an elderly person's luncheon club. Typical women's work!

5.15 I also heard of individual cases of women working in charity shops, which is admirable if they can learn skills whilst doing so, such as engaging with customers, operating the till and so on. But they should not be invisible, just doing jobs behind the scenes like sorting donated items. A further scheme, *Working Skills for London* aimed at improving the employability of offenders across London is to be introduced into Community Payback to assist offenders into sustainable employment. In Teeside a Neighbourhood Improvement Certificate guarantees a job interview with the local council. I am sure that, with a little imagination, this and other projects could be tailored for women. An example might be renovating properties for use as supported accommodation for women either on bail or on release from prison. (See paragraph 4.26 above). I heard of a very successful painting and decorating scheme for women, which ran in Nottingham. Community sentences are visible to the public. They can benefit local communities. And they are cheaper - far cheaper. I have followed with great interest the story of Monty Don's smallholding where offenders, mainly drug addicts, work on the land as part of their Drug Treatment and Testing Orders. I share his view that small low-key projects tailored to the needs of the individuals involved and to the local community is the right emotionally literate approach.

5.16 Offence specific solutions could also be extended, for example, the “prostitution referral order”, tailored to the needs of the individual and delivered by a supervisor with expertise in working with women in prostitution. This can link women to dedicated support projects which offer long-term support to help them get out of prostitution. Other admirable projects like Thames Valley’s restorative justice scheme and the retail theft initiative for those convicted of shop-lifting in Milton Keynes provide models that others could follow and I am sure that there is scope to develop imaginative new approaches or build on successes from elsewhere. Justice Reinvestment, for example, which transfers prison funding into locally based initiatives, is I understand producing good results in the States of Oregon and Connecticut in particular and its relevance in the UK is being explored by the International Centre for Prison Studies at King’s College London. Meaningful punishment in the community proportionate to the offence, restorative justice, making amends, in tandem with supported programmes which address the underlying causes of women’s crime must be a better and more fruitful way forward than short spells of imprisonment interspersed with minor criminality, which has proved both ineffective and expensive.

5.17 Custody Plus has been shelved by the government, at least for the time being. This is a correct decision. Many informed observers told me that they had serious concerns that this sentence option would increase the number of women in prison both serving short sentences and being recalled to prison for breach and would place an intolerable burden on the probation service. And it was feared that this additional “churn” in local prisons would increase distress and put more lives in danger. The government has also properly dropped Intermittent Custody, which could only have been designed by a man. Freedom during the week in order to maintain family ties and keep down a job coupled with weekend imprisonment is a recipe for domestic chaos. When would the woman find time to listen to her children’s school worries and provide support, for example, let alone wash their school uniform? If a woman is judged to be of insufficient risk to the public to be free during the week, it is common sense that she does not need to be locked up at weekends. In dropping the scheme the government has admitted that the people it dealt with were not serious offenders from whom the public required protection.

5.18 As I have indicated, this is not the time to recommend the introduction of gender specific sentencing laws; this is for the future. I do however favour consideration of the gender dimension in guidance issued by the Sentencing Guidelines Council (SGC) in relation to sentencing for specific offences. Manslaughter by reason of provocation is a definitive guideline which paved the way for this approach. I will be interested to see the results of the Sentencing Advisory Panel’s consultation paper on theft from a shop. This is an example of an offence at the lower end of the seriousness scale but the offender often has a large number of previous convictions. Theft from a shop accounts for the largest single group of offenders sentenced each year with a predominance of this type of offending amongst women. In 2004 38% of women were sentenced for theft from a shop compared with 20% of men. 80% of custodial sentences imposed for theft from a shop were for three months or less. Shoplifting is a social and economic nuisance but, unless accompanied by threats or violence, is not dangerous and the direct monetary cost of any one incident is relatively small for most retailers. The Panel’s research found that few cases involved high values with over a third involving goods valued at £25 or less and almost a quarter between £26 and £50. The cost to the taxpayer of three months imprisonment seems to me disproportionate to the loss to a large retailer of an item worth £25. I recognise that retailers may not agree with me and that smaller shops may suffer disproportionately but I am convinced that addressing these issues within the local community is likely to be more effective and cheaper for the taxpayer, and in the long-term for the retailer, than a series of short prison sentences. A sentence ceiling of a community order is a more proportionate response and could, within a short time, provide some headroom space in women’s prisons while my main recommendations bed in.

5.19 SGC has also published a consultation paper on a wide range of dishonesty offences which may have some relevance to the sentencing of women and a similar exercise is planned for the offence of drug courier, which will be very relevant to many of the foreign national women in prison. A definitive guideline on domestic violence was published on 7 December 2006 and an occasional paper on women offenders, in which SGC will seek to draw together key issues for sentencers, is planned. SGC has also decided to include a specific question relating to gender in every consultation that the panel undertakes in future. These initiatives, which draw attention to differential factors in women’s criminality, are welcome.

SPECIALIST COURTS

5.20 I also consider that sentencers themselves could play a greater part. Many who spoke to me during my review were keen to do so and, indeed, there are lessons to learn from the increasing use of specialist courts and community justice schemes. The innovative Liverpool Community Justice Centre has been described as the first "people's court", based on the model of Red Hook Centre in Brooklyn. Its aim is to tackle crime and antisocial behaviour in two ways - with the direct help of local people and by treating the underlying causes of offending. The Court sits as a Magistrate's Court, a Youth Court and a Crown Court and hears all cases in which a guilty plea is tendered. The Judge, David Fletcher, sees offenders right through their punishment, regularly reviewing them under section 178 *Criminal Justice Act 2003*, a provision specially enacted for this Court. Assistance is offered to all in need, not just offenders and agencies based at the centre deal with offence related problems, such as housing, drug addiction, debt, employment and so on. Up to August 2006 the service helped more than 70 people with debt problems. Community engagement activity has seen working partnerships with other agencies like the Merseyside Fire and Rescue Service, and the Streets Project provides diversionary and educational activities, particularly for young people.

5.21 In America these courts are known as "problem-solving courts" based on the theory of therapeutic jurisprudence. Judge David Fletcher believes that this holistic approach at the Liverpool Community Court is paying dividends and that repeat offenders do not come back so often. In a normal court up to 80% of offenders fail to attend but Liverpool now has a 90% attendance rate. Greater compliance results in less custody. In most courts offenders appear before different magistrates at each appearance. Judge Fletcher knows the offenders, can reward progress and the offenders know that he wants to see them progress. It is not an easy option; it is hard for offenders to comply because of the dysfunctionality of their chaotic lifestyles, a characteristic of many women coming before the courts. It is more challenging than a short prison sentence, which manifestly does nothing to reduce re-offending while disrupting the lives of women and their families. Two reference groups (one for adults and one for young people) meet regularly with Judge Fletcher to identify issues that affect the community and the kind of work they would like offenders to carry out to ensure that the community benefits directly. The Court's success will in part be measured by what the local community thinks. I shall be very interested in its first evaluation which I understand is due early in 2007.

5.22 Some sentencers advocate greater use of supervision of non-custodial sentences by the original sentencer because many offenders lack a framework of structure and support in their lives and benefit from an authority figure taking an active interest in their lives. One senior judge believes that continuity of supervision by the original sentencer is one of the most important factors in the success or failure of a community order. His view is based on personal experience, observation at the Liverpool Community Justice Centre and the Dedicated Drugs Courts in West London, Glasgow, Dublin, Toronto and Vancouver. He tells me that all of the judges at these courts emphatically share his views and advocate the extension of the availability of sentencer supervision (by enactment of the provision in the *Criminal Justice Act 2003*) beyond specialist courts or areas like drugs to a more general operation. If sentencers themselves could regularly review compliance with non-custodial community orders, it would increase their confidence in sanctions alternative to prison and I believe that sentencer supervision would prove cost effective in the longer-term.

5.23 This would suit women provided that sentencers take full account of women's domestic responsibilities and particular vulnerabilities. There are over 1,100 drug courts in the USA and also some specialist mental health courts, which provide closely monitored treatment for offenders with mental illness while improving public safety. An evaluation of the pilot drugs courts in Scotland, published by the Scottish Executive in 2006, concluded that a sizeable proportion of clients made subject to Drug Court Orders were able to achieve and sustain reductions in drug use and associated offending behaviour. The success was in part attributed to the existence of trained and dedicated teams with regular contact with participants and the system of pre-court review meetings and reviews. On-going and long-term support is essential for addicts. Getting clean in prison is one thing; staying clean on release quite another.

5.24 The USA has adopted a similar approach to domestic violence, where courts enforce rigorous compliance schemes whilst ensuring the safety of victims by linking them to shelter, counselling and other services. A programme of specialist domestic violence courts is being established in the UK. This is a welcome development, particularly the emphasis on victims, the great majority of whom are women and some of them end up in prison (46% of female offenders in prison have been identified as having suffered a history of domestic abuse). Of interest to my review is the move towards a community wide approach to the problem of domestic violence, which seeks to recognise and address the difficulties and special concerns faced by victims of domestic violence. I also welcome the launch of the three reducing re-offending alliances, namely the Corporate, Civic Society and Faith and Voluntary Alliances, designed to increase the public's engagement with the criminal justice system. I advocate a similar community and holistic approach to women's offending and consider that parallels can be drawn between my own Blueprint for women using "key workers" (See Chapter 8) and the teams of Independent Domestic Violence Advisers and Independent Sexual Violence Advisers whose specialist role is more limited.

BREACH

5.25 Another issue that sentencers raised was their concern that the *Criminal Justice Act 2003* requires them to treat breach of the requirements of a community order harshly when they would prefer a more flexible approach. In 1998 the Home Affairs Committee recommended an increased range of options for sentencers where offenders breach community sentences but the opposite has happened. Of course breach of an order must be taken seriously but custodial sentences for breach are being made when the original offence did not merit custody. 50% of current new receptions at Holloway are for breach. This is not a sensible use of scant resources and prison staff time. The 2003 Act requires sentencers to treat breach either by increasing the severity of the existing sentence or revoking it and re-sentencing. The SGC guideline says that the primary objective should be to ensure that the original requirements of the order are completed. Statistics on how an order has been breached do not appear to be collated but anecdotal evidence from many sources indicates that women's breach often amounts to no more than a missed appointment. There is a distinction to be drawn between serious breach of licence and poor time-keeping. I believe that there needs to be more tolerance for women who fail to meet appointments because, for example, a child is ill, or public transport is delayed or even non-existent in rural areas (many women do not have their own private transport) and orders for women must take account not only of their domestic responsibilities, school holidays and so on but also their underlying anxieties which affect compliance such as lack of self-esteem, lack of confidence and distrust of conventional service providers. An initial home visit by probation staff could serve to assess and find solutions to any particular problems that might prevent compliance. I return to the Home Secretary's use of the word "individual" because I do believe that in setting the terms of community orders, sentencers and probation staff must have regard to the individual circumstances of the offender.

5.26 When a woman has been arrested for minor theft in order to feed a drug habit, common sense dictates that a swift referral into drug treatment and support for as long as necessary to get the woman off drugs permanently is more likely to produce a better result than a short spell in prison, notwithstanding the greatly improved drug detoxification and maintenance programmes now operating in all women's prisons. And it makes sense for this to happen before the expensive machinery of prosecution and courts swing into action. Diversion at point of arrest and from police stations needs to be firmly embedded within the criminal justice structures. I say more about Court Diversion and Criminal Justice Mental Health Liaison Schemes for mentally disordered offenders in Chapter 7 of my report but I want to say something here more generally about the mechanisms in place in respect of bail for women and the use of custody for remand.

