

Clinks briefing on the Government's response to the Justice Select Committee's Report on Women Offenders and the Women's Custodial Estate Review

November 2013

Introduction

In July 2013, the Justice Select Committee published the findings from its year-long inquiry that reviewed progress made since the Corston Report. [Women Offenders: after the Corston Report](#) made a series of recommendations to ensure the distinct needs of women at risk of entering the Criminal Justice System (CJS) are recognised and met.¹

The Ministry of Justice has now published [the Government's response](#) to this report, setting out its intended approach to managing women offenders.² Alongside this, the National Offender Management Service (NOMS) has published the [Women's Custodial Estate Review](#) which makes 17 recommendations, all of which have been accepted by ministers.³

This briefing will summarise both the headline recommendations made by the Women's Custodial Estate Review and the key changes that will be implemented as part of the Government's response to the Justice Select Committee.

Advisory Board for Female Offenders

Following the cabinet reshuffle Lord McNally, Minister of State for Justice, now chairs the Advisory Board for Female Offenders.

The Government does not accept the recommendation that formal on-going ministerial membership of the Advisory Board is necessary and will invite ministers to attend meetings where it would be beneficial. Where appropriate, the Board will also investigate issues relating to girls and will ensure the Department for Education and Cabinet Office are involved in these discussions.

The Advisory Board will not set numerical targets to measure the success of their strategic objectives. There is as yet no indication of how these will be measured.

¹ Justice Select Committee (2013) *Women offenders: after the Corston Report: Second Report of Session 2013-14*, Online: <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmjust/92/92.pdf> (last accessed 14.11.2013)

² Ministry of Justice (2013) *Government response to the Justice Committee's Second Report of Session 2013-14: Female Offenders*, Online: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/252817/response-jsc-female-offenders.pdf (last accessed 14.11.2013)

³ NOMS (2013) *Women's Custodial Estate Review*, Online: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/252851/womens-custodial-estate-review.pdf (last accessed 14.11.2013).

Impact of the Transforming Rehabilitation agenda

The Transforming Rehabilitation (TR) agenda will dramatically change the way services are commissioned and delivered to offenders in the community and within prison. The competition for new providers was launched in September and [Clinks published a briefing paper](#) outlining the key information released at this stage.

Community Rehabilitation Companies (CRCs), mainly led by Tier 1 providers from the private sector, will be formed within 21 Contract Package Areas (CPA) and will have responsibility for delivering services for offenders who pose low/medium risk of serious reoffending, including women.

Offenders serving less than 12 months in prison will receive through the gate support and will be subject to a licence period (or a combination of licence and supervision) of at least 12 months in the community. This will particularly affect women, as they are proportionally more likely to serve short sentences.

The Government will introduce a pilot through the gate activity for female offenders with substance misuse needs at HMP Styal. This will occur shortly and will be tested, with the results being fed into the TR reforms.

Gender specific services

The Government has provided practical guidance for Tier 1 providers around how to deliver services for female offenders. It has also amended the Offender Rehabilitation Bill to include a statutory requirement for the Secretary of State for Justice to ensure contracts with new providers under the TR reforms 'consider and identify' the specific needs of female offenders in their bids, 'so that the issue will be expressly considered when commissioning rehabilitation and supervision services'.

It also states that following the award of contracts, the MoJ will monitor service provision to ensure that key outputs for female offenders are delivered, although the outputs themselves are not specified.

Payment by Results

In response to the Justice Select Committee's concerns regarding the implementation of a Payment by Results (PbR) mechanism, the Government maintains that the frequency measure, which measures the number of re-convictions per person in the cohort, 'will reward providers who increase the proportion of offenders desisting from crime, whilst retaining an incentive to tackle the hardest to help.'

Providers will however still primarily be assessed on the binary measure, which measures the reduction in re-convictions across the whole cohort. The payment mechanism may also still include a binary hurdle which means that providers will not receive the 'Payment by Results' element of their fee if they do not reduce reconvictions for the whole group. Clinks has expressed concern about the potential for the binary hurdle to encourage providers to focus on 'quick wins' rather than supporting groups, such as women, who have more challenging and entrenched needs.

Reconfiguration of the female custodial estate

All women's prisons will be re-roled as resettlement prisons under the TR proposals, with the number of women's prisons being reduced to ten. Wherever possible and appropriate, women will therefore spend the entirety of their sentence in the designated prison for the CPA in which they live. Increased provision will be made available in the Midlands, with the capacity at HMP Foston Hall being increased from 16 to 50 places; and the South West of England, with two units at HMP Eastwood Park being brought back into use, expanding the prison's capacity by 77 places.

