

A Response to the Green Paper *Breaking the Cycle: Effective Punishment, Rehabilitation, and Sentencing of Offenders*

Introduction and overview

About Women's Breakout

Women's Breakout, (formerly Women's Centre Forum) is an independent membership organisation leading the transformation of criminal justice services for women in the UK. Established in 2008, it has gained widespread support as an authoritative voice for women in contact with the criminal justice system. Women's Breakout has robust links with The Ministry of Justice having delivered through its network of women's services The Women's Diversionary Programme thus diverting women from custody. By providing strong advocacy for the women sector approach we are able to shape policy and provision as well as lead further development in this area of work we aim to increase recognition of this approach through the development of our nationally accredited training programme promoting consistency, quality and clarity of purpose. As well as to develop, strengthen and endorse the overall women's sector approach to providing community alternatives to custody and diverting women from crime.

About Women's Community Projects

Women's Community Projects (WCPs) work with women who are at risk of offending or who have offended in the past, to raise awareness of how the issues they face can lead to offending. The 2007 Home Office report by Baroness Corston¹ made clear that women in the criminal justice system have very different needs to men and that treating men and women the same will not lead to equality of outcomes. In the same report, she highlighted the fact that a women-centred integrated approach provided the most effective model for working with women in the criminal justice system.

Since 2007 the number of projects providing community services to women offenders following the one-stop-shop approach has increased from a handful to more than 50. This model has been particularly successful at supporting women with complex needs - services include offering training and volunteer work opportunities, health care, drugs and alcohol treatment services, parenting skills and help with accessing welfare services.

¹ *The Corston Report: A Review of Women with Particular Vulnerabilities In The Criminal Justice System*, March 2007

Consultation

This 'Green Paper response' is the result of consultation with over fifty WCPs from all over England and Wales. The Paul Hamlyn Foundation provided a grant to enable Women's Breakout to consult with WCPs. A number of project visits and interviews were carried out with key project managers, frontline staff and Women's Breakout chair and development worker in order to develop a questionnaire which was circulated to all Women's Community Projects. As well as being asked to feed into the Women's Breakout response projects were encouraged to submit their own individual responses and many have done so. The questionnaires were also handed out to all those who attended the Women's Breakout launch conference in London last month. A set of prompt questions to be used with service users was developed. And several projects held group discussions with women who used their services, the results of these have been fed into this response.

Response Overview

Women's Breakout welcomes the general direction of thinking away from custody and towards community sentencing. There is a concern however that without a gendered approach, without a specific gender strand running through the green paper there is a strong chance that the successful and pioneering work which has been taking place with women offenders will be undermined and the lessons learned around approaches to rehabilitation and effective partnership working across sectors will be lost.

We are concerned by the lack of a specific women-centred approach and focus on women offender's complex needs in this Green Paper. Only 2 of the 59 consultation questions specifically focus on women and in many respects this paper could be accused of being 'gender-blind'. We hope that will change at the next stage on this legislative process.

We welcome the acknowledgement of the 'promising network of community provision for women' which has been developed and which Women's Breakout now acts as the infrastructure organisation to support, lead and represent. However if this network is not sustained it is conceivable that we may face a situation in which the impact of the green paper on male offenders may be to reduce prison numbers and offending but for women the trend of a stabilizing prison population could in fact be reversed. While the numbers of women in prison are much lower than men – the impact of reversal of current trend – will have a much wider, far reaching and long lasting impact on families in terms not only of the cost of children being taken into care but of the long term emotional and social impact on children and intergenerational offending.

Women's Breakout welcomes the understanding shown in the Green Paper to the social and economic factors which can contribute to offending behaviour and would like to see a commitment to existing models of good practice working with women offenders that makes it possible to continue addressing those issues in a meaningful way which continues to contribute to reoffending.

In many ways WCPs are leading the way by providing integrated and innovative approaches and can provide many examples of excellent practice in the field. However, this sector is facing severe financial threats to its sustainability due to the end of MoJ and NOMs funding in March 2011

Without continued supporting, particularly over the next two/three years into new commissioning and funding arrangements, there is a concern that this work and its impact will be undermined.