REMAND AND BAIL INFORMATION SCHEMES

5.27 Two-thirds of the women who go to prison do so on remand and more than half of them do not go on to receive a custodial sentence, with one in five acquitted. On any one-day there are around 1,000 women in prison on remand (almost a quarter of the female population). In 2002 remand prisoners made up 22% of the female prison population but accounted for 65% of female receptions. At the end of August 2006 there were 896 women on remand. Slightly more than half of these women are awaiting trial, the remainder convicted and awaiting sentence. The Prison Reform Trust (PRT) has long campaigned for a reduction in the use of custodial remand and I am grateful to PRT for updating its report *Lacking Conviction* published in 2004 in September 2006 for the purposes of my review. *Lacking Conviction* argued that decisions are sometimes taken in court based on insufficient information. Courts remanding women in custody pending further information should demand convincing evidence that the defendant is fit for custody because imprisonment can cause serious damage to women. *Lacking Conviction* also concluded that some sentencers were not taking sufficient account of whether the alleged offence was imprisonable, basing their decisions to remand in custody solely on the level of confidence that the defendant would appear for trial. While it is not a legal requirement to take account of the likely sentence, it is inequitable and lacking common sense to remand someone to custody for petty offences that will in all likelihood not attract a custodial sentence. Sentencers I spoke to robustly denied this suggestion but the statistics themselves indicate that most of the women on remand in prison have not been charged with offences of such seriousness and some recent as yet unpublished research by the Griffins Society supports this argument.

5.28 The National Audit Office (NAO) report *Facing justice – tackling defendant's non-attendance at court*, also published in 2004, made the same point and the subsequent Public Accounts Committee (PAC) report concluded that "Courts do not always receive sufficient and timely advice when taking decisions on whether to grant bail or remand in custody, but unnecessary remand in prison adds to the cost of the criminal justice system and to prison population pressures." The PAC recommended that the number of bail information reports produced should be increased and that types of defendants most likely to be suitable for remand on bail should be targeted. (Generally court schemes provide information at first appearance in court and prison schemes provide information for second or subsequent appearances of those initially remanded in custody. Overall a simple but important point is that the more reports are produced, the more offenders are bailed.) A subsequent Probation Circular advised that female and black and minority ethnic (BME) defendants should be targeted for bail information, as there was evidence that they were at a disproportionate risk of custody. The Prison Service also took action by writing to governors of local prisons in August 2005 and again in June 2006, emphasising the need to prioritise BME prisoners and women.

5.29 The authors of *Lacking Conviction* investigated the performance of bail information services in women's prisons and concluded that it was in general poor and that disparities within provision across the estate were unacceptably arbitrary. PRT's September 2006 update found that little had changed, with only 10% of untried females being given a bail information report in the first half of 2006 (compared with 19% of males), and again there were huge disparities across the women's estate. Official statistics produced by NOMS for 2005 also indicated that the prioritisation of women for bail information was not happening uniformly across the women's estate, indeed, only one women's prison was having a high impact. The official statistics for January – August 2006 indicate an improvement in two women's prisons, which is welcome if it can be sustained. But the number of untried receptions who get bail with a report stands at only 5.2%. I understand that the Probation Service's performance cannot be measured, as it is not required to break down numbers of reports produced by gender, a practice that must change.

5.30 It makes no sense for the Prison Service to neglect its bail information schemes, which can reduce numbers in prison and save money. *Lacking Conviction* recommended that funding for bail information schemes should be ring-fenced and bail information officers given sufficient time and resources to provide a service. PRT repeated this recommendation in its September 2006 update, adding that gathering statistics on bail information services should be standardised and the data published quarterly to focus attention on this issue, recommendations that I support.

5.31 W&YPG gave me a list of the challenges faced by staff in women's prisons in operating bail information schemes. These included lack of suitable, safe, conveniently located, bail places; some women preferring to be in prison, particularly if needing detoxification; lack of staff training places; and language difficulties in respect of foreign national prisoners. Some of these challenges seem to me relatively easy to rectify but the paucity of suitable safe bail accommodation for women is lamentable. The use of approved premises for releases on licence and Home Detention Curfew (HDC) has also reduced places available for bail. The fact that women prefer to be in prison (and I met several such women during my review) is a sorry reflection on provision for them outside. There are only five women-only approved premises with an additional 128 places in mixed approved premises. Only Adelaide House in Merseyside has full occupancy; other premises for women have low occupancy rates. I met women during my review who preferred to be in Holloway rather than Kelly House and women at Brockhill who preferred to be there rather than in Crowley House. Their reasons varied. Some said that there were too many petty restrictions; others said they felt unsafe and wanted support, not just a room in a hostel. This is a further reminder that women's individual needs must be considered. As I write my report I have heard that proposals are being developed to procure accommodation in the community with mentoring and support services for bail and on release and to enhance prison bail information schemes in support. This is excellent news. The specification for women must be drawn up independently by the Commission for Women from that for men and must take account of both their differential and individual needs.

5.32 PRT and the Fawcett Society have also campaigned for defendants who are primary carers of young children to be remanded in custody only after consideration of a probation report on the probable impact on the children. Some Courts have acknowledged the sense of this. In a Court of Appeal judgment in January 2002 (*Regina v Mills*), for example, it was said: "With a mother who is the sole support of two young children, as is the case here, the judge has to bear in mind the consequences to those children if the sole carer is sent to prison". On similar lines, the Metropolitan Police are using street bail for women at point of arrest, which allows a woman to go home and attend to domestic and childcare issues before returning later to the police station at a pre-arranged time. Some countries simply do not lock up women who have young children, making use of suspended sentences. I support suspended sentences for one-off unlikely to be repeated offences, which could, for example, include drug mules. The practice of sending a woman to prison as a "place of safety" or "for her own good" is appalling and must stop. Nor should sentencers use prison as a means of accessing services, such as detoxification, for women. Provision must be made more readily available in the community. I also heard from one magistrate that she had been told that remanding a woman in custody for psychiatric reports would speed up the process. Even were this the case, it is incorrect use of custody and must cease.

5.33 During my review, sadly, I came across a handful of women who see prison as a respite from the toils and anxieties of their daily lives, an opportunity to escape from their pimps and a chance to improve their nutrition and general health. Many prison staff I met knew of such women. Prison should be more tolerable for those women who need to be there but I believe that it is not the place for respite, for access to services which should be available in the community and nor should it become a home for those very unfortunate women who simply have nowhere else to go. Some women will be hard to reach and will require persistence and determination and, above all, tolerance, if we are to assist them to turn around their lives.

RECOMMENDATIONS

- Custodial sentences for women must be reserved for serious and violent offenders who pose a threat to the public.
- Women unlikely to receive a custodial sentence should not be remanded in custody.
- Women must never be sent to prison for their own good, to teach them a lesson, for their own safety or to access services such as detoxification.
- More supported bail placements for women suitable to their needs must be provided.
- Defendants who are primary carers of young children should be remanded in custody only after consideration of a probation report on the probable impact on the children.
- Community solutions for non-violent women offenders should be the norm.
- Community sentences must be designed to take account of women's particular vulnerabilities and domestic and childcare commitments.
- Sentencers must be informed about the existence and nature of those schemes that do exist and should support and visit them.
- The restrictions placed on sentencers around breaches of community orders must be made more flexible as a matter of urgency.
- Section 178 Criminal Justice Act 2003 should be implemented more generally.
- Bail information schemes in women's prisons must be properly resourced monitored and used.

CHAPTER 6. PRISON WITHOUT WALLS – THE NEED FOR A *HOLISTIC, WOMAN-CENTRED* APPROACH

WOMEN'S COMMUNITY CENTRES

6.1 During my review I visited three community centres which are doing impressive work with women in our society who are disadvantaged, victims or offenders, or, as is common, a mixture of all three. The origins of the three centres, namely, Calderdale Women's Centre in Halifax, Asha in Worcester and 218 (formerly Time Out Centre) in Glasgow, are different. A principle they share is that they work to support women with particular vulnerabilities to take responsibility for their lives.

CALDERDALE

6.2 Calderdale is a membership organisation, giving women who access the services and opportunities it provides ownership and status as stakeholders. With its mix of paid and voluntary staff, coupled with strong leadership and direction, Calderdale offers holistic support to women who often have complex multi-layered needs by providing a safe environment and links to many local agencies and services, with whom it has partnerships. It is "woman-centred", treating each woman as an individual with her own set of complex needs that have to be addressed in a holistic way. Women are not categorised as "victims", "offenders", "drug addicts" and so on; they are treated first and foremost as women. The centre never turns a woman away and designs an individual package of support based on each individual's needs. Some women's contact with the centre is limited to the particular crisis point that brought them there. Others remain for many years. Two of the women I met there, both long-term victims of domestic violence, told me how the centre had been their lifeline and, after seven years, they continued to attend to provide support for other women. These women were shining examples of "victims" turned "survivors".

6.3 The centre is not a police or court disposal but I see no reason why it and other centres like it should not be. Few referrals are currently made by the Probation Service or the Prison Service, despite there being two women's prisons in the area with which Calderdale has protocols. I discovered after my visit that the governor of one of those prisons was unaware of the centre, notwithstanding the existing protocol, an example of lack of continuity and corporate memory within the institutional environment. I am delighted that Calderdale's contribution has been recognised by government as a model of excellence on which the Together Women Programme (see paragraph 6.16 below) is based.

6.4 The Calderdale Centre, based in the town centre, offers a range of accredited educational and skills development programmes including parent craft, arts and craft, basic computer skills, management skills in health and social care organisations, basic first aid and volunteer training. It runs a support group work programme and advisory services for women and has established links with Job Centre Plus, Citizen's Advice Bureau and legal service practitioners. A drop-in advisory service can support and direct women to services in areas such as mental health, debt and domestic violence. There is also a support group for Asian women. There is an on-site crèche.

6.5 The Director of Calderdale advocates the piloting of "Women's Community Courts" using a gendered version of the Liverpool Community Court as a model. I too am very attracted to this concept and there are early signs that the Liverpool pilot is increasing compliance and reducing re-offending. (See paragraph 5.20 above).

ASHA

6.6 Asha, an independent charity providing a "women-only" environment is based on work undertaken in the Hereford and Worcester Probation Service between 1993 and 2001. It is worth setting out its Mission Statement:

"The Asha Centre aims to benefit women who are isolated by disadvantage from resources that will help them achieve their potential. Through the provision of information, advice and opportunities it will strengthen their social and economic proficiency and reduce the risk of offending and exclusion".

Asha's work is based on a model of change, which seeks simultaneously to deal with the person (lack of self esteem, low confidence, mental illness, substance abuse, eating disorder), her situation (an abusive partner, demands of parenting, single parent, poverty) and her environment (limited access to and knowledge of community resources, fear of children being taken away by social services, fear of men or institutions). One of the women I met there told me that she had experienced prison many times; it had taught her nothing and she said she was simply able always to blame others for her predicament. Asha, however, had challenged her behaviour and for the first time in her life she was accepting responsibility for her own actions and thinking about their consequences. Another woman at Asha with a similar background told me that no one in prison had ever told her that her criminal behaviour was wrong and she had never faced up to this before coming to Asha. A third woman I met there told me very movingly of how frightened she had been in prison and how she had cried not to be locked into a cell on her own. "No one listens", she said. What a contrast to her treatment at Asha, where listening is key. Asha's founder believes that women can be destroyed by prison, which separates them from their children. Most women want to be good mothers and sometimes this is the only positive thing in their lives. To take it away when it is all that matters to them can cause huge damage.

6.7 The centre focuses on increasing women's income, personal development and employment by providing courses in confidence-building, basic skills, preparing for study, art and aromatherapy and offers offender behaviour courses in partnership with the West Mercia Probation Service. Like Calderdale it has links and partnerships with other agencies and provides an on site crèche. It takes referrals from mental health, probation and general practitioners and would like to supervise all women offenders from the local area. I believe that this is the right way forward.

