



Ministry
of Justice

Government response to the Justice Committee's Second Report of Session 2013-14

Female Offenders

October 2013



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Female Offenders

Presented to Parliament
by the Lord Chancellor and Secretary of State for Justice
by Command of Her Majesty

October 2013

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Introduction

We welcome the Justice Select Committee's Report, *Women Offenders: After the Corston Report*.

Today we are setting out our new approach to managing female offenders. We are developing the custodial estate so that women can stay closer to home and maintain links with their families. We are establishing community employment regimes across the prison estate. These will enable women at the appropriate low-risk level to work out in the community so that they can build employment experience that they can continue on release. As well as this we are setting up strategic prison hubs, located close to conurbations where possible. These will ensure that women have access to a broad range of interventions during their sentence, whilst remaining in the same region. Through this we will reduce the need for women to move around the estate: instead they can stay close to home, establish employment links and be supported through-the-gate back into the community they have kept in touch with.

We are setting up an open unit at HMP Styal which will accommodate 25 women who are assessed as being at the appropriate low-risk level. These women will be supported to work outside of the prison with access to the rehabilitative intervention programmes and health treatment available at the prison. We will test this approach. We will also explore the creation of further commercial employment opportunities in and around HMP Styal.

Simultaneously we will make each and every custodial establishment in the women's prison estate a resettlement prison and will support all women through-the-gate on release.

With these changes to the estate we are confident that the need for the two women's open prisons, in Yorkshire and Kent, will decline. These prisons already do not offer satisfactory resettlement opportunities for the majority of the women held there due to their rural location. With the successful implementation of vastly widened opportunities for resettlement across the rest of the estate we do not consider that the long-term running of these prisons at low capacity is viable in the current financial climate. We will therefore be making plans to close these prisons in due course.

In addition, through our Transforming Rehabilitation reforms, for the first time, all women will receive 12 months of supervision and support on release. Our stocktake of community services for female offenders shows that the spread and availability of community services specifically for women has been increasing. This sets the groundwork for the expansion of community support to women on release from short-sentences in 2014 and beyond.

We will continue driving this agenda through our Advisory Board on Female Offenders, chaired by the Lord McNally, Minister of State for Justice. We are inviting experts to work with us on designing the detail of our new approach.

Our efforts to divert women from custody where it is appropriate to do so also continue. We are introducing legislation to give sentencers more community options and to ensure that new probation providers must identify and consider the particular needs of female offenders when they design and deliver their services. We are issuing guidance so that probation providers fully understand the particular needs of female offenders and how to

meet those needs. We are working in areas of high and low custody rates to examine what factors cause sentencers to give fewer custodial sentences.

Across Government we are promoting the needs of women who may be at risk of offending as part of the work of the Advisory Board. The Social Justice Cabinet Committee is driving forward change for those who are vulnerable and marginalised in society and addressing the needs of women at risk of offending falls within its remit.

As promised, we will issue a cross-Government update to Parliament on the progress against delivery of our Strategic Objectives for Female Offenders in March 2014.

The following sections set out the Government's detailed responses to each of the Committee's recommendations and conclusions.

Government's response to the Justice Committee's conclusions and recommendations

In this part of the command paper the Ministry of Justice, the National Offender Management Service, College of Policing, Department for Communities and Local Government, Government Equalities Office, Department for Work and Pensions, Department for Education, Department of Health, Home Office, Public Health England and NHS England have responded to the conclusions and recommendations made in the Justice Committee report, *Women Offenders: After the Corston Report*.

The response to the conclusions and recommendations appear in the same order as presented by the Justice Committee in their report.

Trends in women's offending and sentencing

1. In our view there is general agreement that the majority of women offenders pose little risk to public safety and that imprisonment is frequently an ineffective response. It is also now well recognised that it is not permissible for women offenders to be dealt with in the same way as men within a criminal justice system designed for the majority of offenders. This is not about treating women more favourably or implying that they are less culpable. Rather it is about recognising that women face very different hurdles from men in their journey towards a law abiding life, responding appropriately to the kinds of problems that women in the criminal justice system bring into it, and taking the requisite action to be effective in addressing their offending behaviour. (Paragraph 16)

Whilst women have some different needs to men, the Government believes that there should be one justice system for all offenders who commit crimes. It does not agree that prison is ineffective. The sentencing of offenders is rightly a matter for the independent judiciary and it is important for sentencers to be able to use custody where necessary.

The National Offender Management Service (NOMS) has had in place gender-specific standards in custody since 2008 and provide a range of gender-specific programmes to reflect the fact that the factors associated with women's offending can be different from men's. This includes differences in mental health needs (research suggests that female offenders are more than twice as likely as male prisoners to suffer from anxiety and depression and more likely to report symptoms indicative of psychosis), substance misuse (research suggests that female offenders are more likely to report having used Class A drugs in the four weeks before custody), and experiences of abuse (research suggests that female offenders are more likely to report having experienced some sort of abuse. There is evidence that links experienced or observed violence and abuse in childhood with future criminal behaviour).

The Government agrees that the criminal justice system needs to continue to be properly responsive to the needs of female offenders. We made this clear in our Strategic Objectives for Female Offenders, published in March 2013.

Governance arrangements

2. It is regrettable that the Coalition Government appears not to have learnt from the experience of its predecessor that strong ministerial leadership across departmental boundaries is essential to continue to make progress, with the result that in its first two years there was a hiatus in efforts to make headway on implementing the important recommendations made by Baroness Corston in 2007. It is clear that the matter of female offending too easily fails to get priority in the face of other competing issues. The lack of central drive has resulted in outsiders having difficulty determining Ministry of Justice policy and direction, and insiders detecting a dampening in mood and enthusiasm, leaving an impression that for this Government it was not a sufficiently high priority. We were particularly struck by Baroness Corston's evidence that under the previous Government it was not until a group of women Ministers worked together to take issues forward that significant progress was made in this area. We welcome the fact that, after we announced our inquiry, the Secretary of State for Justice assigned particular Ministerial responsibility for women offenders. Clear leadership and a high level of support from other Ministers will be essential in restoring lost momentum. (Paragraph 40)

This Government appointed Helen Grant MP as Minister for women in the criminal justice system in September 2012. Helen Grant established the Advisory Board on Female Offenders to drive this agenda bringing key stakeholders to sit around the table with Government in a way that has never been achieved before. Following her recent move to the Department for Culture, Media and Sport, the Advisory Board is now chaired by Lord McNally, Minister of State for Justice. Members of the Board have been providing expert input and challenge on both the Transforming Rehabilitation programme and the Women's Custodial Estate Review.

During the first two years of this Government, we delivered the following:

- Development of the female offender personality disorder strategy.
- Piloting Drug Recovery Wings for drug and alcohol-dependent prisoners at three women's prisons - HMPs New Hall, Askham Grange and Styal.
- Pilots to explore and test options for intensive treatment based alternatives to custody for offenders with mental health issues and/or drug dependency. We have piloted models in 16 areas in England, including four women-only pilots. 13 of these pilots will continue to operate for a second year, including three of the female offender-only pilots.
- Developing liaison and diversion services for offenders in police custody and at courts.
- Allocation of almost £600k ring fenced funding (June 2010 - March 2011) to provide additional support to female defendants referred to Bail Accommodation and Support Service (BASS).
- Commissioned Women's Aid to research and produce guidance (2011) on supporting female offenders who had experienced domestic and sexual abuse.
- Issued guidance on judicial engagement for probation trusts in 2011 (*Judicial Engagement – Women in the CJS*).
- Published, in 2012, a guidance document *A Distinct Approach: A guide to working with women offenders* for practitioners in both the statutory and voluntary and community service sector.