A Gender Specific Approach

The criminal justice system is primarily designed and built around men's criminogenic needs and behaviours and in a variety of ways and every level, women and their families are punished disproportionately. A higher proportion of women are sent to prison for non-violence offences (63%) compared to men (45%) and a higher proportion of women are remanded in custody for less serious offences. Projects are acutely aware of the fact that of those women remanded in custody, the majority do not go on to receive a custodial sentence. These statistics bear out what projects experience on a regular basis that less serious offences by women are judged and punished more harshly by society than men.

Women have a different set of needs than male offenders. As primary carers for young children or older relatives women have a very different profile to male offenders.

All projects report that a high percentage of women accessing their service have experienced some form of trauma or abuse from males in their lives as children or as an adult.

Many have been brought into contact with the Criminal Justice System as victim as well as offender.

“Nearly all of our service users report having been the victim of gender based violence or exploitation, in particular domestic abuse and sexual violence....they...are in a unique position as they are usually both the perpetrators and the victim of crime....we enable women to feel less isolated and to connect with other women who have been in similar positions as themselves...we also provide a safe space for disclosure of sex work, sexual violence, issues around the loss of babies and children (in all its forms) and domestic abuse.”

Scarborough Women's Community Project

Project workers frequently work with women that are dealing with financial problems and high levels of debt which have been left to them by a former partner. This can lead to women defaulting on debts, committing offences relating to coping of failing to cope with debt and out of control financial situation.

Male dominated probation settings create an environment which many women find particularly intimidating. Project managers and workers describe women that they work with having a history of breaching community sentences because they would not attend appointments in probation building or access support provided in those settings.

The particular complex needs and vulnerabilities of some women going into an all male offender environment creates a risk of her being coerced into further offending behaviour by the men that she meets there.

Women Only Environment

- Women have lower self esteem and as lone parents, mental health and drug problems associated with a history of violence and abuse there are more barriers to women access services.
- A women only environment is one of the key factors in overcoming these barriers, in encouraging consistent engagement and compliance with community sentences.
- Complexity of social, physical and psychological issues that women are dealing with are much more likely to be addressed in a women only environment where trust can be built up and issues discussed openly and ultimately support to address them. Service Users have said that it is much easier to contribute in women only groups and to speak out about their experiences because it “feels safe”. It is only in such safe environments that trust can be developed and women will begin to talk openly about and address the issues affecting every aspect of their lived experience – of which their offending is only one part.
- Projects discussed the powerful and positive impact of peer support that takes place in Women’s Centres, where women have an opportunity to meet others who have been through similar experiences and who will give them the support and encouragement to carry on attending. This sort of support can only take place in a non-threatening women-only space.
- A gender specific approach is the only appropriate response when working with women around issues relating to domestic violence, sexual abuse and exploitation and sex working.

“When you take into account the high levels of sexual abuse, domestic abuse, violence, rape, sexual exploitation, prostitution, and gender discrimination that many of the women accessing our services face, it makes sense that rehabilitating women it is always done in a women only environment” WCP Manager, Birmingham

- Locating services for women offenders in women only centres offers opportunities for positive cross sector partnership working including successful examples of co-located probation staff working from women’s centres.
- Centres have been able to provide on-site childcare, make appointments around care commitments both of which contribute significantly to higher levels of sustained engagement and lower levels of breach.

“In a gender specific environment the women feel ‘safe’ and able to disclose and free to address their problems...the support they receive from other women and volunteers enables them to make these necessary changes.” Scarborough Women’s Community Project

Punishment and payback

The Green Paper is keen to make prison a place of hard work and make offenders pay reparations to victims. We have concerns regarding the tougher financial penalties for offenders and fear this may disproportionately affect women, and their children who are already likely to be suffering financial hardship.

Women on average suffer greater poverty than men and are more likely to survive on a persistent low income² and this must be taken into account when they are asked to pay financial penalties, especially if an inability to pay will result in further punishment or custody.

For WCPs working on a daily basis with women offenders, restorative justice is very rarely an appropriate sanction for women nor is it likely to provide a turning point in understanding the implications of her offending. In its place restorative can have an important impact on an offenders' behaviour but given the multiple and complex reasons behind women's offending restorative justice does not have a significant role to play in their rehabilitation. The focus on Restorative justice as the primary tool for rehabilitation is simply not a fit for the majority of female offenders who are serving short sentences for less serious offences.