218 CENTRE

6.8 The third centre I visited, 218, formerly called the Time Out Centre, provides both residential and non-residential support services for women. It is based on the premise that women need "time-out" from their normal and often stressful and chaotic lifestyles, rather than "time-in" custody. The centre serves as a diversion from prosecution and an alternative to custody and offers services for detoxification, health, social work and housing. It receives an annual grant from the Scottish Executive. 218 benefits from close links with Cornton Vale, the only women's prison in Scotland. There are three main programmes (*Safe*, *Connections* and *Loss*) which women can attend repeatedly until ready to move on to the next stage or feel able to draw on support from mainstream community services. Each woman is treated as an individual with programmes designed around her capabilities and needs. They can include, for example, alternative therapies, psychological and psychiatric services, reproductive health, emotional support, and dental and physical health care. Programmes are never shorter than imposed by the court but can be longer.

6.9 An independent evaluation of 218 in February 2006 for the Scottish Executive Justice Department, which recognised that the Centre had not been operating for sufficient time to provide meaningful reconviction data, reported that, "Interviews with sentencers and prosecutors have shown that they make use of 218 and value it as a resource. In individual cases, referrals to 218, such as through diversion from prosecution or direct bail, often successfully prevented female offenders from entering custody, at least in the short-term. Quantitative and qualitative data indicate that women who have engaged in services at 218 have been actively involved in offending and that they fit the profile of female offenders in custody. So it is likely that women who engage with services at 218 are avoiding custody in the short and longer term".

WOMAN-CENTRED APPROACH

6.10 What unites these three centres is 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". I noted that staff I spoke to at both Calderdale and Asha were often unable to differentiate between those women referred by criminal justice agencies and those referred from elsewhere because all of these women share the same complex life problems. During my review a number of people made the point that the problems besetting many women, whether or not they are offenders are much the same – they are victims; they have relationship problems; accommodation difficulties; poor mental health; lack of self esteem; and drug or alcohol addictions.

OTHER CENTRES

6.11 These three centres that I was able to visit during my review represent only a proportion of similar voluntary and other organisations working with women. I am aware of much good work being done elsewhere, for example, Anawim in Birmingham is providing an alternative to custody and showing good results. I was given a snapshot of the women it was working with in October this year:

- 55 women with 41 children
- 36 now in their own accommodation
- 30 had stopped offending
- 5 had reduced offending
- 15 had their children with them that they would not have otherwise
- 20 had accessed outside college courses
- 7 had gone into employment
- 29 had reduced or stopped their drug use.

Anawim used to spend a day a week in Brockhill but can no longer access the women who are spread around the country following Brockhill's re-role, another regrettable outcome. Anawim would welcome a mechanism for women to be referred to the centre by the courts.

6.12 Trevi House in Plymouth provides residential care for women with drug and alcohol problems, where they are able to have their children with them. It works with the family as a whole and the family atmosphere is integral to Trevi's philosophy, reinforced by structure and routine. Most of the women who use the centre are not offenders but some are on court orders. It has helped over 500 women and over 600 children. The aftercare offered by the centre is important too and many families settle permanently in the Plymouth area. Bristol Crisis Service offers support to women in emotional distress, particularly those who self-harm. Adelaide House in Liverpool is an approved premises and I am told is an example of public sector, voluntary and faith-based organisations working in partnership for the community. It provides enhanced supervision for female offenders with complex needs. The local judiciary visit regularly and the work of Adelaide House has positively influenced community-sentencing decisions. Judge Fletcher at the Liverpool Community Justice Centre holds the work in high regard and arranges referral for women from his court. Adelaide House has just been granted funding to provide an outreach service to Styal, which is welcome news.

6.13 There are many more examples, the Camden Probation Women's Centre, Eaves 4 Women Supported Housing in nine London boroughs and the Pankhurst Centre in Manchester. Clean Break, a theatre and writing company working predominantly with London based female offenders also deserves a mention. I met a woman at the Asha centre who told me that Clean Break had turned her life around. The National Directory of Women's Centres lists 99 women's centres in England and Wales. The centres vary in character, carrying out different roles and offering a wide variety of services, ranging from educational and recreational courses, social outings, counselling, individual and group support, information services and legal advice, health services including pregnancy testing and complementary therapies, drop-in services, childcare, after school programmes and holiday schemes, library and toy libraries, internet access, community group meetings, help for refugees and asylum seekers, translation and interpretation, outreach into local communities, advocacy, domestic violence projects, home visits, youth work, and even a salon. Most of the centres are open weekdays but some less frequently. There was not sufficient time during my review to study these centres further but I believe that it may be possible to build on their existing work and draw them into the larger network of community centres that I recommend should be developed.

6.14 Bringing women together at centres like Asha and Calderdale helps them to understand that others have encountered similar problems, feel less isolated and start to find solutions. The centres are able through multi-agency partnerships to provide support of community-based services, which themselves recognise the value of centres because they provide access to many women whom they have previously been unable to reach. Criminal justice agencies and the government have recognised the value of centres like Asha and Calderdale and in March 2005 allocated £9.15 million for new community initiatives for women offenders, now known as the Together Women Programme, setting a welcome precedent for specific funding based solely on gender criterion. The Treasury announced in the 2004 spending review that the additional funding would allow the government, over a four year period, to pilot radical new approaches to meet the specific needs of women offenders, to tackle the causes of crime and re-offending among this group and reduce the need for custody. The overarching aim was 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, building on the excellent models already being run by the voluntary sector.

BME WOMEN

6.15 Services need to be appropriate and coordinated to meet the profiled needs of women in the area, including the special needs of black and minority ethnic (BME) women. A key factor will be effective liaison between all organisations and agencies, not just with criminal justice agencies like the police, courts, Crown Prosecution Service (CPS), probation and prisons but also with community agencies and voluntary organisations providing community interventions and services for women, for example, healthcare, drug treatment, counselling, childcare, housing advice and so on. Leadership committed to long-term promotion of BME women's issues, coupled with training and staff development are important. Community centres like Asha, which I have recommended be extended generally, must ensure that they develop services for disadvantaged BME women that are meaningful and appropriate to their particular needs. They should also aim at creating environments in which these women feel that they are not isolated or marginalised. Calderdale found that Asian women in the community benefited from having their own support service, which also acts as a social meeting place. Culturally sensitive provision is more likely to result in greater retention and more positive engagement and outcomes. Asha has trained its staff in race relations issues and more particularly in the local Asian communities in Worcester. Women-only provision is particularly attractive to Muslim women who cannot easily access mixed groups. I believe that the "women-only" environment is appropriate for some women, especially those with backgrounds of male abuse or violence. Delivery of programmes to groups of women only is essential in some circumstances but I consider that there is also a place for mixed gender environments as part of a therapy to lead to better relationships with men. I am aware of other good work being done for BME women by groups like Women in Prison, SOVA and Hibiscus.

TOGETHER WOMEN PROGRAMME (TWP)

6.16 The aim of the project is to develop an integrated approach to routing women to appropriate services to meet their needs at various stages of their offending history, from prevention and diversion to resettlement into the community at the end of sentence, whether served in the community or in custody. It draws together the various services in the community that provide interventions for issues key to women's well-being such as physical and mental health, drug and alcohol misuse, physical, sexual and emotional abuse, family support, housing, domestic violence, education and training, employment, finance, benefits and debt advice, programmes to address attitudes, thinking and behaviour, legal advice, counselling and therapy, improving self-esteem, isolation and poverty.

6.17 The existing Together Women Programme covers two regions only, the North West and Yorkshire and Humberside. The North West project is on track to open two centres in the New Year at Salford and Liverpool. I shall be especially interested to see how the links with the Liverpool Community Justice Centre develop for women. I am surprised that the project in Yorkshire and Humberside excludes Calderdale, with all its experience and expertise and, indeed, an example of best practice on which TWP was predicated. This anomaly lends weight to my belief that commissioning services for women who offend or are at risk of offending must be overseen by a strong national framework because regional commissioning cannot guarantee delivery of services by people who understand this specialist area.

6.18 More funding must be made available immediately to extend the network of centres across the country. I appreciate that this cannot happen overnight and a programme needs to be drawn up by the new Commissioner for Women who offend or are at risk of offending. As community centres for women are developed there will be scope to re-role the existing women's prisons for men, for whom generally they were originally built. A small proportion of the £1.5 billion planned to be raised by the Government for creating 8,000 new prison places for the male population could go a very long way indeed to make this happen. I consider that protracted piloting and evaluation is unnecessary. The evidence is already clearly visible and accepted by government. In the longer term I and many others believe that community centres will help many women stop re-offending in a way in which prison has manifestly failed to do. They will also help reduce the enormous social cost and damage to children, which have never been satisfactorily quantified. The government is committed to being "tough on the causes of crime" and to protecting victims; this approach would provide a radical initiative in tackling women's crime. On 29 June 2006 Baroness Scotland told the House of Lords that, "The whole process we are looking at is predicated on the approach adopted by the Asha Centre programme. That is what we are trying to replicate: a holistic response. I wish to see a development of that inclusive, multi-agency approach right across the country". This is an excellent development and I and very many others I have met during my review give wholehearted support to the Minister's wish to extend the Together Women Programme across the country.

EXTENDING TWP

6.19 New projects in each area, overseen by the new Commissioner for women who offend or are at risk of offending, should comprise small teams of key workers and mentors (ideally a mix of voluntary and salaried people drawn from and reflecting the diverse local community), specialising in meeting the needs of women and operating from Women's Community Centres based on models like Asha and Calderdale, which would provide women with a single point of access to services. In rural areas, particularly with inadequate public transport, satellite services could provide a "virtual" one-stop-shop, with outreach workers going out to engage with women, assess needs and coordinate access to services. I do not believe that planning permission will prove problematic. All the three centres I visited are based in city centres and none has experienced any objection from the community. Indeed, I believe that many local women will support these centres.

6.20 The key workers will work with the police, CPS, courts and probation in their area and link women to health services, housing providers, domestic violence projects and so on. The aim is to ensure an early assessment of needs as soon as a woman is identified and referred and speedy access to appropriate services to meet her individual needs. Referral could be by a number of agencies including schools, general practitioners, self-referral, police, courts, CPS, probation and prisons. Packages of community support drawn together and delivered via the one-stop-shop could be offered as a means of diversion from prosecution on arrest or as a viable alternative to custody. The key workers, with additional support from mentors, could provide ongoing support and case management for women released on bail, those serving community sentences, and those released on licence or a tag or under curfew. The one-stop-shop will be a resource not only to those women coming into contact with a criminal justice agency but also for women identified as at risk of offending because they have similar identified needs.

6.21 Extended projects will benefit from the planning work and stakeholder consultations at national level that have gone into the current projects in the North West and Yorkshire and Humberside and there will be no need to replicate this work. Local stakeholder groups will need to be set up to develop local protocols for joint working and exchange of information. These could, for example, include Local Criminal Justice Boards, Government Regional Offices, Local Authorities, courts, police, probation, prisons and Primary Care Trusts (PCTs). Other service providers such as General Practitioners, social workers and health visitors should be drawn in. Also important will be liaison and coordination with other local projects, for example, Drug Interventions Programme (DIP) workers. The projects must also be an integral part of sentencing and remand strategies and support initiatives on bail and diversion from prosecution or court to appropriate disposals such as mental health hospitals. They will also improve access to domestic violence and other victim-related schemes.

6.22 Community centres for women can benefit other government departments, for example by providing a pool of hard to reach women and can reconnect them to housing and employment services, reducing the likelihood of re-offending and of poverty for themselves and their children. They can also assist DH and the National Institute for Mental Health in England (NIMHE) to progress local implementation of the Women's Mental Health Strategy. (See Chapter 7). Other benefits include:

- Meeting the statutory duty of delivering gender equality under the Equality Act.
- Improved information to sentencers.
- Improved community-based options for sentencers.
- Increased sentencer confidence in multi-agency provision for women and community disposals.
- Increased diversion from prosecution and courts.
- Increased use of offence-specific community solutions and referral to expert support (such as prostitution).
- Increased use of community sentences.
- Increased access to, engagement and successful completion of interventions by women.
- Decreased use of custody.
- Reduction in female crime.
- Improved coordination of services and facilities and access.
- Reduction in victimisation of women through access to domestic violence support for women.
- Increased access to counselling and mentoring.
- Increased numbers of women carers being appropriately reunited with their children post custody.
- Reduction in number of children received into care or being looked after by other family members.
- Reduction in family disruptions and breakdown.