The Government continues to centrally fund the network of women's community services, and has worked in partnership with the Corston Independent Funder's Coalition. A stocktake of the provision of services for female offenders in the community, published alongside this report, has found that Probation Trusts have demonstrated a firm commitment to developing and improving services and to their responsibilities arising from the Public Sector Equality Duty (PSED). In 2013/14, a total of £5.8 million (including £3.78m ring-fenced for the provision of women's services) is being spent through Trust contract and partnership arrangements on specific services for female offenders. We are committed to the continued funding of existing women's community services during the transitional period of the Transforming Rehabilitation programme. We expect existing providers of women's services to continue to receive funding from Community Rehabilitation Companies (CRCs) until March 2015 unless there are concerns about performance or demand is insufficient.

In addition, in 2011, MoJ and the Government Equalities Office each awarded £150k infrastructure funding over three years (2011/12 – 2013/14) to Women's Breakout to provide a voice and help to build the infrastructure of organisations working to support female offenders.

Equality duties

3. There is little evidence that the equality duty—in so far as it relates to gender—has been used robustly to hold providers to account. In particular, the duty does not appear to have had the desired impact on systematically encouraging local mainstream commissioners to provide gender specific services tackling the underlying causes of women's offending, or on consistently informing broader policy initiatives within MoJ and NOMS. For too long, while the needs of female offenders have been recognised as different from those of males, the criminal justice system generally and the National Offender Management Service in particular have struggled to reflect these differences fully in the services it provides. A key lesson still to be learnt is that tackling women's offending is not just a matter for the justice system. (Paragraph 41)

The Public Sector Equality Duty (PSED) requires all public bodies to consider equality when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees. As the Committee is aware, a review of the PSED has recently been conducted to examine whether the Duty is operating as intended. The report by the independent Steering Group who conducted the review was published on 6 September 2013, with a number of recommendations to address issues which were identified during the course of the review. These included problems associated with how challenges under the Duty are resolved and processes for considering equality within public sector procurement. The recommendations are aimed at the Government, the Equality and Human Rights Commission, public bodies and contractors and have been endorsed by the Government.

All NOMS operational policies are developed with reference to the PSED, including an assessment of the impact on female offenders. NOMS likewise conducts its annual commissioning round in accordance with the PSED. As above, since 2008 NOMS has had in place Gender Specific Standards for the women's custodial estate (Prison Service Order 4800). This Prison Service Order is very much in line with the United Nations Rules for the Treatment of Women Prisoners (the "Bangkok Rules"). The Bangkok Rules will

also be considered alongside a review that NOMS plan to conduct of Prison Service Order 4800 in 2014.

In the community, delivery of commissioned services is monitored by NOMS under an "assurance model" of contract management to ensure that Probation Trusts are commissioning good quality services to female offenders. This commissioning model is supported by the NOMS Commissioning Intentions document 2013/14, which requires Probation Trusts to commission interventions and services that address the factors associated with women's offending.

Moving forward, under our Transforming Rehabilitation reforms we expect new providers of probation services to ensure that their services are fully integrated with those of statutory and non-statutory bodies at a local level. The Government's amendment to the Offender Rehabilitation Bill will place a statutory requirement on the Secretary of State for Justice to ensure that the contracts with the new providers of probation services consider and identify the particular needs of female offenders, so that the issue will be expressly considered when commissioning rehabilitation and supervision services.

4. We welcome the production of a set of strategic priorities for women offenders but they need to be given substance, and we believe that the recommendations we make in this Report should be the basis for taking the priorities forward. (Paragraph 44)

The Government's Strategic Objectives for Female Offenders set out our policy direction and priorities for female offenders. The Advisory Board on Female Offenders will support delivery of these objectives through four work streams designed to provide expert input and challenge to policy development. The Government welcomes the comments and recommendations made by the Committee and will take these into consideration as it takes forward its work on female offenders and those at risk of offending. As a first step, the Advisory Board will consider the findings of the Committee at its October meeting.

New Governance arrangements

5. We do not consider that the Advisory Board without wider ministerial involvement will constitute a sufficient mechanism for high level cross-departmental governance arrangements of the sort that Baroness Corston initially proposed, and advocated by many of our witnesses. It is not likely to have the authority to bring about integrated strategy and co-ordinated service provision. Most Government departments have a contribution to make to the work of the new Advisory Board, but we consider that at a minimum there must be representation from the Department of Health, Department of Communities and Local Government, Home Office, the Department for Education and the Department of Work and Pensions. We welcome the fact that the first three of these are full members of the Board but as poverty is an important dimension in women's offending we consider that the Department for Work and Pensions should also be required to participate as a matter of course rather than on an ad hoc basis. The same status should be afforded to the Department for Education, which does not at present have even a peripheral role, in order to address the question of effectively identifying girls at risk of offending. It is only with robust high-level support that collaboration between departmental officials on the Advisory Board will be effective. We would like to see women offenders, and those at risk of offending, become a standing item on the agenda of the Inter-Ministerial Group on Equality as an additional means of facilitating collective responsibility for these matters. (Paragraph 49)

The Government does not agree that formal on-going Ministerial membership of the Advisory Board is necessary. An important role of the Advisory Board is to instigate effective joined-up working across Government. We believe that this can be best achieved through the involvement of senior cross-Government officials. We will invite Ministers to attend Board meetings where it would be beneficial to do so.

The Departments of Health, Communities and Local Government, Work and Pensions and Home Office are all standing members of the Advisory Board on Female Offenders. The Board is committed to looking at issues relating to girls, where appropriate, and we will ensure that the Department for Education and Cabinet Office are involved in such discussions.

We note the Committee's recommendation that female offenders become a standing item at the Inter Ministerial Group on Equality (IMGE). However, we believe that the Social Justice Cabinet Committee (SJCC), which has responsibility to ensure delivery of the cross Government Social Justice Strategy, is better placed. The Social Justice strategy is designed to give individuals and families facing multiple disadvantages the support and tools they need to turn their lives around. As such, it focuses on many of the factors associated with women's offending, such as mental health, benefits, debt and accommodation. An MoJ Minister is a member of the Committee, and is therefore able to make appropriate links between the work of the SJCC and that of the Advisory Board.

6. There was limited external input into the Government's development of its strategic priorities. It is regrettable that this was the case and this, together with the uncertainty about the membership of the Advisory Board, adds to the appearance that the priorities were produced in haste with insufficient thought. This is manifested in the absence of any detail about how the Government intends to measure success towards meeting its strategic priorities. The Advisory Board should devise appropriate measures of success in relation to each of the strategic priorities and publish regularly progress against them, alongside an account of its own work in furthering the priorities. Accountability should lie not just with the Minister with responsibility for women offenders but should be built into relevant roles within other government departments and local authorities. It is not possible for the Ministry of Justice alone to address the wide range of problems that contribute to female offending. There must be much more explicit recognition, including by the Minister herself, of the need to focus as much on those women and girls on the periphery as those who are already involved in the system. (Paragraph 50)

We have made a conscious decision not to set numerical targets given the complexity of the issues. Instead we are focused on delivery of the Strategic Objectives:

- Ensuring the provision of credible, robust sentencing options that will enable female offenders to be punished and rehabilitated in the community, where appropriate.
- Ensuring the provision of services in the community that recognise and address the factors associated with women's offending, where these are different from male offenders.
- Tailoring the women's custodial estate and regimes so that they reform, rehabilitate, punish and meet gender specific standards. This includes ensuring women are held as close to home as possible.
- Through the Transforming Rehabilitation programme, supporting the better life management of female offenders and ensuring all criminal justice partners work together to stop women re-offending.