Community Sentences

WCPs across the country are offering community payback options. A huge effort has also gone into demonstrating to local magistrates that these options are robust and effective. Projects have engaged with magistrates, contributed to their training and kept them informed about current community sentencing options available in local women's centres and have increased their confidence in the benefits of giving women offenders the opportunity to carry out community payback in these settings.

There are currently far too many women imprisoned in the UK and so the emphasis on community sentences in this Green Paper is welcomed by the Women's Community Project sector. However, we believe that it is essential to recognise women's particular needs both when designing and implementing community sentences.

- Increased community sentences must mean an increase in women only community sentences

There is a drive in the green paper to make community payback more visible and more punishing. Women's Breakout is concerned that a relentless focus for all offenders on highly visible 'punishment' will for the majority of women, be counter-productive. Without allowing for women-specific community payback, women are being set up to fail.

- Community payback must be a safe place for women, free from harassment.

² DWP, *Households Below Average Income*, (DWP; London, 2003), Table 7.9.

Male dominated aggressive environment meaning that women are very often working alongside perpetrators of domestic violence – some projects examples of women having to work with men who are being punished for domestic violence against them. There are frequent examples of women who in the past have preferred to breach, end up back in court with threat of custody rather than willingly submit to a community payback order – in some cases projects have described women who have contemplated suicide rather than go back.

“Women have disclosed their previous experience of community payback as being very difficult for a number of reasons. Mixed sessions often include males known to them and these have at times made them feel threatened resulting in patchy attendance and breach” WCP Brighton

There are genuine fears that placing vulnerable women with group of male offenders that exposing them to further involvement in coercive and abusive relationships leading to increased not less involvement in criminal justice system and offending behaviour.

When undertaking numerous hours of community payback there needs to be flexibility to allow for child care commitments.

Childcare, for women to work same hours of an order as men as well as meet childcare responsibilities their sentence will go on for longer – greater commitment over time and travel expenses – same hours same order – disproportionately severe on women with children.

“He (the offender manager) did not seem to understand that I had children who needed collecting”

“I was having my period and was sent to work on a manual job in a park which was miles from any toilets”

Service Users: Evolve, Calderdale

- Tagging and curfews: longer hours of curfew must also take into account childcare responsibilities.

Offering un paid work in a women’s centre brings added value of more likely to carry out sentence at same time addressing offending behaviour accessing gender specific courses and one to one support reducing likelihood of reoffending.

Rehabilitating Offenders to Reduce Crime

Projects are responsible for pioneering innovative partnership models – bringing range of partners into centres to provide a wrap around integrated service.

We welcome the commitment to tackling the root causes of crime and reoffending, and in particular the commitment to develop community based rehabilitation programmes specifically for women, who are likely to respond better to community based solutions with a women-only focus.

Stability is key to whether someone will re-offend on release from custody and having a permanent home is essential to that stability. According to *Women In Prison* more women are deemed homeless on release from prison than men. Change is needed to ensure offenders do not lose tenancies during short-term prison sentences, and end the frustrating situation where local

authorities can claim a woman made herself 'intentionally homeless' by serving a prison sentence. This was an issue that was raised in the Corston Report but unfortunately still exists.

Barriers to working are acknowledged within the Green Paper, and we welcome any initiative that would help women return to work when they are ready to do so. We ask that the Government take into account women's other responsibilities, such as caring for family members, and ensure that women receive support to enter the workforce at a time that is suitable to each individual.

Multi-agency working and forming community partnerships

Many WCPs have excellent links with local services and others are working hard to do so. WCPs would generally welcome the opportunity to forge greater working partnerships with local healthcare and welfare providers to complement the services they already provide. Some already host services from their premises, and others have expressed an interest in this approach also.

“At the Together Women Project we are a one stop shop working with a multi-agency approach. We have current strong relationships with Community Drug & Alcohol Team, Supported Tenancies, Family Learning, Health Trainers, Children’s Services, Probation, local hostels. The team also includes prison link and court link workers strengthening our support in the community”

Together Women Project, Eccles

Women's Breakout suggests that central government could encourage and help to develop local partnerships and pathways by issuing guidance which informs local criminal justice agencies about the work of WCPs and how Community Sentences are provided through them.

Women's Community Projects have found that the MoJ logo and endorsement has increased the level of acknowledgement and credibility for partners in criminal justice and other statutory services. We hope the government will be able to endorse projects in the future that meet service standard requirements that will be developed next year.