- More women in safe and appropriate housing.
- More women referred to and sustained in mental and general health provision.
- Improved retention and completion for women in drugs and/or alcohol treatment.
- More women completions of probation programmes and orders without breach.
- Improved participation of women in education and training and, where appropriate, employment.
- Reduction in distress by provision of support and counselling.
- Increased levels of self-esteem and confidence and women better equipped to lead constructive and responsible lives.
- Increased potential for the development of Women's Community Courts, which could sentence straight into the support offered and brokered by the Centres.

6.23 Extending the Together Women Programme will require an initial outlay of funding but the medium and long-term benefits are likely to produce savings in terms of the cost of keeping women in prison and the cost to society of imprisoning women. The funding allocated for the two existing projects in the North West and Yorkshire and Humberside was £9.15m over a four year period, with the estimated split between capital and revenue being £1m capital for each project and £3.15m revenue for the four year period. These figures compare very favourably indeed with the cost of keeping women in prison and prison build costs. Centres like Calderdale and Asha contribute to key local and national priorities whilst delivering a range of services on the ground, particularly to disadvantaged and at risk groups, and contributing knowledge and expertise at policy level. The aggregate results of this work are not always visible.

COMMISSIONING

6.24 While I envisage that the Regional Offender Managers (ROMS) would commission provision in their areas, there must be a central national coordinated plan to ensure that centres are spread across the country where they are needed. This would be a task for the new Women's Commissioner, who will need to ensure that all relevant sectors are fully engaged. Voluntary agencies are forced to fund-raise perpetually and this diverts time and energies from provision of core services. Long-term insecurity of these agencies often results in short-term staff contracts, low pay and fast turnover of staff. A way must be found to provide funding and stability to women's centres without compromising their ability to be flexible, creative and responsive to women's needs. This is a tall order and I can see the attraction of the split between provider and commissioner, a fundamental concept within NOMS, which in theory could result in productive partnerships with the right balance between voluntary and statutory agencies. However, it seems to me optimistic to expect such a development in every region individually without strongly led direction and oversight from an overarching Women's Commission and this reinforces my belief that regional commissioning must be firmly in line with a national strategic plan for women who offend or are at risk of offending.

WALES

6.25 Two particular areas, Wales and Eastern Region have approached me about developing community centre provision in their areas and these would be good places to start. I was told that there are embryonic plans to build a women's prison in Wales, which has never had a women's prison before. I hope that the Welsh Assembly will be able to influence these plans which I understand are for a large prison with 260 beds. I am sure that Welsh women in prison would welcome provision in their own country. However, there are only about 170 Welsh women in prison at any one time and, unless the prison is to be multi-functional, they could not all be located there. The additional spaces would be filled by English women who would be even further from their homes and courts. I would urge the Welsh Assembly to opt for the package of measures that I propose, which would mean that women offenders at all stages of their sentence, whether being served in the community or in small custodial units, could stay in Wales throughout.

EASTERN REGION

6.26 I was very pleased with a submission I received during my review from a probation board member in Norfolk who, with colleagues, had given some thought to a different model of provision for women in Eastern Region that would be appropriate to the needs of women in the area. It accords closely with my own conclusions and recommendations and, because it is an excellent model on which other areas, particularly other rural areas, could draw, I summarise the main points here. I recommend that the Regional Offender Manager for the area should take forward this scheme.

WOMEN WHO OFFEND OR ARE AT RISK OF OFFENDING IN RURAL AREAS USING EASTERN REGION AS A REFERENCE AREA

PRISON

Two women's prisons that previously served the Eastern Region, Edmund's Hill in Suffolk and Bullwood Hall in Essex, have recently been re-roled to take men. The nearest women's prisons are HMP Holloway (111 miles from Norwich) and Peterborough (76 miles). Edmund's Hill is 55 miles from Norwich. The loss of a local prison means that women's families and friends face greater expense and difficulty in visiting them, especially those who live in rural areas not served by public transport, a common situation in Eastern Region.

"The numbers of women potentially affected are significant. In 2001, 584 women from the area (Cambridgeshire, Norfolk, Suffolk, Bedfordshire, Hertfordshire and Essex) were sentenced at courts in Eastern Region. The majority, 344, were sentenced to three months or under; 100 to between three and six months; 26 to between six and nine months; 24 to between nine and twelve months; and 90 to over a year. None of those serving sentences of under a year were subject to Probation supervision post release. In the same year the estimated number of women remanded in custody in the Region was 400, 300 from the Magistrates' Courts and 100 from Crown Courts.

APPROVED PREMISES

5 women's beds in predominantly male approved premises (2 in Norfolk and 3 in Suffolk) have recently been closed to women and replaced by an all-women approved premises in Bedford, 90 miles from Norwich with no direct coach or rail service. This makes it very difficult for women to keep in contact with family and friends and for licensees to prepare for release into their home community. 57% of Norfolk and Suffolk women in the Norwich approved premises during 2001 - 2006 were on bail; bailing them out of their home area could be as disruptive as remanding them in custody.

ACCESS TO SERVICES

Women offenders have a wide range of well-chronicled problems. A survey of 285 women on the caseload of Norfolk Probation area in June 2004 showed that 73% were drug misusers; 61% had mental health problems; 42% had significant accommodation problems; 36% misused alcohol; and 36% had children living with them. Many women offenders are also victims of domestic and sexual abuse. Women in rural areas have particular difficulty accessing probation programmes to tackle their offending and can then often find themselves in a small minority on programmes primarily designed for men. Women in rural areas also have more difficulty in accessing services from agencies to tackle issues linked to their offending, such as substance misuse.

A DIFFERENT MODEL OF PROVISION

An integrated approach to services for women offenders could reduce the numbers of women serving short sentences, cut the numbers of women on remand and reduce the risk of re-offending by tackling their criminogenic needs. Vulnerable women and their families in rural areas would particularly benefit from improved accessibility to a range of services at a multi-agency 'One Stop Shop'.

A pilot scheme for a rural area such as Norfolk and Suffolk, commissioned by the Regional Offender Manager, could include:

A 6 – 8 bed residential unit for high-risk women on licence or bail run in partnership with a local accommodation provider. In addition, women could be diverted from short sentences in distant prisons by the alternative use of community sentences and conditions of residence orders requiring them to live at the unit. Women's needs would be met by in-reach from community drug, alcohol and mental health services.

A local Women's Supervision, Rehabilitation and Support Centre linked to the residential unit. This would provide a base for Probation to deliver women-only programmes and interventions and supervision for women on community sentences. Other agencies could use the base to deliver services to women – health, education, family, housing and so on. Use of the centre could be extended to other women, including those at risk of offending.

Housing services – women leaving prison, the residential unit or on community sentences would be assisted in retaining their housing or securing new tenancies via Supporting People provision.

Women offenders from rural areas are often doubly disadvantaged because prisons and approved premises are distant from their family and friends and they have poor access to local probation offices and support services provided by other agencies. This proposed model for Norfolk and Suffolk would provide greater equity of access, which is vital from April 2007 when the gender equality duty will require public bodies to ensure that all women offenders receive appropriate services and treatment."

6.27 Women from the Eastern Region who do need to be in prison (and I hope that over time the package of measures that I propose will reduce this number significantly) should go no further afield than Peterborough but the ROM, in commissioning prison places for women, will be entirely in the hands of the Prison Service as to their location. This is the reality of the commissioner's current choice. My package of recommendations will in the longer-term allow proper provision for women within their local community.

PUBLIC OPINION

6.28 I am convinced that there is a great deal of public sympathy for women in prison, who have been described as "damaged" rather than "damaging" and that the public would support suitable alternatives to prison. But we must do more to give the public the true facts. Smartjustice for Women, a campaign launched a year ago under the auspices of the Prison Reform Trust, for more alternatives to prison and projects that tackle the causes of women's offending, is encouraging informed debate by targeting some media outlets. There has been widespread coverage in women's magazines, popular television chat shows and radio programmes like *Woman's Hour*. Smartjustice has spoken to many community groups including Women's Institutes, schools and faith groups. Many ordinary women (and men) in the community have never given these issues much thought but, once they comprehend the nature and scale of the problems, they are sympathetic and support a radical rethinking of the use of prison for these women. Lucie Russell, Director of Smartjustice has told me, "The overwhelming positive feedback from the public illustrates the groundswell of support for more alternatives to prison and projects that tackle the causes of women's offending". The National Council of Women, for example, has just adopted a Resolution at its Annual Conference urging the government to, "devote more resources to addressing the root causes of women's offending like drug addiction, poor mental health, poverty, domestic violence and child abuse and invest in more alternatives to prison that reduce women's offending behaviour and prevent further victims." Other organisations supporting alternatives to custody for women include Soroptimists, Townswomen's Guild, Catholic Society for Women and the Women's Institute.

6.29 There is some research evidence that suggests that, while the public are critical of sentencers that they see as being too lenient, there is also support for treating rather than punishing underlying problems. A Mori poll conducted in 2003, for example, reported that over half the public surveyed thought that the best way of dealing with prison overcrowding was to build more residential centres so that drug addicted offenders could receive treatment. The same survey found that there was some evidence that the public's ambivalence towards non-custodial penalties related to a lack of knowledge about what they involve.

6.30 In March this year just before I began this review, BBC 2 broadcast *Women on the Edge*, a one-hour documentary looking at the issues of self-harm and suicide at Styal. This programme opened the eyes of many ordinary people who had either not previously given much thought to these issues or accepted at face value the media misinformation. The Producer/Director of the programme, Rachel Coughlan, wrote to me afterwards to tell me how upset and shocked she and her team had been by the levels of self-harm and attempted suicide at Styal on behalf of the women injuring themselves and staff having to keep dealing with the situation. She told me, "I had a lot of feedback from all kinds of people – many expressing shock and despair that we tolerate this situation in the 21st century and that it was clearly just accepted by the Prison Service as part and parcel of prison life. They felt that prison officers were out of their depth – after all how can eight weeks training – largely about discipline – prepare you to deal with people with extremely complex needs and problems." Rachel wrote an article for the *Prison Service Journal* in which she said that, "The current political climate is ramping up the numbers of people being imprisoned...I hope if our documentary sends out one message it will be about the unsuitability of prison for many of these women and how it is unlikely to stop them from re-offending and in some cases may lead to their deaths."

6.31 I have also seen the BBC's feedback report for the programme, which indicated a very good public response, most callers speaking of a personal experience of a related topic such as time spent in prison, self-harm, mental illness or lack of support but many were shocked by what they saw and wanted to offer help. A number felt that the women captured on film ought not to have been in prison at all but in psychiatric hospitals receiving proper treatment and support. Having seen for myself a number of such women in several prisons during my review, this is a view that I share. In considering whether to prosecute, the Crown Prosecution Service must not only judge the likelihood of getting a guilty verdict but it must also consider whether prosecution is in the public interest. It is difficult to see what public interest is served by incarcerating many of these damaged, prolifically self-harming women, which serves only to make their lives worse. I am also concerned that some of the women I have met ought not to have been judged fit to plead.