The minutes of Board meetings, which are publicly available, set out and report on progress against key actions and milestones for the work streams. The Advisory Board and Lord McNally will maintain oversight of progress, challenged by external members of the Board.

The Government agrees that the MoJ alone cannot address the wide range of problems that contribute to women's offending, including women on the periphery of the criminal justice system. That is why, for example, we are working with the Home Office to encourage local partners (both criminal justice and non-criminal justice agencies) to consider developing gender-specific, multi-agency, problem-solving approaches as part of local Integrated Offender Management (IOM) arrangements by focussing on the factors associated with women's offending.

In addition, all members of the Home Affairs Committee have contributed to and agreed this response. They are signed up to the membership of the Advisory Board where appropriate.

We will ensure that when updating Parliament on progress in tackling women's offending in March 2014 we include updates from other Government departments that are members of the Advisory Board. It will be signed off by the Home Affairs Committee.

Segmentation of women offenders

7. NOMS' segmentation work—which aims to separate out groups of offenders in a way which enables providers and commissioners to understand their risks and needs, and target resources accordingly—is another example where progress has been far too slow. We welcome NOMS' intention to accelerate work on the specific needs of women, but we are extremely disappointed that over six years after the Corston Report there is still not sufficient evidence about what those needs are, or how best to address them. Before embarking on any new policy development, NOMS must consider gender as a matter of course rather than seeking to reduce any detrimental impact on women of the general approach after the event; in many respects efforts to address the distinct needs of women are still lagging behind developments for men. (Paragraph 80)

NOMS has had in place operational policy on addressing the specific needs of female offenders since 2008: Prison Service Order 4800 for the women's custodial estate, and guidance for practitioners. This was updated in 2012 and will be reviewed in 2014.

The NOMS segmentation work, launched in 2012 and embedded in NOMS Commissioning Intentions, is a continuous improvement project. It produced an interactive database summarising the prison and probation populations, disaggregated by gender. This information was used by NOMS, prisons and probation in the last commissioning round to inform the targeting of women's services. Custody and probation providers were also able to access data on the specific groups of women they worked with. This included summaries of their risk levels, offence type, sentence type and length and was accompanied by a summary of the evidence about the nature of intervention or services that are most effective with different groups of women. Information on the risks, offending and needs of women in prison and on community sentences is being updated for the 2014 commissioning round along with a further work on evidence of what works for women. This evidence base will also be used as part of the Transforming Rehabilitation competition process.

NOMS Commissioning Strategies Group has now completed further analyses to understand the particular offending-related needs of women, in terms of the prevalence of needs and how much different needs predict different types of offending in women. This includes work on understanding risk of harm in female offenders and work on what most strongly predicts re-offending in women. This analysis is being prepared for peer review.

NOMS also draws together international evidence and effective practice. As part of the segmentation work in 2012, NOMS commissioned a Rapid Evidence Assessment (REA) on "what works" for female offenders. This REA, which is currently undergoing peer review, informs us that the international evidence base has not developed very far in the last four years and that available research findings on female offenders are of low quality. However, key findings have been identified and will be shared with providers.

Sentencing guidelines

8. We do not consider that substantive changes to the overall sentencing framework would be helpful at this time and recommend that emphasis is placed on ensuring a greater consistency of provision to the courts to enable them to sentence from a range of options specifically appropriate to women, including robust alternatives to custody. More attention must be paid to the potential impact of imprisonment on dependent children both during the sentencing process, and once a parent, whether female or male, has been imprisoned. These issues should be addressed as a priority by the Advisory Board, which could usefully both examine whether lessons can be learnt from international practice on taking child welfare into account during the sentencing process, and ascertain how the children of prisoners could be better identified and relevant services, including schools, subsequently notified. We welcome the Sentencing Council's inclusion of primary child caring responsibilities as a mitigating factor in sentencing guidelines and we would appreciate an update from the Council about the extent to which this factor is taken into account in sentencing decisions. Similarly we would like to be kept informed about the impact on sentencing of introducing the mitigating factor on vulnerability to exploitation in the drug offences guideline. (Paragraph 87)

The independent Sentencing Council is responsible for producing sentencing guidelines.

The Government has informed the Sentencing Council of the Committee's request for an update on the extent to which primary childcare responsibilities are taken into account in sentencing decisions. We have also passed on to the Sentencing Council the Committee's request to be kept informed about the impact on sentencing of the introduction of the mitigating factor on vulnerability to exploitation in the Drug Offences guideline.

Through the field work undertaken as part of the Enhanced Community Provision work stream, mentioned in more detail below, the Advisory Board is working to understand differences in sentencing behaviour and will use this information to ensure greater consistency in the provision of robust, gender specific sentencing options in the community. It will also take forward the Committee's recommendations on the children of offenders sentenced to custody, including whether current safeguarding practices for children of female prisoners are satisfactory, within the Board's work programme. Such consideration may benefit from a comparative examination of international practices.

9. Generic community provision for women offers a route for diverting vulnerable women from crime and tackling the root causes of offending. Significant steps have been taken towards achieving Baroness Corston's vision for a network of such provision, and there are promising signs that this seems to have begun to have a positive impact on trends in women's imprisonment, albeit at a disappointingly slow pace. Over half of those women sentenced to custody still receive short sentences. There appear to be several explanations for this: appropriate community provision remains unavailable; the court perhaps did not know there was adequate provision available; or the court was not confident that the community provision was appropriate or acceptable to wider public opinion. This agenda has not progressed at a sufficiently fast pace since 2007, and we have not found evidence of the systematic change in approach that Baroness Corston advocated. It is not acceptable for ineffective prison sentences or fines to be imposed because of a lack of provision for appropriately challenging community sentences and facilities. Sentencers must be fully informed about the range of community provision available for women, its effectiveness in preventing offending, and the ineffectiveness of short custodial sentences for women who have not committed offences so serious as to require a custodial sentence. (Paragraph 88)

The evidence as to why many women receive short custodial sentences is unfortunately limited. We are addressing this under the Enhanced Community Provision work stream of the Advisory Board. We have undertaken fieldwork in four areas with a mixture of high and low incarceration and concordance rates. This included mapping community provision in these areas and talking with sentencers, probation, women's community service providers, and other local agencies to explore the factors that drive sentencing practices locally. Emerging findings suggest that we establish an early adopter region in which we explore the outcomes of early intervention with female offenders by key players in the criminal justice system. The work will be accompanied by some awareness raising materials for decision-makers in the criminal justice system on the gender-specific needs of female offenders. This work is currently being undertaken by NOMS, MoJ and the College of Policing.

As part of this work we will engage with police, sentencers, and probation staff, to raise awareness of the different needs of female offenders, so that these can be properly considered at key points in the criminal justice system. The Home Office and the College of Policing are also aiming to build the capabilities of all local (statutory and non-statutory) partners involved in local IOM arrangement to tackle female offenders and those at risk of offending by providing advice, information and practical tools.