A 'strategic hub' will also be created between HMPs Foston Hall, Drake Hall and Styal. Women will be moved between each site to enable them to access different interventions as required within their sentence plans. Clinks estimated the distance between these three prisons to be around 30 miles.

The Government intends to close two female open prisons in Yorkshire and Kent, as the need for them is likely to decline. Following the implementation of the review, the proposed capacity of the female custodial estate will reduce by 401 places.

The MoJ states that:

'The reconfiguration of places produces a small average reduction in distance from home for the overall [female prison] population. More importantly, the benefits for women furthest from home are significant.'

This is a positive step, but Clinks is concerned that many women will continue to serve their sentences a long distance from home. It is not yet clear how resettlement will be organised for women who serve their sentence outside the CPA to which they will return on release, given that there will be 21 CPAs and ten women's prisons. Women from Wales, for example, will serve their sentences in HMP Eastwood Park (South Gloucestershire), or HMP Styal (near Manchester).

Strategic hubs

The female custodial estate will be formed of prisons that provide a range of interventions and services on site. These will be termed 'strategic prison hubs'. Courts will also be more closely aligned to 'prison hubs' to ensure that women sentenced to custody are sent to the establishment closest to their home, where appropriate.

Small custodial units

Although the Government recognises the potential benefits of small custodial units, as recommended by both the Corston Report and Justice Select Committee report, there are no plans to introduce them on the grounds that women 'also need to have access to the wide range of services that prisons provide, especially in partnership with health'.

However, a small open unit is to be established outside the perimeter at HMP Styal, which can accommodate 25 women assessed as being 'at the appropriate low-risk level'. This will provide the women with a range of employment and volunteering opportunities, enabling them to establish links with their local community and access community facilities and services. Women will also be able to access rehabilitative

intervention programmes and health treatment available in the prison. The Government will test the effectiveness of this approach on reoffending rates, using the results to inform the development of resettlement opportunities across the female custodial estate. The creation of employment opportunities at HMP Styal is also being explored by the Government, who will update the Advisory Board of their plans in due course.

Life skills training

The Female Custodial Estate Review states that developing independence skills, such as budgeting, cooking and dealing with authorities can support women to take more responsibility for their lives, and give a practical response to the difficulties they describe when living in the community. Peer support programmes can be an effective way of supporting women to develop these skills. The Review therefore recommends that the existing provision of life skills training should be increased and expanded so all prisons offer peer led services in the following areas:

- independence skills classes;
- classroom assistant roles;
- self-harm support and prevention; and
- advice giving in other settings, including induction, pre-release, motivational work and preparation for other regime activities or interventions

HMP Holloway

As there has been a decline in the female prison population, there has also been a decline in the occupancy of mother and baby units (MBU) across the female custodial estate. MBUs can house babies until they are 18 months old, but due to physical restrictions at HMP Holloway, the prison only has provision for babies up to 9 months old. As the unit is only 20 miles from HMP Bronzefield, it is recommended by the Female Custodial Estate Review, that the MBU at HMP Holloway will close. It should be noted that the recent inspectorate report of HMP Holloway stated that the MBU 'was underused but decent and safe. Its environment was not as good as we have seen elsewhere but the central location of the prison facilitated the mothers' contact with their family, friends and community.'⁴

Women's services in the community

For 2013/14, Probation Trusts have allocated a total of £5.8 million to fund services for female offenders in the community. This includes £3.78 million ring-fenced funding for the provision of women's community services. Clinks is pleased to see that during the transitional period of the Transforming Rehabilitation programme, the Government is 'committed to the continued funding of existing women's community services.'

⁴ HM Chief Inspector of Prisons (2013) *Report of an unannounced inspection of HMP Holloway*, Online: <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/prison-and-yoi-inspections/holloway/holloway-2013.pdf> (accessed 20.11.2013)

The Government states their expectation that existing providers of women's services will continue to receive funding from Community Rehabilitation Companies (CRC) until March 2015, unless there are concerns about performance or demand is insufficient. As with other protected characteristics⁵, many in the Voluntary, Community and Social Enterprise (VCSE) Sector might have preferred a more prescriptive, long term approach to the commissioning of gender-specific services for women. It will therefore be important to monitor carefully the impact of TR on women's provision beyond 2015.

Measuring outcomes

Evidencing outcomes, especially in relation to reducing reoffending for women's community services has been recognised by the Government as being particularly challenging. Collecting quantitative data for example is complex and can place a burden on the service and individuals accessing the service, especially if they are vulnerable women who are fearful about anonymity.