Payment by Results

Women's Breakout acknowledge that there is the potential for impact related funding for this approach which is showing successful outcomes and reduced reoffending of women with whom they work. However we have some genuine concerns regarding the focus on Payment By Results. We acknowledge that the Government needs to ensure value for money and an effective system of punishment and rehabilitation, but we urge some careful consideration in the models used in regards to women offenders:

- Significantly smaller numbers of women in the system mean smaller providers will miss out. The approach with female offenders is often more intensive and a long-term commitment which could discriminate against them if they are remunerated on a purely per capita basis.

- There is a genuine problem with how to measure success. A quantitative analysis based purely on reoffending rates does not give the full picture of whether a woman has managed to turn her life around.
- A multi-agency approach is common when dealing with women's complex needs so it could be difficult to establish who has responsibility for the outcomes and who can be credited for the impact.
- Many WCPs had particular concerns that PBR will take resources away from frontline provision and redirect them to administration, monitoring and reporting.

Women's Breakout would like the government to ensure that one of the 6 pilots mentioned in the Green Paper is a women-only project so that its potential can be fully tested and the issues identified above can be explored in detail.

Sentencing Reform

We welcome the intention to end the option of remand in custody for sentences that are unlikely to receive a custodial sentence, and believe this is long overdue. This will make a significant difference to the number of women in prison as approximately 18% of women in custody are on remand.

However, we are disappointed that there is no commitment to abolish prison sentences under 6 months in length, as was stated in the Liberal Democrat Manifesto. Women's Community Projects cited numerous examples of cases in which women's lives had been devastated as a result of a short custodial sentence, whether as a result of losing her home, her children and the psychological trauma of the experience. Many of these women are released without any statutory support and often the underlying root causes of their offending behaviour have not been addressed.

A number of projects felt that giving police powers to authorise conditional cautions without referral to the Crown Prosecution Service would be a positive step. It would allow for a greater amount of early intervention work to take place with women preventing further contact with the criminal justice system. Despite having been prepared to carry out this work when the women-specific caution was introduced, the necessary involvement of the Crown Prosecution Service and the additional paperwork have meant that it has not been popular with police and referrals under the conditional caution scheme to WCPs has been disappointingly low.

Young female offenders

At present most WCPs do not work with juvenile offenders but some work with women aged between 16 and 18 if they are referred as part of their community sentences.

Many of the WCPs consulted on this would be happy to run services for young women.

Working with Communities - Tackling intergenerational crime.

The Green Paper asks how community budgets can help improve outcomes for children and families. WCPs work often includes the children of women using their services and we believe successful

family relationships are key to preventing reoffending and breaking the cycle of intergenerational crime.

“Women Together Project has a fully Ofsted registered crèche available for families using the centre. The centre also facilitates contact between separated mums and their children. All key workers have attended Safeguarding training and attend regular child protection meetings. At the project we offer parenting skills classes and weekly mother and toddler groups. We have strong links with Family Learning who deliver social skills to parents. To help reduce offending and intergenerational crime key workers have regular one to one sessions with clients to get to the core of their issues. This support isn’t just offered in the centre but also by our prison link and court link workers”

Project Worker TWP Eccles

“Our casework often involves the wider family members and we have strong links with Sure Start, Children’s Services and the Family Intervention Project. Workers engage with Common Assessment Framework processes where necessary and support Children’s Safeguarding processes.”

WCP Worker, Halifax

“We encourage mothers to become good role models to their children by desisting from offending and accessing employment, education and training as well as providing parenting skills courses and advice.”

WCP Worker, Halifax

Through an approach to divert women custody and crime, The Women’s Community Projects are improving the life chances of her children. There are well documented research articles that show that the children of prisoners do not fare well as they move to young adulthood. By working with mothers in this way, we see the positive changes both for the woman, her children, and for the potential victims that there may have been in the future.

Conclusion

Women’s Breakout see some opportunities within this Green Paper for making positive changes to the system that could benefit women, but there are many issues that we feel need closer examination. We urge the Government to listen to the concerns of the women’s criminal justice sector and bear in mind the value of the existing network of women’s community projects and their potential in playing an increasing role in supporting the reduction of numbers of women being sent to prison and reducing the offending behaviour of women in England and Wales.