The enhancement of community provision for female offenders will be supported by provisions in the Crime and Courts Act 2013, to be commenced in December, which require sentencers to include a punitive element or impose a fine (or both) in each community order. This requirement applies in all cases except where the court considers that there are exceptional circumstances relating to the offender or to the offence which would make the imposition of a punitive requirement or a fine unjust.

Meanwhile, we have continued to invest in the developing network of women's community services. In 2013/14, NOMS is providing £3.78 million to Probation Trusts for these services. This is in addition to Probation Trusts' basic funding settlements, and is given with a contractual expectation of enhanced services to female offenders. Probation Trusts have also provided a further £523,000 funding for women's community services. We are committed to the continued funding of existing women's community services during the transitional period of the Transforming Rehabilitation programme. We expect existing

providers of women's services to continue to receive funding from CRCs until March 2015 unless there are concerns about performance or demand is insufficient.

The changes to the Offender Management Act 2007, as introduced by the Government amendment to the Offender Rehabilitation Bill, will ensure that the particular needs of female offenders are identified and considered as part of the Transforming Rehabilitation reforms. The amendment places a statutory duty on the Secretary of State for Justice to ensure commissioning decisions are informed by the particular needs of female offenders.

Gaps in provision for women offenders

10. Witnesses painted a picture of large gaps in service provision, particularly in relation to specific groups of women, and in the provision of suitable accommodation, the lynchpin of support. The lessons of the Bradley Report have not filtered through and mental health provision remains remarkably poor despite a widespread need. Liaison and diversion schemes are not yet developed sufficiently to impact systematically on the treatment of women offenders, and the impact of the strategy for the management and treatment of female offenders with personality disorders is similarly difficult to discern. These gaps in mental health and accommodation will be costly to overcome. We ask the Government in its response to this report to set out the extent to which existing diversion and liaison schemes are making provision specifically for women; how Ministers intend to ensure that new schemes meet the needs of women; and, why the new strategy for the management of treatment of women offenders with personality disorder does not appear to have made any difference to service provision. (Paragraph 107)

The Government recognises that having suitable accommodation can be an important factor in reducing offending and that preventing homelessness makes financial sense – particularly where time and resources are stretched. MoJ is a member of the Ministerial Working Group on Homelessness, through which we seek to address this issue for female offenders. To deliver further help to prevent prisoners from becoming homeless on release from custody, the Government will continue to pay the housing element of Universal Credit on the accommodation of offenders expected to remain in custody for six months or less from October 2013, when Universal Credit is rolled out nationally. The Government also fund Crisis to develop voluntary sector-led schemes across England helping non-priority single homeless groups, including offenders, to find and sustain private tenancies. We recently announced a further £1m to extend this scheme into 2013/14 with a particular focus on shared tenancies for young homeless people. In addition, the Government has invested £1.7m over two years (2012/13 to 2013/14) in a new scheme to support local authorities to deliver a "Gold Standard" homelessness prevention service. The scheme aims to help local authorities to design and deliver more effective and cost efficient homelessness prevention services and opened for applications in May 2013.

Under our Transforming Rehabilitation reforms, offenders leaving custody will have their resettlement needs identified and addressed. In the community, we will be giving new CRCs (or, in the case of offenders who pose a high risk of harm to the public, the new public sector National Probation Service) the flexibility to deliver activities which they judge will be most effective to reform offenders. These providers will provide resettlement services to offenders prior to their release, and will be expected to deliver targeted rehabilitation support "through-the-gate" for those offenders for which they are responsible. We expect probation providers to tackle the broader life management issues that often lead offenders back to crime and the introduction of the payment by results mechanism will

incentivise providers to address these needs and to work with other partners to achieve the best results. Importantly, especially for female offenders, this through-the-gate service will be available for those sentenced to less than 12 months in custody.

Liaison and diversion services identify and assess the health issues and vulnerabilities of offenders when they enter the criminal justice system and refer them to appropriate treatment. While separate services are not being developed specifically for women, commissioners will require service providers of liaison and diversion services to demonstrate that they are responding appropriately to meet women's needs. We are building on existing "liaison and diversion" services to improve quality of services and coverage across England. We are testing a core model in over 20 areas over the next two years, with the aim of rolling out across the country from April 2016.

We will also be testing through-the-gate activity for offenders with substance misuse needs at HMP Styal, which holds the majority of female prisoners from the North West. The test, which is scheduled to commence shortly, will seek to build on and enhance existing provision. Lessons learnt will be fed back in to the Transforming Rehabilitation programme.

The female offender personality disorder strategy aims to introduce joint health/criminal justice pathway services based on an integrated model of psycho-social health. It 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.

The additional provision delivered through the strategy will be phased in from autumn this year. Implementation will commence in the Midlands and East of England NHS region. A Psychologically Informed Planned Environment (PIPE), at Crowley House Approved Premises in Birmingham, is expected to begin implementation in late 2013. This will be followed by a commencement of service delivery of a personality disorder treatment service for up to 20 women at HMP Foston Hall in Derbyshire, in November 2013. The service will be delivered by a partnership involving the prison, Birmingham & Solihull Mental Health Foundation NHS Trust and the Anawim Women's Centre in Birmingham. We are also developing a whole-prison Enabling Environment (EE) at HMP Drake Hall near Stafford; the accreditation process will take 18-24 months

Funding for women's community services and commissioning arrangements

11. NOMS should publish its analysis of the provision that probation trusts have made for women as an alternative to women's centres. (Paragraph 115)

NOMS has recently completed a stocktake of women's community provision across England and Wales. The final report, published alongside this Government response, looks at new services for female offenders made possible by the additional £3.78m NOMS funding in 2013/14 to commission services for women. It also highlights the way in which Probation Trusts' core services have been strengthened. The report found that there is an established delivery landscape which reflects local need. Many Probation Trusts are working with partners to build on and expand existing services for female offenders in the community. This includes, for example, sharing resources and premises, such as children's centres, women's centres and community centres. There are also examples of new services, including a residential service in West Mercia for women at risk of custody.

This demonstrates the spectrum of services that the voluntary and community sector are able to provide for female offenders although does highlight that there are still some gaps in provision in certain areas. This provides an important starting point, as well as opportunity, for providers to learn from and build on moving forward within the Transforming Rehabilitation commissioning landscape.

12. We are concerned about the potential impact of significant changes to commissioning arrangements on the volume, range, and quality of specialist community provision for women offenders and those at risk of offending. The fact that responsibility for preventing women being drawn into the criminal justice system lies within a department focused on criminal justice is particularly problematic and inhibits the development of a more holistic approach. The current priority must be to preserve existing services for vulnerable women and their children. The Advisory Board should urgently clarify how the various inter-connected commissioning agendas will be coordinated and funded and how to mitigate the risks that services will not be afforded sufficient priority or that designated resources will be stretched too thinly across too many commissioning bodies. (Paragraph 119)

We agree that the responsibility for preventing women entering the criminal justice system cuts across departmental responsibilities. The Government's Strategic Objectives for Female Offenders are clear that a cross-Government approach is needed to address factors associated with and that lead to women's offending. In addition to the field work undertaken as part of the Enhanced Community Provision work stream we are also exploring best practice of partnership working in the community. This will include working closely with the Home Office to look at partnership working and co-commissioning for some of the factors associated with women's offending. This work will be used to help identify the future work of the Board.

