

Clinks briefing on the Report of the Justice Select Committee

'Women Offenders: after the Corston Report'

July 2013

Introduction

The Corston Report, published in March 2007, made a series of recommendations to transform the way women offenders are treated across the Criminal Justice System (CJS).¹ In 2012, the Justice Select Committee began an inquiry to review the progress made since the Corston Report by examining current policy and practice relating to women offenders and those at risk of offending.

Clinks, in partnership with the Reducing Reoffending Third Sector Advisory Group (RR3) made a submission to the inquiry.² The recommendations made were based on the findings from a time-limited Task and Finish Group convened by RR3 and issues highlighted during the conference *Breaking the cycle of Womens Offending: where next?* hosted by Clinks and partners in December 2012.^{3,4}

The Justice Select Committee has now published its findings in *Women Offenders: after the Corston Report* (hereafter referred to as 'the report').⁵ This makes a series of recommendations to ensure that the distinct needs of women in, or at risk of entering, the CJS are recognised and met at both the national and local level. This briefing gives a summary of the Committee's headline recommendations.

Cross-governmental leadership and accountability

The Justice Committee found that female offending has often not been prioritised clearly by government and there has been a lack of 'central drive' on the issue.

While the report welcomes the appointment of Helen Grant MP as Under Secretary of State for Justice, Women and Equalities as a step in the right direction, it also stresses the need for more cross-departmental accountability and strong leadership from other

¹ Corston, J. (2007) *A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the Criminal Justice System*, Online. <http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf> [last accessed 18.07.2013]

² Clinks and RR3 (2012) *Clinks and the Reducing Reoffending Third Sector Advisory Group Submission to the Justice Committee inquiry into Women Offenders*, Online. <http://www.clinks.org/sites/default/files/Clinks%20RR3%20Response%20to%20Justice%20Committee%20Inquiry.pdf> [last accessed 18.07.2013]

³ RR3 (2012) *A report of the Task & Finish Group- Breaking the cycle of women's offending: A system of re-design*, Online. <http://www.clinks.org/sites/default/files/basic/files-downloads/RR3%20Breaking%20the%20Cycle.pdf> [last accessed 18.07.2013]

⁴ Clinks (2013) *Breaking the cycle of women's offending: where next?*, Online. <http://www.clinks.org/sites/default/files/basic/files-downloads/Clinks%20Women's%20Conference%20report.pdf> [last accessed 18.07.2013]

⁵ House of Commons Justice Select Committee (2013) *Women Offenders: after the Corston Report*, Online. <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmjust/92/92.pdf> [last accessed 18.07.2013]

Ministers. It recommends that women offenders and those at risk of offending become a standing item on the agenda for the Inter-Ministerial Group on Equality, in order to facilitate a more collaborative approach to these issues.

Advisory Board for Female Offenders

The Advisory Board for Female Offenders chaired by Helen Grant MP, was formed in March 2013 and meets four times a year. The Board has four strategic priorities - enhanced provision in the community for female offenders, transforming rehabilitation for female offenders, a review of the women's prison estate and the implementation of a 'whole systems' approach.

The Justice Committee makes a number of suggestions regarding the Advisory Board's function and responsibilities. The report recommends that the Board should:

- Create appropriate measures of success in relation to each of priorities;
- Publish regular progress reports;
- Clarify, in conjunction with the Ministry of Justice (MoJ) who is responsible for ensuring the needs of women offenders are taken into consideration when commissioning other mainstream services (e.g. health, housing);
- Clarify what a 'whole systems' approach means in practice.

While the Committee welcomes the broad cross-section of government departments represented on the Advisory Board, it recommends that membership should be extended to officials from the Department for Work and Pensions and Department for Education. This will ensure that the Board is well placed to consider the respective issues of female poverty and girls at risk of entering the CJS.

The report also suggests that the Advisory Board map together initiatives that have the potential to benefit women and girls at risk of offending across all government departments, specifying how these could be integrated with the Board's strategic aims.

The Transforming Rehabilitation agenda and female offenders

The report states that the Transforming Rehabilitation reforms have 'clearly been designed with male offenders in mind' presenting both risks and opportunities for the Corston agenda. The Committee considers that there is a 'compelling case under the Transforming Rehabilitation Programme for commissioning services for women offenders separately and for applying other incentive mechanisms that would encourage not just the reduction of reoffending but also the diversion of women from crime'.

Payment by Results

The Justice Committee is concerned that the implementation of a Payment by Results (PbR) mechanism will prevent contracted providers from meeting the specific needs of female service users. The report highlights that, although many women offenders present low risk of reoffending or harm, they display relatively high levels of need. As such, they will require more 'intensive and costly intervention'. The report therefore recommends that potential providers of rehabilitative services recognise that risk does

not reflect the amount of support women offenders will require or the cost of providing comprehensive, holistic provision.

Women's community provision including women's centres

The Justice Committee acknowledges that community-based alternatives to custody can be very effective in diverting vulnerable women from crime and tackling the root causes of their offending. The report states that, while steps have been taken to increase community provision for women offenders, this has taken place at a 'disappointingly slow pace'. Over half the women currently sentenced to custody currently receive short sentences.