NOMS also highlights that a single service will not always be able to demonstrate an impact on reconviction and has been working with partners to develop an understanding of which intermediate outcomes are related to reduced re-offending and which interventions impact on those intermediate outcomes.

Sentencing

The independence of the Sentencing Council is emphasised within the Government's response document. The Government has asked the Council to give its attention to:

- The extent to which primary childcare responsibilities are taken into account in sentencing decisions.
- The impact on sentencing of the introduction of a mitigating factor of vulnerability to exploitation in the Drug Offences Guideline.

The MoJ will also take forward the Justice Committee's recommendation that more attention should be given to the impact of imprisonment on dependent children both during the sentencing process and once a parent has been imprisoned. This will be done through the work of the Advisory Board, which will also explore whether current safeguarding practices for children of female prisoners are satisfactory.

⁵ Protected characteristics are defined as by the Equalities Act 2010 as including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Enhanced provision in the community

The report recognises that there is currently limited evidence as to why some women receive short custodial sentences. The Advisory Board is addressing this under its Enhanced Community Provision work stream. This work includes:

- Undertaking fieldwork in four areas that have a mixture of high and low incarceration rates, and a mixture of other factors that may be influencing sentencing decisions.
- Mapping community provision in these areas, as well as carrying out discussions with sentencers, probation, women's community service providers and other local agencies to explore the factors that drive sentencing locally.

Due to the emergent findings from this work, the Advisory Board is considering establishing an 'early adopter region,' where the outcomes of early intervention with female offenders are explored by key players in the CJS. This will be accompanied by some awareness-raising materials relating to the specific needs of female offenders for decision makers in the CJS. This work is being undertaken by NOMS, MoJ and the College of Policing.

The Home Office and College of Policing are also aiming to develop the capabilities of all local partners involved in Integrated Offender Management (IOM) arrangements to focus on female offenders and those at risk of offending by providing advice, information and practical tools.

Foreign national women

The Government recognises that certain groups of offenders require particular responses. Foreign national prisoners will have their individual needs assessed and their resettlement plans devised to meet those needs.

Most foreign national women will be treated the same as British women, as recommended within the Women's Custodial Estate Review. For those women who are likely to be deported, the Government recommends that work should be undertaken with the Home Office to develop a hub at HMP Peterborough.

Liaison and diversion

Currently, liaison and diversion schemes are being developed across seven police forces and partnerships. These seek to ensure that offenders with mental health and substance misuse needs, as well as 'a range of other vulnerabilities' are identified and diverted away from the CJS and where appropriate, into treatment.

The Government states that separate liaison and diversion services are not being developed specifically for women but commissioners will require service providers to demonstrate that they are responding appropriately to meet women's needs. A core

model of liaison and diversion services is currently being tested, with the aim of rolling it out across the country from April 2016.

Staff training

A consideration of the competencies required by staff working with female offenders was outside the scope of the Female Custodial Estate Review. However, NOMS is reviewing the gender specific training implemented following the Corston Report, focusing on the skills required by staff working with women in prison. The review aims to update foundation level training, which covers recruitment, assessment and initial training of operational staff.

Personality disorder

The MoJ has developed a personality disorder strategy that specifically targets women who have committed 'a violent or sexual offence, criminal damage, arson or an offence against children; are at high risk of committing a further offence; are likely to have severe personality disorder; and where there is a clinical link between the personality disorder and the risk.'

Nationally, the strategy will provide up to four new personality disorder treatment services, with a total of 80 places available. The additional provision delivered through the strategy will be phased in from autumn this year, with implementation commencing in the Midlands and East of England NHS region. Other developments include:

- A Psychologically Informed Planned Environment (PIPE), at Crowley House Approved Premises in Birmingham. Implementation is expected to begin in late 2013.
- The development of a personality disorder treatment service for up to 20 women at HMP Foston Hall. This is expected to be introduced in November 2013 and will be delivered by a partnership involving the prison, Birmingham and Solihull Mental Health Foundation NHS Trust and the Anawim Women's Centre in Birmingham.
- The development of a whole-prison Enabling Environment (EE) at HMP Drake Hall.

Progress review

The Government will report to Parliament in March 2014, updating them on the progress made against the delivery of the Strategic Objectives for Female Offenders.

Clearly these changes will have a significant impact on women offenders and their families, and on the VCSE organisations that work to support their rehabilitation. Clinks would therefore very much like to hear Members' views on the Women's Custodial

Estate Review and the Government's response to the Justice Select Committee report, to inform any future responses to Government and input to the Advisory Board.

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.

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