The Board's work will link to that of the Government's new multi-agency network to lead mobilisation of the transformation of local public services. The goal of the Public Service Transformation Network is to drive local service transformation by spreading innovation and insight. This includes drawing from the approach taken by the four Whole-Place Community Budget pilots in Cheshire West, Essex, Greater Manchester, and in Hammersmith and Fulham, Kensington and Chelsea and Westminster. These pilots have so far produced radical and concrete early intervention reforms while delivering integrated services better able to meet the local community. Reducing re-offending and domestic violence have featured in the initial pilots and continue to be core themes of interest across the latest areas to be recognised as transformation pioneers. The network will ensure that learning and innovation are shared across public service organisations and communities.

13. Women's community projects are central to providing a distinct approach to the treatment of women offenders. They offer a challenging environment for women to serve their sentence as well as a broad range of practical and emotional support to enable them to change their lives for good. These centres also play an integral role in supporting women at risk of criminality who need to access other community services. Their effectiveness therefore depends to a considerable extent on the availability and appropriateness of other services for vulnerable women. The network of women's community projects must be retained. Funding and referral processes should have the flexibility to allow for referral at every stage in the system; including for women at risk, pre-court, post-court, as part of an order, and following a custodial sentence. The Government must find an alternative approach to funding these centres to avoid the criminal justice system being the primary gateway through which vulnerable women can access appropriate support. At the very least women's

centres must be given central support to navigate the new local commissioning arrangements, and to enable them to concentrate on delivering the very good work in those areas where they have specialist expertise. (Paragraph 120)

The Government agrees that the effectiveness of women's community services depends, in part, on the availability and appropriateness of other services for vulnerable women. However, we believe that it is for individual women's community services to determine on which client needs they should focus and from whom they will accept referrals. They will need to do this in partnership with other local needs assessments.

The Transforming Rehabilitation reforms will significantly change the commissioning arrangements for providers of services to female offenders in the community. CRCs will be established in each of 21 regional contract package areas, with responsibility for managing in the community all offenders posing a low or medium risk of serious harm. They will be paid by results for reducing re-offending and rehabilitating offenders. We anticipate that these CRCs will develop supply chains of local providers, offering a range of community-based rehabilitation services. The changes introduced by the Offender Rehabilitation Bill will result in larger numbers of offenders qualifying for offender management services in the community. Our reforms offer real opportunities for an expansion in the women's community service sector. The amendment to the Offender Rehabilitation Bill places a statutory duty on the Secretary of State for Justice to ensure commissioning decisions are informed by the particular needs of female offenders and so these services are likely to have a clear role to play in the future, delivering offender management services in the community for female offenders, and through-the-gate from custody.

MoJ hosted two workshops in August 2013 specifically for the women's community service sector. The aim of the workshops was to provide information and learning to help organisations within the sector to navigate the Transforming Rehabilitation programme competitions. Over 90 organisations attended the workshops. As mentioned previously, we are also committed to the continued funding of existing women's community services during the transitional period of the Transforming Rehabilitation programme. We expect existing providers of women's services to continue to receive funding from CRCs until March 2015 unless there are concerns about performance or demand is insufficient.

The implications for women offenders of the Transforming Rehabilitation proposals

14. The new NOMS commissioning landscape as envisaged in the Government's proposals for Transforming Rehabilitation presents both risks and opportunities for the Corston agenda. We welcome the Government's extension of through the gate statutory support to prisoners sentenced to less than 12 months, which is likely to benefit many women offenders. The range of services women offenders require is small in volume but complex. Potential providers of rehabilitative services need to recognise that levels of risk posed by women may not precisely reflect the level of support such women require. (Paragraph 126)

The Government's priority for criminal justice reform is the Transforming Rehabilitation programme. To ensure that the gender-specific needs of female offenders are met as part of these reforms, we have produced guidance for new providers on working with female offenders which identifies their needs and vulnerabilities. This will assist providers of services in ensuring that they work with female offenders in a way that recognises and addresses the factors associated with their offending.

In designing the competition process, we have paid close attention to ensuring the providers are incentivised to work with all offenders and not just the low-risk easy-to-reach cohort. We are developing contractual requirements and service specifications that are informed by the needs of female offenders where these differ from male offenders. As stated previously, the Government has also tabled an amendment to the Offender Rehabilitation Bill which will place a statutory duty on the Secretary of State for Justice to ensure contracts with the new probation providers consider and identify the particular needs of female offenders, thus helping to ensure that commissioning decisions are informed by the needs of female offenders. This will be reflected in the forthcoming competitions for probation providers in 21 contract package areas, with bidders' proposals for delivering women-specific services scrutinised as part of the evaluation process.

15. The issue of perverse incentives arising from a payments by results system may be a particular problem for ensuring that appropriate provision is made for women offenders as they are often classified for probation purposes as presenting a lower risk of re-offending or harm but have a higher level of need, requiring more intensive, and costly, intervention. (Paragraph 130)

The Government recognises that payment by results contracts introduce new incentives for service providers which are not present in more straight-forward orthodox "fee for service" contracts. Outcome-based success measures will encourage providers to do what works to reduce re-offending, and to address the particular needs of those offenders within their cohort.

Building on the experience gained from an initial programme of payment by results pilots (which adopted a range of performance metrics), it is intended that the performance measure to be introduced as part of the Transforming Rehabilitation reforms will reward providers who increase the proportion of offenders desisting from crime, whilst retaining an incentive to tackle the hardest to help. There will be advantages for providers of offering sustained support to all offenders within a cohort, and delivering tailored services that take into account their individual requirements, including those with more complex needs.

The Government has sought views on the proposed payment by results mechanism from potential bidders and other interested parties, with details set out in a "payment mechanism straw man" published on the [MoJ website](#) on 13 September 2013.

16. The broader role for women's centres envisaged by Baroness Corston seems to be in jeopardy with the combination of a reduction in funding in this financial year and confusion about the funding mechanisms on which they will depend in future. In bringing funding for women's centres under the NOMS umbrella, and making funding dependent on reductions in re-offending, the nature of the services provided, and the context in which they are provided, may be required to change considerably. Whilst reducing re-offending is one important goal, upstream diversion from offending and reduced frequency and seriousness of re-offending are also socially desirable outcomes which need to be valued by the criminal justice system. In shifting the funding of women's community services in this way there is a risk of dismantling a system which the emerging evidence suggests is working very well. Women's centres should not become wholly identified with the criminal justice system, but should continue to provide a local support network so that women can continue to receive help as they move away from the criminal justice system. (Paragraph 135)

The Government agrees that there is merit in women's community services working with other vulnerable women as well as those in the criminal justice system, and believes that it is for each centre, based on an assessment of local need, to determine the services that it will provide. The original 2009/11 New Opportunities Fund grant to voluntary sector organisations in England to develop tailored, community-based services was designed to demonstrate the effectiveness of these services and to embed them as part of local commissioning arrangements. Some services now receive funding from a large number of different sources. We agree that centres should be working locally to support women at risk in the local community.