6.32 In a public lecture delivered in May 2006, Lord Phillips, Lord Chief Justice of England and Wales, lamented the lack of awareness in the general public of both the statutory constraints on the sentencer and the relative severity of the sentencing regime in this country. He said, "In 2004 we had more people in prison per head of population than any other country in the old European Union. This is not just because we send more people to prison. We send them to prison for longer. Over the last 20 years there has been a marked increase in the length of the average sentence imposed for the more serious offences." Lord Phillips attributed this lack of public awareness in part to unfair reporting by the media and he illustrated this phenomenon vividly by describing what had happened when the Sentencing Guidelines Council had published draft guidelines in respect of robbery the previous autumn. "These", he said, "stated that the starting point in relation to robbery should almost always be a custodial sentence – a long one where serious violence or injury was involved. There was one exception to this, in the case of young first offenders using minimal force or threat of force. This earned me the headline in one tabloid, in letters an inch high, RIDICULOUS followed by "Muggers must not be sent to prison says our new Lord Chief Justice."

6.33 I think it regrettable that some media misreports in the way Lord Phillips described and sensationalises particular perfectly correct and legal sentences as "soft", drumming up a frenzy of hostility among the general public against anyone who appears before the courts. The public is presented with a distorted picture which makes it difficult to differentiate between the dangerous and serious offenders who need to be locked up (and for whom it is indeed government policy that they should be locked up) and offenders who do not pose a danger to the public, but whose offending behaviour is, nevertheless, a nuisance to society. Lord Coulsfield's *Inquiry into Alternatives to Custody* in 2004 concluded, "the government sends out mixed messages to the public and the courts about sentencing. It wants to reduce the prison population but, at the same time, introduces policies and

legislation, which have the opposite effect. This often fails to take account of the research evidence, which the government itself has sponsored". That inquiry made the point that it is not the media but the government with whom responsibility rests to ensure that the public is made aware of the true facts and it recommended that more information should be supplied to the public in a readily understandable form. I agree. Published complex statistical tables alone are not enough. They need always to be accompanied by an analysis of what they mean in simple language.

6.34 The jury is still out on how much influence the media has on the judiciary, which is rightly resistant to any attempt that it perceives as interference with its independence. However, in her admirable lecture *The Sinners and the Sinned against: Women in the Criminal Justice System* Dame Brenda Hale stated, "The courts do not act in a vacuum. They are sensitive to the public opinion they detect from the media and from politicians". Further, in evidence to the Home Affairs Select Committee inquiry into alternatives to prison in 1998, Lord Bingham said, "The increase in the prison population is not explained by any increase in sentencing powers, and I have no doubt that it is related to the pressure of public opinion". If this is indeed the case, politicians and the government must double their efforts to ensure that the public is aware of the true facts. Lord Phillips too saw educating the public as essential if the public was to have confidence in community sentences, both as punishment and as the most effective way of achieving rehabilitation. This he described as "the most difficult nut to crack". Lord Coulsfield concluded that alternatives to prison needed to be marketed more imaginatively, both to sentencers and the public. His independent inquiry was part of the Esmee Fairbairn Foundation's three-year strategic initiative on exploring alternatives to prison, which included dissemination of findings to raise the level of debate as a key part of the strategy.

CONCLUSION

6.35 I believe that it is timely to build on indications that the public is not as punitive in outlook as some suppose and wants to know the facts and to have a rational debate. Educating the public and persuading sentencers to have confidence in alternative sanctions must be an integral part of the strategy relating to women who offend and who are at risk of offending. Prison is not the right place for many damaged and disadvantaged women. I recommend that this message should become a key consistent message right from the top of government. This may go some way to heighten the awareness of the general public and encourage a reasoned and enlightened debate. The radical proposals that I recommend for women should be treated as a pilot for other groups within the criminal justice system, young men for example.

RECOMMENDATIONS

- The Together Women Programme must be extended as quickly as possible and a larger network of community centres should be developed in accordance with a centrally coordinated strategic national plan drawn up by the new Commissioner for women who offend or are at risk of offending.
- Services should be provided based on the one-stop-shop approach of centres like Asha and Calderdale and must be appropriate and coordinated to meet the profiled needs of local women, including minorities such as BME women.
- Regional commissioning must be fully in line with the strategic national plan.
- Women's centres should be used as referral centres for women who offend or are at risk of offending. Referral should be by schools, general practitioners, probation, prisons, police, courts, CPS, self and other individuals.
- Women's centres should also be used as court and police diversions; as part of a package of measures for community sentences; and for delivery of probation and other programmes.
- I urge the regional offender managers for Wales and Eastern Region to take forward the projects outlined in my report.
- There must be a strong consistent message right from the top of government, with full reasons given, in support of its stated policy that prison is not the right place for women offenders who pose no risk to the public.

CHAPTER 7. WOMEN'S HEALTH AND WELL-BEING - THE NEED FOR AN INTEGRATED APPROACH

MENTAL HEALTH

7.1 There is no doubt that there have been significant improvements in the provision of health services for women in prison in recent years. Additional resources have been made available; more women are being treated appropriately for substance abuse problems; there is more mental health in-reach support and standards have been more aligned with those outside as a result of prison health care being absorbed into the NHS. A similar exercise between the NHS and police is now necessary to bring consistency and higher standards of health care to police custody suites. I have been impressed with what I have seen during my visits to prisons during my review, particularly with the dedication and caring attitude of many staff. But prisons are being asked to do the impossible; the fact is that many women in prison have been failed by the NHS long before they arrived at the prison gates and many are simply too ill for prison to be an appropriate location for them. But prisons cannot refuse anyone sent to them no matter how unsuitable the facilities available and what staff are doing in respect of mental health, can best be summed up as fire fighting. The Chief Inspector in a lecture she gave in December 2004 said:

"When I inspected one women's prison recently, the healthcare centre had a row of stools outside three of the cells. Outside each sat an agency nurse, literally watching the prisoners at all times. Inside each was a mentally ill young woman: including one who came to the door, begging to be let out because her voices were tormenting her, and who had already tied nine ligatures that morning. Daily in our prisons, governors try to keep such prisoners safe, while also respecting their human dignity and the safety of other prisoners and staff. And daily their vulnerability is increased by imprisonment: like the girl in one prison with Aspergers syndrome, held in a healthcare centre that mainly contained mentally ill and severely self-harming adult women; and it was a feature of her condition that she mimicked the behaviour around her."

7.2 I agree with the Chief Inspector's observations that prison is being used to contain (literally), usually for short but repeat periods, those for whom there is no proper provision outside prison, or who have already been excluded from society. And of course prisons are being asked to do this on the cheap. Several governors told me that they were unsure whether they were running a prison or a hospital. One of them spent almost a quarter of his entire annual budget on health, three times that spent on education. Significant and substantial mental health morbidity (see paragraph 7.5 below) is unlikely to be addressed during a prison sentence and is likely to have been a factor in the pattern of offending behaviour prior to sentence. Also likely to have been implicated in the pathway into criminality are the other factors that make this group of women particularly vulnerable – childhood sexual abuse, domestic violence, emotional and violent abuse, substance addiction and self-harm.

7.3 It is clear that mental health services in the community are failing to adequately address the mental health needs of women. Time and again during my review I was told that care in the community had not only failed but had caused the closure of mental health beds, which now need urgent reinstatement for those women in need of in-patient admission. More significant in my view is the failure to provide community based facilities for women. There is also evidence of some difficulties in the prison setting where women's prisons are located in rural areas where PCTs are unaccustomed to dealing with large numbers of women with mental health or substance abuse problems. The *NHS Plan* in 2000 recognised the need to support women in maintaining their mental health and recovering from mental ill health. The Department of Health (DH) has also acknowledged the stigma, discrimination and ignorance that people with mental illnesses suffer as noted by the Social Exclusion Unit's Report in June 2004 *Mental Health and Social Inclusion*.

7.4 DH published its women's mental health strategy in 2002, *Women's Mental Health: Into the Mainstream*. The strategy represented a significant move towards promoting the development of gender-sensitive mental health services for women and in the following year the Department launched its *Implementation Guidance: Mainstreaming Gender and Women's Mental Health*. I am told that some progress is being made in provision of secure services for women (see paragraph 7.17 below) and I understand that around 70% of provider trusts now have a Women's Lead responsible for leading on gender equality and service improvement for women service users, including those at risk of offending. However, I have seen little evidence of much progress in implementing the women's mental health strategy by individual PCTs and women with mental health problems appear to have suffered the same marginalisation within the NHS as women within the criminal justice system. Often of course they are the same women.

7.5 The *ONS Survey of Psychiatric Morbidity among Prisoners in England and Wales* carried out in 1997 on behalf of the Department of Health is the most comprehensive assessment of the mental health of women in prison currently available. It revealed even higher levels of serious mental illness among women than male prisoners, with highly significant and worrying co-morbidity. The category of functional psychosis, for example, included a range of illnesses from schizophrenia to depression with psychotic features, such as manic depression. Schizophrenic or delusional disorders were more common than severe depressive disorder. 13% of the sample had schizophrenic or delusional disorders; this is at least 20 times the rate in the general population. Women with this disorder have a severe mental illness. As schizophrenia embraces a diverse range of disturbances of perception, thought, emotion, motivation, and motor activity it should not be a great surprise that some women with this disorder commit violent offences. Levels of chronic disability range from a mild decrease in the ability to cope with stress, to a profound difficulty in initiating and organising activity that can render patients unable to care for themselves on a daily basis, such as washing, cooking, and dealing with money and bills. Such mental illness has consequences for other women in custody. (See paragraph 3.12). Among the women in the ONS study 50% had a personality disorder. Antisocial personality disorder had the highest prevalence of any category of personality disorder. 31% were assessed as having antisocial personality disorder; borderline personality disorder was found in 20%; and the next most common type was paranoid personality disorder (16%).

7.6 The soon-to-be-published report by the Department of Public Health, University of Oxford details the findings of one of the largest studies examining the health of women prisoners in England and Wales and provides a great deal of new and useful information about the health of these women. 505 women were recruited from two busy remand prisons in England over a 6-month period in 2004-05 and there was an 82% response rate. Women were interviewed within 72 hours of being received into prison; then again at one month; and three months later. This study found that women in custody are more than five times 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 into prison, compared with a figure of 15% for the general adult female population. There were key ways in which the deprivations of prison affected all women but unsurprisingly the most significant in terms of mental health was separation from family, most especially children. Women found it especially stressful if there were family problems such as relatives becoming ill or uncertainty about the care of children or other vulnerable relatives. Worryingly, 54% of the women in the sample showed some level of psychological disturbance 3 months after imprisonment.

WHO'S IN CHARGE?

7.7 I have identified much the same difficulties within the Department of Health (DH) as I found in NOMS and the Prison Service, which are all large-scale institutional organisations. Constant organisational changes within DH, like those within NOMS and the Prison Service, have detracted from a sound consistent policy relating to women being put in place and the marginalisation of this group is replicated in the NHS. Financial constraints and other current mental health priorities are being allowed to dominate to the exclusion of other important agendas. The question of who is in charge of this group of damaged and disadvantaged women is as relevant to DH as it is to the criminal justice system. How are PCTs made accountable for delivering services to this particular group and who takes responsibility when things go wrong? Strategic Health Authorities performance manage PCTs and they, together with the Healthcare Commission and the Mental Health Act Commission, ought to be making sure that the needs of mentally ill women are being met. Although there is a strategic policy and implementation guidance in place, I have seen no evidence of commitment at any level to driving it forward and PCTs are simply not taking sufficient action.

7.8 The *NHS Plan* in 2000 contained a commitment to have women-only community day care provision established in every health authority by 2004, in recognition of the need to develop distinct approaches for women. Not only has this commitment not been met, it appears no longer to be an NHS plan target. This commitment should be re-instated and PCTs required to resource and implement it. DH at the highest level should also reconfirm its commitment to implement not just its own *Women's Mental Health Strategy* but also its commitment to the action it signed up to in respect of the Women's Offending Reduction Programme (WORP). A DH minister must sit on the Inter-Departmental Ministerial Group for women who offend or are at risk of offending and DH must play a key part in the Women's Commission for this group.