The Justice Committee therefore recommends that robust community provision, specifically tailored to the needs of women, is consistently available to the courts. Sentencers should be aware both of the range of community provision available for women locally and its effectiveness in facilitating desistance and preventing re-offending compared with short custodial sentences. It also stresses the need for flexible referral processes, which allow for a referral to suitable community provision at every stage in a woman's journey through the CJS.

The report suggests that government adopts an alternative approach to funding women's centres and other forms of community provision, so that the CJS does not remain the primary gateway through which vulnerable women and girls access the support they need. To ensure that these are protected in short-term, the report observes that it may be necessary to ring-fence funding for women's community provision during the transition to the new commissioning arrangements. MoJ and National Offender Management Service (NOMS) should also clarify how non-statutory providers will contribute to existing local commissioning and statutory partnership arrangements.

The Committee therefore recommends that:

- The Advisory Board clarify urgently how various interconnected commissioning agendas will be coordinated and funded;
- Central support be made available to women's centres to enable them to navigate new local commissioning arrangements;
- NOMS publish its analysis of the provision that Probation Trusts have made for women as an alternative to women's centres.

Evidencing outcomes

The Committee also expresses concern at the fact that, as funding for women's centres has now been transferred to NOMS, the services must evidence a positive impact on reoffending to ensure continued financial support. However, there is currently 'no system to capture and disseminate the experience of women's community projects'. It is therefore strongly recommended that NOMS works with partners to develop an evidence base for commissioners and explores how service providers can access data relating to their service users. If this is not achieved before the transfer to new providers, the report states that alternative funding mechanisms for women's centres must be found to enable them to demonstrate their capacity to reduce reoffending.

The report acknowledges that the focus on reducing reoffending as an outcome is likely to prove a barrier to small, specialist organisations who find it challenging to evidence their outcomes and may specialise in the achievement of intermediate outcomes which facilitate desistance. It stresses that reduced frequency and seriousness of re-offending are also socially desirable outcomes which should be recognised and rewarded by commissioners.

Foreign national prisoners

The Committee recommends that, as many foreign national women prisoners are released and not deported, the Government should make clear how they will extend resettlement support to this group under the Transforming Rehabilitation programme.

Review of the women's custodial estate

The Justice Committee considers the scope of the Advisory Board's review of the custodial estate to be limited in scope and ambition. The report therefore recommends that the review should:

- Assess the impact of recent and planned cost savings, and the headcount reductions that have resulted from this, on the prison regime and resettlement planning in the women's estate;
- Assess the competencies needed to work with women offenders and evaluate the women's awareness training currently provided to prison staff;
- Consider, in conjunction with the Department of Health, whether alternative, more appropriate custodial provision could be introduced for vulnerable women with multiple and complex needs who have committed serious offences;
- Examine how prisons can support the 'development and sustainability of family ties; affording women the opportunity to develop their parenting skills and safeguarding the welfare of children';
- Urgently find a solution to the lack of secure provision for women in Wales;
- Consider how a greater and more creative use of approved premises could be implemented, including adapting existing approved premises for use by a broader range of women.

Small custodial units

The report recommends a gradual reconfiguration of the female custodial estate, combined with a significant increase in the use of residential alternatives to custody, including approved premises and supported bail accommodation. This should be achieved through an 'invest to save approach', diverting resources away from the prison building fund.

Children and dependents

The report asks that increased attention is paid to the impact of imprisonment on dependent children and that this should be addressed as a priority by the Advisory Board. It is suggested that the Board also examine international practice on taking child welfare into account during the sentencing process and ascertain how the children of

prisoners could be identified more adequately and relevant services, including schools, notified.

The report also supports the Sentencing Council's inclusion of primary child care responsibilities as a mitigating factor in the sentencing guidelines.

Liaison and diversion

The Committee found that mental health provision for women offenders remains poor and that liaison and diversion schemes have not developed 'sufficiently to impact systematically on the treatment of women offenders'. It therefore recommends that MoJ and NOMS outline:

- The extent to which existing liaison and diversion schemes are making provision tailored specifically for women;
- How Ministers will ensure the new schemes meet the needs of women;
- Why the new strategy for the management and treatment of women offenders with personality disorder has had little impact upon service provision.

Progress review

Finally, the report asks for a review after one year of the progress made against the Committee's own recommendations and the Advisory Board's strategic priorities. This should inform a decision on whether strategic responsibility for this agenda should ultimately lie with the Department for Communities and Local Government, as originally recommended in the Corston report.

Feedback

Clinks would be interested to hear the views of Voluntary, Community and Social Enterprise (VCSE) organisations providing services for women in the CJS, women and girls at risk, and their families. Please contact Nicola Drinkwater, details to the right.

Author

Nicola Drinkwater
Policy Assistant
Clinks
Email: Nicola.drinkwater@clinks.org

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Contact Us www.clinks.org | info@clinks.org | 0207 248 3538

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