17. Currently there is no system to capture and disseminate the experience of women's community projects. There is also a risk that women's centres and other provision for women will not prove suitable for evidence-based commissioning both because they are in relative infancy and because the MoJ has failed systematically to collect the information required to determine effectiveness. This is unacceptable given that these projects received central funding. Data from individual projects indicate a strong impact, but because they are not comparable results there is no ability to determine and disseminate best practice. NOMS now appears to be attempting to put this right but the fact remains that there is limited data on which to base commissioning decisions for the implementation of Transforming Rehabilitation. The focus on quantitative evidence is also likely to prove a major barrier for small specialist organisations, particularly those working with a minority group like women offenders, where there has been reliance on qualitative data, to illustrate success. NOMS must work hard with partners to develop the evidence base for commissioners, and explore how existing providers can gain access to data relating to their service users, in order to analyse and measure outcomes. If the strength of the evidence base remains weak as the transfer to new providers approaches then we consider that alternative funding mechanisms must be found to support these centres until better evidence of their capacity to reduce offending, or otherwise, is available. (Paragraph 139)

The Government agrees that access to and the development of robust data is important for providers. An illustration of this is given in response to recommendation 7, which describes some of the work being driven forward to improve data and evidence around women. As stated in the NOMS Commissioning Intentions for 2013/14, NOMS also recognises that quantitative analyses are difficult to conduct, particularly for services that run on a small scale. Advice is provided on how to take forward services where an evidence base is limited or evolving or where a service forms part of a wider approach to tackling offending. Guidance is also provided on the value of different types of qualitative research.

NOMS recognises that a single service will not always be able to demonstrate an impact on reconviction. We have been working with partners on developing our understanding of which intermediate outcomes are related to reduced re-offending and which interventions impact on those intermediate outcomes.

For many of the women's community services, their work with offenders comprises a small part of their overall service delivery. Given the holistic nature of the services, most services have their own data on their effectiveness which they will be able to share with potential providers. Much of this will be based on the widely used "outcomes star" and shows the journey travelled by each woman since accessing the service. This data has also been used by others to assess the effectiveness of women's community services. For example, the new economics foundation report, *Women's Community Services: A Wise*

Commission, which was jointly funded by NOMS and the Corston Independent Funders' Coalition, analysed data based on outcome stars from a number of women's community services. This and similar reports will be made available to new probation providers.

From April 2012, NOMS have required all Probation Trusts to collect information on all female offenders they referred to a women's community service. We now have one year of data from Probation Trusts (up until March 2013). This data will provide an indication of re-offending rates for the women referred to community services by Probation Trusts. The analysis will take place during summer 2014. This timeframe is required because calculating 12-month re-offending rates requires 12 months to have passed since the last referral took place and sufficient time is required to allow for cases to progress through the courts. NOMS receives quarterly information from Trusts about the number of women who are referred to women's community services. Trusts are not required to collect information about how many times a woman has attended. Some women's community services choose to collect this information through their own monitoring and data collection systems. It should be noted that other women who are at risk of offending and referred by courts, police, probation, prisons and the voluntary sector also attend the services.

The Government recognises that there are particular challenges to proving the effectiveness of the women's community services in terms of their impact on reducing re-offending. Properly assessing the impact of the women's community services requires substantial data collection (including data on whether individuals accessing these services are offenders and on the specific services individuals' access both at the service and elsewhere in the community). This data collection is complex; it can place a burden on the women's community services and the individuals involved and despite assurances about confidentiality can pose challenges for maintaining the attendance of vulnerable women who may be fearful about anonymity.

In addition to the data collected from Probation Trusts, the MoJ launched the Justice Data Lab in April 2013. Organisations can send the Justice Data Lab team details of the offenders they have worked with. The MoJ then matches these offenders to central datasets and return the re-offending rate of this particular cohort, alongside that of a control group made up of offenders with very similar characteristics. The number of women attending individual centres is too low to allow us to say whether any changes in re-offending are due to the impact of the centres, but having the data will enable the centres to track outcomes for the cohort who have used them.

18. The Government's proposals for Transforming Rehabilitation have clearly been designed to deal with male offenders. Funding arrangements for provision for women appear to be being shoehorned into the payment by results programme, resulting in the likelihood of a loss of funding for broader provision encompassing both women offenders and those with particular vulnerabilities that put them at risk of offending. In addition, the risk of sentencers using short prison sentences as a gateway to support undermines the post-Corston direction of travel in reducing the use of custody for women, and does nothing to mitigate the detrimental impact of short sentences on women, their families and the likelihood of reducing re-offending. If the Transforming Rehabilitation reforms are to work, improvement of information to sentencers about the alternatives to custody, which we have repeatedly called for, must take place. In that context there must be clarity about responsibility for that effective liaison with sentencers to raise the awareness of the judiciary about the range of available interventions, which has hitherto been vested in probation trusts. (Paragraph 143)

The Government does not agree that the Transforming Rehabilitation programme has been designed solely for male offenders. There are similarities in the resettlement needs of male and female offenders especially with regards to the need to access accommodation, employment or training, drug and alcohol interventions, and mental health treatment. However, as has been acknowledged widely in this response, we also know that female offenders have some different and sometimes more complex needs than male offenders. The requirement to provide services to meet these different needs is being designed into the service specifications and competitions. In order to win contracts, service providers will have to articulate in their bids that they understand and will respond to the different needs of female offenders. All bids will go through a robust evaluation process that will assess the extent to which potential providers are offering innovative and effective rehabilitation services to female offenders. Following the award of contracts, account managers within the MoJ will monitor provision to ensure that any key outputs for female offenders are delivered. As noted elsewhere in this response, the Government has added a clause into the Offender Rehabilitation Bill, placing a duty on the Secretary of State for Justice to ensure that contracts with the new probation providers consider and identify the particular needs of female offenders. This will help to ensure that consideration of the need to provide gender-specific services for female offenders informs future commissioning decisions.

Once the provisions of the Offender Rehabilitation Bill are in force, those serving under 12 months sentences will, for the first time in recent decades, be subject to statutory supervision and all offenders will be subject to a licence period (or a combination of licence and supervision) of at least 12 months in the community. Proportionally, more women than men are serving short sentences so they will benefit particularly from this element of the reforms. However, there will continue to be effective alternatives to custody for rehabilitation support. We are introducing a new Rehabilitation Activity Requirement as part of a community order or suspended sentence order, enabling those managing offenders to deliver to them a package of rehabilitative support in the community, which can be tailored to their needs.

The new Public Sector National Probation Service will retain responsibility for providing independent advice to sentencers on the needs of offenders and sentencing options. This advice will ensure that sentencers are fully availed of all the options which might comprise a community order as an alternative to custody, where the case meets the statutory threshold for imposing a community order.

19. Reducing re-offending is a very important goal, but so is preventing first offences by diverting women away from crime. We consider 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 re-offending but also the diversion of women from crime. A strategic inter-departmental approach should be taken to ensuring the long-term sustainability of services for women with complex needs. In the short-term it may be necessary to retain some grant funding for specialist provision for women, or to have a transitional phase whereby the funding for projects is initially ring-fenced to allow women's centres to gain credibility with new providers. It will also be important to clarify how new providers will contribute to existing local commissioning arrangements, for example, between probation trusts, police and crime commissioners and local authorities, or how statutory partnership arrangements could evolve to accommodate non-statutory local providers/commissioners. (Paragraph 149)

The Government consulted widely on the Transforming Rehabilitation proposals between January and March 2013. There was widespread support from respondents that providers should be commissioned to deliver services to meet the particular needs of female offenders. We amended some of our initial proposals in light of the consultation responses, for example, increasing the number of geographical areas around which offender management services will be commissioned from 16 to 21 contract package areas. We also considered whether female offenders could reasonably be commissioned as a separate offender cohort to enable an increased diversity of providers. This commissioning option introduced the risk of duplication of services across the system and a likely increase in costs. The regional configuration of the commissioning model also ensures that providers will be able to contract with local services that had developed expertise in working with female offenders. As outlined in response to Committee recommendation 18, we have designed the competition process to ensure that the particular needs of female offenders, where they differ from those of male offenders, will be met.