7.9 The DH agenda integrates well with that of the new Commission for women who offend or are at risk of offending and, as the authors of *Women at Risk* (essential reading for anyone working with women in the criminal justice system) found, the health service, Prison Service and criminal justice system are so inextricably linked within the context of responsibility for the mental health of women, that it is difficult to make recommendations which do not involve partnership working. The current split of responsibilities allows crucial issues relating to the mental health of this group of women simply to fall through the cracks. My recommendations for an overarching Commission to bring together all these strands, with proper accountability and ring fenced funding is the only way in which these issues can be satisfactorily resolved.

CRIMINAL JUSTICE LIAISON AND DIVERSION SCHEMES

7.10 Provision of Criminal Justice Liaison and Diversion (CJLD) schemes illustrates vividly how split responsibilities and funding streams allow important issues to be neglected because no one is in charge. These schemes (formerly known as Court Diversion Schemes) were run historically by the Probation Service and funded by the Home Office but responsibility was transferred to health services and now rests with PCTs. In 1992 the Reed Review of Health and Social Services for mentally disordered offenders said, "There should be nationwide provision of properly resourced court assessment and diversion schemes and the further development of bail information schemes". But there is no mandatory requirement to have a scheme in place nor is there ring-fenced funding. NACRO has carried out an annual survey of these schemes and in March 2005, following a survey of the existence of schemes and comparison of how they operate, reported dwindling numbers; many areas with no provision at all; staffing cut-backs (many schemes rely on a lone worker, most often a community psychiatric nurse); 50% had no sessional input from a psychiatrist or a psychologist; 41% (unsurprisingly) had difficulty in getting psychiatric reports; and 72% cited lack of beds as a barrier to the scheme operating successfully. NACRO concluded that the schemes were patchy, under-resourced and much neglected.

7.11 Almost every sentencer I spoke to during my review bemoaned the shortage of clinicians able to provide timely specialist reports. The chair of one bench told me that it can take weeks to get a psychiatric report and he was campaigning to retain the services of a locally based psychiatric nurse whose job was threatened in a move to "prioritise resources". Another said it takes up to a year in her area and that there was no one available locally with expertise in dual diagnosis. These are by no means isolated examples. Of the 18 police forces who responded to the ACPO questionnaire referred to at paragraph 2.31, only six said that they had diversion schemes in place, mainly into drug treatment services.

7.12 All of the schemes surveyed by NACRO said they felt confident that courts followed their recommendations to divert people to hospital and NACRO concluded that where schemes exist they are effective at diverting people from custody and referring them to suitable services in the community. NOMS jointly with the DH commissioned work in the summer of 2005 to evaluate CJLD schemes in relation to women offenders with mental health needs. I understand that delays in this work mean that it will not now report before March 2007. I find this obsession with mapping, gap analysis and evaluating frustrating. There are parallels here with prison bail information schemes and I cannot understand the logic in failing to invest modest sums in essential diversion schemes given the cost of keeping these women in prison and the unquantifiable social damage. The NHS is failing to provide services for mentally ill women who come into the criminal justice system and failing to provide the machinery necessary to divert them into suitable health care on arrest or from court. These women end up in prison and, while there has been some improvement in transferring women from prison to secure hospitals (see paragraph 7.15 below), I heard time and again from prison staff that it could still take months to find a suitable bed for a woman. Meanwhile their health deteriorates, sectioning is delayed until a bed has been secured (a practice I deplore) and, moreover, specialist staff outside the prison play no active role in the care of the woman before the transfer is effected even though her need has been identified. Despite the best efforts of staff, prisons cannot provide the therapeutic environment in which to treat women with mental illness and the severely mentally ill cannot be treated without consent.

7.13 The NACRO survey reported that some schemes said that courts did not always follow recommendations to treat in the community and I heard from one eminent psychiatrist that courts are not always scrupulous enough in requiring social and medical reports on women before taking remand or sentencing decisions. She has personal experience of cases where, variously, reports have not been sought, or where there has been a preference for custodial sentencing over a carefully planned community alternative.

REMAND

7.14 Remanding women who are a low risk to the public to custody solely pending reports is unacceptable and is a practice that must stop. The remand population is at increased risk of suicide and self-harm. (See paragraph 2.15). The ONS study also found that a higher proportion of remand than sentenced women reported significant neurotic symptoms; particularly sleep problems, depressive ideas, depression, lack of concentration and forgetfulness. Obsessive symptoms, panic and phobias were also significantly more common among remand women. Women on remand who had been in prison for less than one month had the highest rates of neurotic symptoms and disorders of any group – 82% were assessed as having a neurotic disorder. Women on remand were more than twice as likely to be receiving medicines in the hypnotics and anxiolytics group than were sentenced women. They were also more likely to be prescribed anti-psychotic medicines (14%) than were sentenced women (8%). Alternative community facilities are needed urgently to prevent these unnecessary remands. Guidance on the commissioning of women-only day service provision already exists in *Supporting Women into the Mainstream* published by DH in March 2006 and should be implemented. This recognises the role that the voluntary sector plays in providing more accessible and appropriate services for women. The initial priority afforded this by establishing it as an NHS plan target now needs to be reinstated.

TRANSFERS BETWEEN PRISONS AND HOSPITALS

7.15 Prisoners identified as suffering from a mental disorder that requires treatment in hospital are transferred under the *Mental Health Act 1983*. 214 women were transferred from prisons to secure psychiatric hospitals between June 2003 and June 2006. In 2005, 24% more prisoners with mental illness were transferred than in 2002 and the numbers waiting for over 12 weeks has decreased. Women represent a slightly higher percentage than men of mental health transfers, which may be due to a higher prevalence of significant mental illness in women. I am aware that work is in hand aimed at reducing waiting time to two weeks and that, following a review of the process for transfer between hospital and prison, new guidance was issued earlier in 2006 to both prison and health staff setting out in some detail the procedures for transfer of prisoners to and from hospital under the *Mental Health Act*. I welcome these measures and hope to see further improvement as they bed in. Of course, transfer to hospital should not be seen as the whole answer; sadly self-inflicted deaths occur there too.

7.16 I saw a woman in one prison who seemed to me to be in urgent need of treatment for mental illness. A member of the prison's health staff agreed with me but said that it was not worth the trouble of trying to effect a transfer because no beds were available. A magistrate from the same area told me of a woman she had seen during a visit to the same prison who was curled up on the floor refusing to speak or move. She had been remanded in custody because she had no fixed address. She had made no plea and was awaiting psychiatric reports before her case could proceed. This same woman appeared before the magistrates' bench the following week. She was still unable to communicate and had a large dressing on her neck where she had tried to cut her throat. The bench was told that no psychiatric bed was available for her and no report had yet been obtained. Without a plea the case could not proceed and the bench felt that they had no alternative but to remand her back into custody. Some time later, the magistrate discovered that, despite reports from two psychiatrists, the woman remained in prison because there was no hospital bed available. The magistrate pointed out to me that this case could so easily have followed the pattern at Styal and resulted in a self-inflicted death and she felt powerless to prevent it. The health service is failing these women and putting an intolerable burden on both sentencers and prison staff.

7.17 There is a need for more secure beds for women but many women do not need high security provision. The development at four pilot sites of medium secure services for women with enhanced care is welcome. There is however a shortage of step-down and low secure facilities and day services, which would enable women to serve their sentences in the community with proper clinical support. Those identified as being in need of transfer to specialist forensic psychiatric services constitute the tip of the iceberg of need. They commonly have some clear evidence of psychosis and, I understand, experience of longstanding and extreme relationship difficulties. The majority of women offenders who have mental health problems, however, have a primary personality disorder and/or substance misuse disorders, and are not generally eligible for psychiatric beds. I welcome proposals in the new Mental Health Bill to abolish the categories of mental disorder and the so-called treatability test so that the group of women with personality disorders should be less likely to be dismissed as "untreatable". I suspect that this change in legislation will serve to highlight the gap in provision of specialist services for women with personality disorder, which needs urgent attention.

SUBSTANCE MISUSE

7.18 The Oxford University study found that 58% of women had used drugs daily in the 6 months before prison and 75% of women prisoners had taken an illicit drug in those 6 months. Crack cocaine, heroin, cannabis and benzodiazepines were the most widely used drugs. Crack and heroin were the two drugs most likely to be used daily by 45% of this population. 38% of this group reported that they had injected drugs, 56% of whom had done so within the month prior to coming into prison and 24% of the day of reception. The mean age when they first injected was 22 years, with an age range of 12 to 45 years. Only 20% of those who had ever injected had sought treatment for their drug use. Many injectors (30%) had exchanged injecting equipment in the previous month whilst less than half of them (47%) had attempted to clean them. These figures indicate a worsening of the problems of drug use since the 1997 ONS Study which found that 54% of remanded women and 41% of sentenced women reported a measure of dependence on drugs in the year before prison.

7.19 The Oxford Study reported that 42% of women prisoners drank alcohol in excess of government guidelines prior to imprisonment. (The comparable figure for the general adult female population is 22%.) This too indicates a worsening of alcohol abuse in women since the 1997 ONS study when the prevalence of hazardous drinking in the year before coming to prison was 38% for women prisoners in general with the highest rates occurring in younger women. Violent offences and robbery were common offences for this group of women, which is again no surprise as alcohol is a disinhibitor. Several sentencers told me that they had noted an increase in young women appearing before them who had clearly abused alcohol. This is a worrying trend and there is a need to reach these women and refer them to services that can help them before these young women work their way through the criminal justice system and the women's prison population begins to rise again.

7.20 There is no doubt that drug services for women within prison have improved dramatically. I was impressed particularly by the work of Rehabilitation of Addicted Prisoners Trust (RAPt), which I first saw in action some years ago in the United States. The RAPt total abstinence may not suit all women but I am sure that a therapeutic environment and treating substance addiction holistically is the right approach for women for whom clinical intervention alone is unlikely to resolve underlying problems in the long-term. An emotionally intelligent approach requires more than just clinical treatment. The welcome reduction in numbers of self-inflicted deaths of women in prison (from 14 in 2003 and 13 in 2004 to 4 in 2005 and 3 in 2006) is I am sure in part attributable to improved detoxification services. Some women and sentencers see prison as an opportunity to access drug services and the Oxford researchers found that there were significant improvements in mental and physical well-being during the period in custody for drug using women. For many women with chronic addiction problems, imprisonment provided housing, regular meals and a respite from drug use and associated violence. Members of my reference group and I saw evidence of this in every prison we visited. The extent of the impact was often a surprise to the women themselves.

7.21 I remain concerned, however, that this group of women is not benefiting from or accessing the drug treatments available in the community. The National Treatment Agency (NTA) has reported that women are not under-represented in drug treatment and have better outcomes than men. The agency conducts an annual service users survey and last year's survey of over 6,000 users found that women were more satisfied and self-reported better outcomes compared with men. This is of course welcome but, since over 70% of women received into prison require detoxification, the NTA cannot be reaching this service user group, another example of the group of disadvantaged women with chaotic life styles simply not being able to access conventional services. The NTA also reports that it does not necessarily advocate "women-only" schemes but relies upon local drug treatment systems to assess local needs. I suspect that this group of women is rarely consulted but that the take-up rate for women-only services if available would be considerable. The courts have community options available to them for treating women with substance misuse problems but women should have improved access to appropriate community services, especially drug treatment, before coming before the courts.