It was never the Government's intention that women's community services should be fully funded by MoJ or NOMS on a long-term basis. We understand that where services receive NOMS funding via Probation Trusts, this represents only a portion of their total funding. We have also been working with services and the voluntary sector more widely, including Clinks, Women's Resource Centre and Women's Breakout, to help prepare women's community services for the changes that will be introduced by the Transforming Rehabilitation reforms.

We are also working with the Home Office to encourage the delivery of local responses to local problems, including strategic planning, decision making, funding choices and making better use of existing programmes. These local responses include IOM: a partnership approach to tackling local crime and re-offending priorities, often including female offenders specifically.

In addition, the Police Service, supported by the Home Office and College of Policing, has been developing approaches to divert female offenders from the criminal justice system and reduce offending. The approaches, which are being developed across seven forces and partnerships, seek to provide alternatives to custody and prosecution by supporting alternative remedies. The liaison and diversion pilots at police stations and courts, which seek to ensure that offenders with mental health needs (including substance misuse, learning disabilities, and a range of other vulnerabilities) are identified and diverted away from the criminal justice system and into treatment where appropriate. These pilots are another important initiative for female offenders, many of whom suffer mental health and/or substance misuse problems.

The custodial estate

20. It follows from the thrust of our argument in this Report that we consider that the scope of the Government's custodial estate review is unduly limited in taking the size of the women's prison population as a given, particularly as the implementation of the remand reforms under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 may create some headroom in the system to enable a different approach to be taken with a smaller number of women. (Paragraph 154)

MoJ women's population data forecasts that the population will remain broadly stable in the coming years. The adult female prison population, at 30 June 2013, was 4% lower than at 30 June 2012. The agreed terms of reference for Women's Custodial Estate

Review, announced on 10 January 2013 and published today, made it clear that it was to consider the location and cost of women's prisons, their fitness-for-purpose, and if there is potentially a better configuration of the estate. The review was also commissioned to consider regimes and the provision of gender-specific interventions.

The Government has accepted the recommendations of the Women's Custodial Estate Review, which signals a new way of working for women's prisons – starting with ensuring that decision-making for female offenders takes into account three key priorities:

- Proximity to family (in particular dependent children) to maintain family ties throughout sentence.
- Ability to access interventions to reduce risk of reoffending and meet women's needs.
- Opportunity for meaningful resettlement which can continue on release, in line with the government's Transforming Rehabilitation Programme.

21. The Government's review of the female custodial estate should include a thorough consideration of prison regimes with a view to better supporting the development and sustainability of family ties; affording women the opportunity to develop their parental skills; and safeguarding the welfare of children. (Paragraph 164)

Given the high proportion of women who are primary carers of children and the levels of need they face as parents, the Women's Custodial Estate Review has considered how women's prisons can best support women to maintain contact with their families. The Government also recognises research findings that suggest that supportive family relationships can be a contributory factor to a reduction in re-offending rates, for men and women, as part of an overall rehabilitative approach.

The Review further recommends the establishment of community employment regimes across the estate, to enable women to establish employment links whilst remaining close to home. It also recommends the establishment of strategic hubs close to major centres of population, to serve the courts, hold women from the surrounding region and provide a range of interventions. These strategic hubs should provide an appropriate physical environment to support women's caring responsibilities through family visits which maintain and build upon relationships with children and other family members. In order to support women to maintain their relationships with these children, and be better prepared to care for them on release, the Review recommends an increase in the provision of family days in the women's estate so that these extended, interactive visits become the norm. It also recommends that other options for maintaining contact such as telephone calls and emails, with appropriate safeguards, should be increased to facilitate contact between visits, particularly for foreign national women, and the use of other technology explored.

The Review has not considered child safeguarding issues as this was outside the scope of the terms of reference. However, the Advisory Board is exploring cross-Government work on this issue.

22. The review of the prison estate should examine the impact of recent, and planned, cost savings and resulting headcount reductions both on regimes and resettlement provision in women's prisons. (Paragraph 166)

The NOMS benchmarking project is looking at these issues. The findings of the Women's Custodial Estate Review have already fed into their work and will continue to do so as the project assesses possible future budgets for women's prisons.

Foreign national prisoners

23. As so many foreign national women prisoners are eventually released and not deported, it should be assumed that they require resettlement support unless it is clearly not required, and the Government should make clear how they will deal with foreign national prisoners under the Transforming Rehabilitation programme. (Paragraph 172)

The Government intends to provide through-the-gate resettlement services to all offenders. This includes foreign national offenders who are not subject to immediate deportation. We recognise that some offenders have more complex needs than others and this might include female foreign national offenders. We have designed the through-the-gate service specification to enable more resource to be allocated to assessing and meeting the needs of offenders with complex needs. Foreign national offenders will have their individual needs assessed and their resettlement plans will be devised to meet those particular needs.

The Women's Custodial Estate Review recommends that most foreign national women should be treated in the same way as British women. However, for those identified by the Home Office as being likely to be deported, work should be undertaken with the Home Office to develop a hub at Peterborough for female foreign national offenders taking into account best practice from the men's hub and spoke system. This will allow for more effective decision making by the Home Office whilst providing earlier clarity of immigration status. The creation of a hub will also lead to better information sharing between custodial managers and Home Office caseworkers and will provide the potential to build strong links with other stakeholders in the Peterborough area.

The ethos of regimes

24. We were impressed by the approach taken at HMP Styal to foster independent living skills and a sense of responsibility within small residential units, and to build emotional resilience through therapeutic interventions. We were also impressed by the apparent ability of the prison to cater for women serving a range of sentences, with a range of risks and needs, to the best of its ability. We believe the experience at HMP Styal demonstrates the benefits of small units in developing responsibility and enabling different types of prisoners to offer support to each other. We would like to see more focus on care rather than security in custodial regimes for women where appropriate. Priority should be given to finding appropriate ways of enabling and encouraging women to take more responsibility for their lives while they are serving a custodial sentence. (Paragraph 175)

The Women's Custodial Estate Review has considered what constitutes an appropriate physical environment for female prisoners. Several prisons are already providing facilities which enable women to take more responsibility for their daily lives during their sentences. These include skills such as budgeting, cooking, dealing with authorities including benefits offices, responsibility for a home and parenting skills. The Review recommends provision of life skills training should be increased and expanded so that all prisons offer peer led services. Expansion of independence skills would complement the other skills taught to women in prison and will help to offer them very practical response to the difficulties which they describe in their lives in the community.

The Review also announces plans to work across the women's estate to develop community employment regimes that, as part of the Transforming Rehabilitation intention to make every women's prison a resettlement prison, will provide appropriately low-risk women with increased employment opportunities whilst maintaining closeness to home. It recommends the establishment of strategic hubs close to major centres of population, to serve the courts, hold women from the surrounding region and provide a range of interventions. It further announces plans to establish a new open unit at HMP Styal which will accommodate 25 women who are assessed as being at the appropriate low-risk level. These women will be supported to work outside of the prison with access to the rehabilitative intervention programmes and health treatment available at the prison. We will test this approach. We will also be exploring the creation of commercial employment opportunities at HMP Styal and will provide an update to the Advisory Board on our plans in due course.