PHYSICAL HEALTH

7.22 The Oxford researchers found that women coming into prison had very poor physical, psychological and social health. Their health is worse than that of women in social class V, the group within the general population who have the poorest health. While the prison experience improved the health of the women who had histories of problematic drug misuse, there was a sharp distinction with those who did not. Non-drug using women tended to report that imprisonment had led to a decline in their health. They reported being less active, having poorer nutrition and greater incidence of illness. 83% said they had a longstanding illness or disability. The most commonly reported problems were depression (56%), anxiety, and panic attacks (42%). The prevalence of physical illness was also much higher than in the general community. On interview at three months after reception, results indicated that while mental well-being improved, physical well-being did not. Moreover, although improved, their subjective health remained poorer than the general population. 28 women in the study were pregnant on reception into prison. Twelve of these women were in the second or third trimester of pregnancy but only 5 had registered with a midwife in the community before coming into prison. 26% of women interviewed had been paid money, goods or drugs for sex at some time and a similar proportion had been treated for a sexually transmitted infection. Many women do not access conventional health services or

screening services outside prison and are not registered with General Practitioners. Registration with a GP should be an integral part of the resettlement process. Women leaving prison should also have access to ongoing support in the community to address other health needs, mental health, social needs and substance abuse. Referral post release from prison to the new network of women's community centres should be routine because many women fail to access or keep referral appointments because of their distrust of conventional services.

SELF-HARM

7.23 Self-injury is an increasing phenomenon throughout society but the levels of self-harm within some of our women's prisons and the persistent severe self-mutilation of around 50 women in custody at any one time is shocking. Equally shocking is the apparent acceptance that this is the norm and the expectation that prison staff will take on the management of these women, insufficiently trained and sometimes uncomprehending of the motivation that drives women to injure themselves, as part of their normal daily (and nightly) routine. The majority of self-harm is to relieve feelings of anger, tension, anxiety or depression and, in most cases, is without suicidal intent. Intent is very individual and varies between individuals and also from incident to incident within the same individual. The most common means of self-harming is cutting. The prevalence of self-harming by hanging is very high in custody and is an extreme form of risky behaviour. Self-harm in the female estate has increased significantly in recent years. Many women in prison (16%) self-harm and for a small number of women it is a prolific activity. (See paragraph 2.16).

7.24 The evidence base around interventions for self-harm is still developing, with structured problem solving and interpersonal therapy showing some efficacy and specific treatments like dialectical behaviour therapy. There is also some evidence of the usefulness of supported self-help. I have mentioned Carousel elsewhere. I am also aware of the work of the Safer Custody Group which has developed a self-harm toolkit for prison staff and has been running a self-harm network for four years. Managing prisoners who self-harm is also covered in other guidance and training materials. However, it is clear to me that prison cannot be the right place for managing these types of behaviours, which stem from deep-rooted long-term complex life experiences such as violent and/or sexual abuse, lack of care and/or post-traumatic stress disorder, in addition to a personality disorder. These are problems created within the community, which is where they should be addressed. The Prison Service cannot and should not be expected to solve social problems. Management options, especially therapeutic options, are limited in prison and there is some evidence that the Prison Service policy of removing items with which women can harm themselves has, in some severe cases, resulted in women changing from cutting to the use of ligatures, an inherently more risky method of self-harm. This vulnerable group of serious self-harming women need a therapeutic environment with properly trained multidisciplinary staff at an appropriate staffing level. Low-level offending women who self-harm should be diverted out of the route to prison into appropriate NHS services. The management and care for more serious offending self-harming women should be led by the NHS, either in an NHS resource or shared multi-disciplinary care in prison.

7.25 Some of the 50 prolific self-harmers who took part in Safer Custody Group's intensive study (see paragraph 3.17) were asked, "What would have made a difference?" Some examples follow:

L, who had been abused in foster care since the age of five and lost both her birth mother and her foster mother while in prison said, "There needs to be a link-up between the services to arrange, for example, counselling as appropriate, like bereavement counselling".

O, who had been abused by seven members of her family, blamed social services for the adoption of her daughter and for failing to respond to her request for treatment for her alcohol addiction. She said she wanted consistency, "Outside prison I have a counsellor. I need counselling in prison as well."

M said her offending was attention seeking following her divorce. At that time she said, "A social worker might have helped or a probation officer. I desperately needed someone to talk to or turn to."

R, who was abused as a child by her grandfather, said she wanted someone who would listen to her reasons for her behaviour but she "was never given the opportunity to talk. People put you into boxes and are more comfortable when you stay there. To have been listened to would have been great, but to have been heard would have been even better." R described her self-harming as "for me to understand me. Emotional distress is difficult to understand, and converting it into physical distress makes it easier to understand".

C said that when she started to offend she needed support and guidance and someone to explain to her that she had personal responsibility for the choices she made.

These responses mirror what many women said to me in prisons and community centres I visited during my review. I believe that society is failing them; at least in part because services do what is required of them and no more. It is time for a different woman-centred, holistic approach with integrated agendas.

CONCLUSION

7.26 The parallel agendas of the health service and the criminal justice system to provide community solutions and persuade sentencers to use them reinforces my conclusion that these agendas must be integrated into a coherent cross departmental strategy for women who offend or are at risk of offending with top level commitment to implementation. Although I have recommended that the lead department in the new Inter-Departmental Ministerial Group should be the Home Office (at least for the time being) the Department of Health has a very significant role in the Commission's agenda and there must be a commitment at ministerial level for DH and NHS to engage actively in the Commission's programme of work and an undertaking to deliver. I am pleased that Prison Health has expressed its willingness at official level to take forward this work for the Department of Health's responsibilities for women in prison. This needs to be matched by a strong commitment demonstrated by clear leadership of policy and investment in women's mental health services in the community. DH must get to grips with these issues and take a firm lead to make sure that PCTs give adequate priority to the needs of women with mental illnesses. Integrating the women's mental health agenda with the re-offending reduction agenda within the structure that I have recommended in my report will provide added impetus, bolstered further by a joint commitment on delivery from the respective ministers.

7.27 There must also be an investment in more rigorous training and ongoing support and supervision for all those charged with meeting the complex needs of women. This training, which should include gender awareness and how community sentences can meet the needs of female offenders, should be extended to include all staff within the criminal justice system in contact with women, particularly those who make sentencing and bail decisions. A modest investment in a joint training programme is likely to be repaid quickly, not just in terms of improved mental health and well-being, but also in respect of reduced social costs, reduced damage to future generations, increased employment and reduced crime. The charity Women in Special Hospitals (WISH), which has provided long-term, gender sensitive support and services to women with mental health needs in their journey through prison, the secure hospital system and into the

community for many years, believes that women should be supported to stay in the community and to be reintegrated into the community on release from prison or hospital. WISH's wealth of knowledge and expertise must be drawn upon in the development of training.

7.28 I understand that there is a current interest in expanding the provision of NHS psychological therapies, and a proposal to ensure this proposed expansion addresses the needs of this group of women has been submitted for consideration. This would be an important development as psychological therapies provide the means by which women can understand and address underlying mental health issues, particularly if delivered alongside other forms of social support. More women should receive community sentences supported by community health services for both mental health and substance misuse and, for some, living in supported housing could be part of the sentence. PCTs must develop women-sensitive health day services alongside development of community centres so that they complement each other and work in partnership within the local community. The voluntary sector and other local agencies must be involved. Provision of community health services, whether by means of dedicated day services for the mentally ill in day care centres or other services in more rural areas or of by means of other health services, addiction services for example, must be accessible to women through the one-stop-shop approach of the community centres like Calderdale that I recommend be extended. Accountability for delivery will be two-fold; by means of a renewed undertaking by DH within its own internal mechanisms and to Parliament through the new integrated structure I propose.

RECOMMENDATIONS

- All magistrates' courts, police stations, prisons and probation offices should have access to a court diversion/Criminal Justice Liaison and Diversion scheme in order to access timely psychiatric assessment for women offenders suspected of having a mental disorder. These schemes should be integrated into mainstream services and have access to mental health care provision. Funding for the creation and maintenance of schemes should be ring-fenced.
- Sentencers must be able to access timely psychiatric reports and fail to remand in custody/sentence if not available.
- DH at the highest level should reconfirm its commitment to implement not just its own Women's Mental Health Strategy but also to the action it signed up to in respect the Women's Offending Reduction Programme (WORP). This will require senior leadership within DH.
- A DH minister must sit on the Inter-Departmental Ministerial Group for women who offend or are at risk of offending and, at official level, DH must play a key part in the Women's Commission for this group. This must go wider than Prison Health and must include policy responsibility for women's mental health in the community.
- In recognition of the need to develop distinct approaches for women stated in the 2000 NHS Plan, the Department of Health should reinstate its commitment for the provision of a women-only day centre within every health authority and do so by 2008.
- There must also be an investment in more rigorous training and ongoing support and supervision for all those charged with meeting the complex needs of women. This training, which should include gender awareness and how community sentences can meet the needs of female offenders, should be extended to include all staff within the criminal justice system in contact with women, particularly those who make sentencing and bail decisions.
- The NHS should provide health care services to police custody suites; in busy areas this will require a 24-hour presence and ideally be a registered mental health worker.
- The management and care of self-harming women should be led by the NHS, either in an NHS resource or shared multi-disciplinary care in prison.

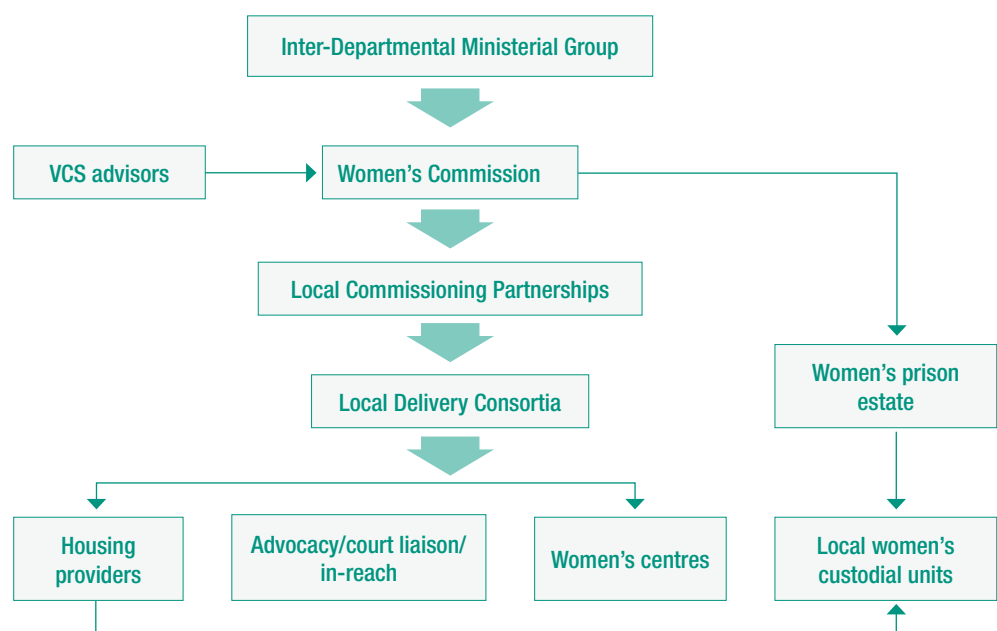
CHAPTER 8. A BLUEPRINT FOR A *DISTINCT, RADICALLY DIFFERENT, VISIBLY-LED, STRATEGIC, PROPORTIONATE, HOLISTIC, WOMAN-CENTRED, INTEGRATED* APPROACH

This Blueprint describes my key recommendations:

- Creation of an Inter-Departmental Ministerial Group for women who offend or are at risk of offending;
- Creation of a Commission for women who offend or are at risk of offending;
- Extension of a network of women's community centres like Asha, some with residential provision; and
- Smaller local custodial units to (over time) replace prisons.

A. STRUCTURE

The structures proposed here are fundamental to the success of my proposed approach.



INTER-DEPARTMENTAL MINISTERIAL GROUP FOR WOMEN WHO OFFEND OR ARE AT RISK OF OFFENDING (IDMG)

The IDMG should include ministers from a variety of government departments, the key ones being:

- Home Office;
- Department for Communities and Local Government;
- Department of Health; (and note that lead officials for the work would need to represent services in the community, as well as on the custodial side)
- Department for Education and Skills;
- Department for Work and Pensions;
- Department of Constitutional Affairs; and
- HM Treasury.

The IDMG should eventually be chaired by the DCLG as its responsibilities for communities correspond more closely with the wider scope of the Group. However, initially the Group should be chaired by the Home Office minister (and the Commission located within the Home Office). Within three years the Chair should transfer to the DCLG minister.

The IDMG should oversee the Commission for women who offend or are at risk of offending and it is through this means that the Commission and Commissioner will be held accountable to Parliament.

The IDMG will have within its scope 'women who offend and women who are at risk of offending'. The group should coordinate the effort across government to ensure that the policies of the Commission are integrated into all government departments' policy and initiatives and ensure the delivery of agreed cross-government plans and outcomes.

The Group should aim to meet quarterly, and all ministers should update the meeting on agreed targets and milestones in relation to their Department.

The IDMG should regularly bring in specialists who have experience and knowledge of women to provide expert specialist advice.

THE COMMISSION FOR WOMEN WHO OFFEND OR ARE AT RISK OF OFFENDING

The Commission should:

- Be led by a high-profile Commissioner at director level within the Home Office, with authority and influence;
- Be independent of NOMS and the Prison Service (because it would incorporate a much wider remit for women at risk as well as women offenders; it would encompass crime reduction, low risk offenders/those at risk of offending/arrest/diversion/victims issues; placed in the Home Office, it would have a stronger lever on policy and practice, and it would be easier to interface with wider policy areas such as domestic violence, sexual crime, prostitution & victims);
- Be accountable to Parliament by providing an annual report;
- Have within its scope 'women who offend and women who are at risk of offending';
- Coordinate the strategy for reducing women's offending and delivery of more appropriate and effective provision for women in the CJS;
- Manage and monitor the delivery of the strategy against agreed performance measures/targets;
- Provide a structure to ensure in conjunction with partners a joined-up approach to consistent and effective service delivery for women across the CJS;
- Play a role in the implementation and enforcement of the Gender Equality Duty across the criminal justice system and other government departments working with the Commission for Equality and Human Rights – ensuring Equality Impact Assessments of Policy and Practice are produced and adhered to;
- Set standards and direct the requirement for a national specification and commissioning of services for women in custody and the community;
- Provide a communications strategy to include; good practice, evidence base, training 'standards';
- Be staffed by civil servants seconded from the relevant departments and secondees from key VCS organisations and other agencies;
- Be focused on getting funds down to the services on the ground; and
- Foster corporate sharing and ownership across departments and agencies; break down the "silo" approach; and encourage others to take on tasks for the benefit of all.

Functions:

- Develop national cross-departmental strategy for women who offend or who are at risk of offending based on the recommendations in my report and an action plan to which all Departments must sign up;
- Direct and oversee local commissioning of integrated women-centred services;
- Set a national specification for services for women who offend and women who are at risk of offending, including, for example, women who frequently and severely self harm in the community and not just in custody;
- Set standards for services and monitor performance against those standards;
- Ensure that service providers who are commissioned locally have expertise in working with women with vulnerabilities;
- Incorporate the Women's Offending Reduction Programme and manage the delivery of more appropriate and effective provision for women in the criminal justice system;
- Manage and monitor the delivery of the WORP against agreed performance measures/ targets;
- In conjunction with partners, provide a structure to ensure a joined-up approach to consistent and effective service delivery for women across the criminal justice system;
- Contribute to the implementation and enforcement of the Gender Equality Duty across the criminal justice system;
- Provide a communications strategy to include: good practice, evidence base, training;
- Develop a strategy for sustaining and building the capacity of the women's voluntary sector including a grant-making programme to award capacity building grants direct to relevant local women's organisations;
- Develop a women's offender management model with access to services predicated on need as well as risk;
- Set targets for reducing the women's prison population;
- Have a ring-fenced budget that can be devolved to local commissioning partnerships under strict conditions and be used to commission work of national significance (e.g. the Griffins Society's database, training for sentencers);
- Explore possibility of using Local Area Agreements and Alliances to provide services for this group of women;
- Be able to enter into 'partnership programme agreements' with key specialist NGOs to utilise their expertise; and
- Include foreign national women in its scope and develop a strategy for women foreign national offenders, to include ways of working in partnership with NGOs in source countries to educate women about the hazards of drug smuggling and to support the children of imprisoned mothers.

LOCAL COMMISSIONING PARTNERSHIPS

The Partnership should comprise the agencies that are already working together on the regional reducing re-offending strategies (ROM, OLASS regional leads, PCTs, VCS etc) but care must be taken not to marginalise women. (A partnership that is working fairly well and similar is the Integrated Drug Treatment System, which has a regional implementation based on CSIP, and involves Prison Service, National Treatment Agency, PCTs, ROMS, and probation). They could interpret the national specifications for their local areas and commission partnerships of VCS organisations to deliver.

LOCAL DELIVERY CONSORTIA

Local delivery consortia should be based on models such as those established through the Together Women Programme, 218 Project and in practice notes from the Asha Centre and Calderdale.

A local delivery network should include:

- Teams on-call or present at local courts/police stations to identify women at their earliest contact with the criminal justice system and to assign key workers/advocates to work with them from then on, including making representations to sentencers (on the model of the service provided in courts in Glasgow by the 218 Project);
- Women's centres on the model of Asha or Calderdale, with transport in rural areas and provision for childcare;
- In-reach into custodial establishments to maintain contact and support; and
- Supported housing.

There should be formalised relationships with local mainstream services including health, housing, Sure Start and substance misuse services.

B. WOMEN'S CENTRES

Women's centres provide a real alternative to custody; they can supervise community sentences, deliver programmes, and support women offenders and those at risk of offending.

Non-residential women's day centres such as Calderdale and Asha are based on the one-stop shop approach to service delivery, with robust signposting and referral policies and procedures where direct work is not possible at the centres.

The range of support services offered by day centres for women include:

- Information, advice, signposting and referrals regarding mental and physical health;
- Access to community psychiatric nurse services and community mental health teams;
- Access to drug and alcohol misuse support services and interventions;
- Family and parenting support;
- Housing advice and support;
- Education, training and employment;
- Finance, benefits and debt advice;
- Programmes to address attitudes, thinking and behaviour of women offenders and women at risk of offending;
- Assessment and interventions in regard to physical, sexual and emotional abuse;
- Assessment and interventions in regard to domestic violence;
- Legal advice;
- Counselling/therapy;
- Improving self esteem;
- Advocacy;
- Volunteering and mentoring training and opportunities;
- Crèche provision;
- Ante and Post Natal support; and
- The entire range of primary care services, dentistry and so on.

In addition, women's day centres can offer open access, drop in 'clinics' including specialist midwives both for women who are substance misusing and for teenage mothers, careers advice and job clinics provided by Job Centre Plus, legal advice clinics provided by local family law specialists, housing advice and mental health support. Centres such as Calderdale also hold 'one off' focus sessions on issues such as healthy eating, rights as a citizen, and budgeting, which are delivered by a range of statutory partners. This kind of approach has encouraged women who would not normally engage with mainstream services to access support and intervention early and is made possible by the strong relationships which exist between the women's centres and local statutory health, social care and criminal justice agencies.

RESIDENTIAL WOMEN'S CENTRES

Following the model of non-residential women's centres such as Calderdale and Asha, residential women's centres should be set up to provide safe and suitable accommodation for women and their children in addition to the system of support and access to services. They will support the 'top end' of the non-custodial disposals by providing the facilities for condition of residence, curfew and tagging. These centres would also be suitable for women either on bail or being released from prison with no suitable accommodation.

The target group of women offenders includes those who would otherwise be:

- Remanded in custody due to unsuitable accommodation or no fixed address;
- Remanded in custody due to drug treatment or mental health needs that would not be met in the community;
- Remanded for low to medium risk offences and awaiting trial;
- Remanded for low to medium risk offences and awaiting sentence;
- Ineligible for tagging or HDC due to unsuitable accommodation or no fixed address;
- Given custodial sentences of less than 12 months; and
- Given custodial sentences of between 1 or 2 years but are not dangerous or serious offenders.

Women in the community who have particular vulnerabilities or who may be at risk of offending will also be suitable for residence at these centres. Making these services available for non-offenders in the community is important as it will help to provide an intervention point, particularly for women who may be at risk of offending.

Women offenders serving community sentences in the local area should also be able to report to the centres, and access child-care while attending programmes or appointments with other support services.

Each residential women's centre should be a 6-12 bed multi-agency residential community centre providing a range of community services (health, housing, employment, training, education and childcare) and accredited programmes, along-side safe accommodation for women and their children.

As with women's day centres, the residential units should be based on support and supervision for women and they should:

- Be staffed by women (this is both for women who require women-only settings for cultural reasons and for women who feel safer in such settings due to having experience of past violent and abusive relationships with men);
- Able to take babies and maybe children;
- Ensure high staffing levels to enable intensive support and building of relationships;
- Appoint 'key workers' to work with each of the women;
- Provide specific interventions which already exist to meet the needs of women, such as the CARE programme;
- Provide a safe environment and confidential service;
- Be supportive and non-stigmatising or labelling;
- Have a holistic approach to a woman's well-being;
- Focus on the needs of the woman as offender and victim in appropriate cases;
- Train staff and volunteers appropriately e.g. gender awareness, violence and abuse, substance use, self-harm, mental health and the interlinking nature of these issues with offending;
- Be accessible to all women by taking account of diverse needs of race, culture, religion, age, disability, sexual orientation, and their caring responsibilities; and
- Provide access to a range of support services as those offered by women's day centres.

C. SMALL LOCAL CUSTODIAL UNITS

For those women for whom a custodial sentence is necessary, small custodial units should gradually replace the system of women's prisons which should be dismantled and incorporated into the male estate. The new units should be easily accessible for visitors, for example, in city centres. Over time they should be removed from the Prison Service and run by specialists in working with women, under the direction of the Commission for Women who offend or are at risk of offending and the structure set out in A above. Units should house 20-30 women. The target group of women offenders would be those who have been given custodial sentences of over 2 years.

D. COSTS

- Committed ring-fenced funding from within each of the departmental budgets specifically allocated to ensure delivery of commitments made via the IDMG.
- Essential to fund correct staffing levels for the Commission – a full staffing needs analysis would be required to reflect an accurate picture of the number of staff/grades/responsibilities needed to take forward the body of work.
- Pooled, ring-fenced funding for cross-cutting unit led pieces of work. For example;
 - ring-fenced VCS grant funding (capacity building)
 - database on good practice
 - VCS input into developing standards/national specs
 - VCS development of training for practitioners

A FINAL WORD ON COSTS

An early task of the Commission for women who offend or are at risk of offending, in consultation with the Treasury, will be to undertake a thorough review of the costs of my proposed recommendations. It has not been possible for me to do so during the short time scale of my review. I recognise that my proposals will require an initial outlay of funding but I do not believe that it would be substantial, when compared for example, with the cost of a new prison build. Moreover, I am convinced that my woman-centred approach will result over time in considerable long-term savings.

The centres I profile in my report, such as Asha and Calderdale, have already made some assessment, both of costs and outcomes, and can demonstrate quite extraordinary value for money. Current work by the New Economics Foundation, using its social return on investment model to investigate the comparative costs of effective alternatives to custody, will also provide valuable and timely information.

Too often costs are masked by a narrow focus on prison places and a failure to take a necessarily broad view across departments responsible for health, social services, housing and employment. A start on quantifying associated costs of imprisonment was made by the Social Exclusion Unit in its report to the Prime Minister on preventing re-offending by ex-prisoners but the additional costs associated with women's imprisonment, for example, childcare costs for children of imprisoned single mothers have never been properly quantified.