Staffing and training

25. The Government's review of the women's estate should include an assessment of the competencies required to work with women offenders and an appraisal of existing national standards. The women's awareness training that has been provided to prison staff should also be evaluated and the review should seek to examine whether the training provided is sufficient to enable staff to deal confidently and sensitively with the distinct needs of women offenders, including those who have committed sexual offences. (Paragraph 177)

Consideration of the competencies required by staff working with female offenders was outside the scope of the Estate Review. However, the Review has provided useful learning and insights that will inform the development of prison officer training to ensure it provides appropriate foundation training for those working in the women's estate.

The gender specific training implemented following the Corston Report is being reviewed by NOMS, with the aim of updating it for the current needs of the estate and including a focus on the skills required by staff working with women in prison. The findings of the Review will be included in the changes being made to foundation level training, which covers recruitment, assessment and initial training of operational staff.

Self-harm and deaths in custody

26. The Government's review of the women's estate should consider whether alternative forms of custodial provision can be devised, in collaboration between the Ministry of Justice and the Department of Health, which would provide a more appropriate environment for vulnerable women with multiple and complex needs who have committed serious offences. (Paragraph 182)

The consideration of alternative forms of custodial provision was outside the scope of the terms of reference of the Estate Review. However, as set out in response to Committee recommendation 2, the Government is exploring models of provision of alternatives to custody for vulnerable offenders with mental health and substance misuse needs.

As mentioned previously, we have also been developing a female offender personality disorder strategy with the Department of Health, which aims to introduce joint health/criminal justice pathway services based on an integrated model of psycho-social

health. The strategy for women will provide up to four new personality disorder treatment services nationally (80 places). These will complement the existing high-harm Primrose service at Low Newton, the Therapeutic Community at HMP Send, and the CARE programme at Foston Hall.

The term "complex needs" has been applied both to women who are highly distressed and those who present with a range of mental health related issues. For some of these women, a number of which suffer from personality disorders, these issues can manifest themselves in challenging behaviour. This can include violent and unpredictable conduct which poses such a high level of threat to others that they may not be able to be safely accommodated in normal living conditions with other women or easily engaged in group activities. Options are being considered for the introduction of enhanced guidance which will further strengthen the management of those women who continue to present a danger to others.

The difficulties of co-ordinating and sequencing interventions are more acute for women who have complex needs and challenging behaviour. NOMS are in the process of establishing a case management model to facilitate the progression and care of the most complex cases.

It is anticipated this team will also provide a case management and national overview function for those women categorised as Restricted Status (RS). The aim of the emphasis on the RS cases will be the direction of interventions which will allow them to actively engage in rehabilitation and thereby evidence any potential reduction in their risk and/or challenging behaviour. The overarching objective of which would be to provide a framework for these women to have the opportunity be able to improve their behaviour and progress to the point of no longer having to be managed differently to other women.

The approach will be multi-disciplinary and inclusive. The proposals include the introduction of Review Board, to provide overview of the case management and intervention activity, which will meet regularly to consider all cases.

Small custodial units and the female custodial estate

27. We are encouraged that the Government is open to considering small custodial units, which were widely supported by our witnesses. We would like to see any such consideration being undertaken in the context that it was initially proposed by Baroness Corston, in other words accompanied by an effort to reduce the prison population by reserving custody for those women who pose a serious threat. The review must also, as a matter of urgency, find a solution to the unacceptable lack of secure provision for women in Wales. We consider that the situation in Wales provides an ideal opportunity to test the combination of residential alternatives to custody and a small custodial unit. (Paragraph 195)

The Women's Custodial Estate Review considered Baroness Corston's recommendation for small custodial units. Whilst the team agreed that women should be held in appropriate physical conditions as close to home as possible, they also need to have access to the wide range of services that prisons provide, particularly in partnership with health. Access to this support is vitally important to addressing the factors associated with offending.

We will therefore establish an open unit at HMP Styal accommodating 25 women at the appropriately low-risk level within easy reach of a conurbation. This will provide a broad

range of paid and voluntary work opportunities for women enabling them to establish links in their local area and will help to foster independent living skills and a sense of responsibility. We will also test effectiveness of this approach on re-offending and will use this to inform the development of improved resettlement opportunities across the women's estate.

As noted above, the Estate Review also announces plans to work across the women's estate to develop community employment regimes that, as part of the Transforming Rehabilitation intention to make every women's prison a resettlement prison, will provide appropriately low-risk women with increased employment opportunities whilst maintaining closeness to home. It also recommends the establishment of strategic hubs close to major centres of population, to serve the courts, hold women from the surrounding region and provide a range of interventions.

Following successful implementation of these regimes and hubs will reduce the need for the two open prisons (HMPs Askham Grange and East Sutton Park), which are located in rural areas of Yorkshire and Kent and therefore do not fully meet the needs of the majority of women in prison there, particularly in relation to the maintenance of closeness to home and the establishment of employment links which will endure post-release. If this reduced need for places in the open prisons is observed we will therefore make plans to close these prisons. Maintaining underused prisons would not be viable in the current financial climate.

The review team has also met with representatives of the Welsh Government and prisoners from Wales to enable a full consideration of the needs of female offenders from Wales.

28. Sometimes being required to live away from a home area can provide the break with a set of circumstances which, if a women were to return to them, would be likely to perpetuate the problems that caused her to offend in the first place. Having only six approved premises for women limits the number of women who can benefit from their constructive regimes and support. More women could benefit from safe, secure and supervised accommodation. Approved premises have the expertise and experience of working with female offenders across the full risk of harm continuum and we consider that the approved premises estate could usefully be expanded to manage more women safely and cost-effectively in the community. We would like to see the review consider how existing approved premises regimes could safely be adapted for a broader range of women, and how more creative use of a greater number of approved premises provision could be funded. (Paragraph 196)

As part of the Advisory Board's Enhanced Community Provision work stream, we are looking at the potential for using Approved Premises more effectively for female offenders. To some degree, the six female-only Approved Premises in England and Wales are already used flexibly. Whereas for the 94 male-only Approved Premises, in order to deliver effective public protection, places are predominantly reserved for high risk of harm offenders on their release from custody, the female-only Approved Premises contains more medium and low-risk female offenders.

29. We would like to see a gradual reconfiguration of the female custodial estate, coupled with a significant increase in the use of residential alternatives to custody, including approved premises and supported bail accommodation, as these are likely to be more productive than short custodial sentences. Prison is an expensive and ineffective way of dealing with many women offenders who do not pose a significant risk of harm to public safety. We urge the Government to consider the

merits of taking an 'invest to save' approach, which could involve diverting some resources from the prison building fund. They should also consider the savings that could be made if residential options are used to prevent children needing to be cared for by other people, including the state. (Paragraph 197)

The Women's Custodial Estate Review has focussed on the configuration of women's prisons and the regimes being delivered within them. This is to ensure that they meet the particular needs of female prisoners. However, as stated previously in the response we are undertaking work with sentencers, probation trusts and community providers to explore options to enhance community provision in order to divert women from short custodial sentences where it is appropriate to do so. This includes looking at the potential for Approved Premises to be used more flexibly.

In addition to the current provision for female offenders in Approved Premises, the current Bail Accommodation and Support Service (BASS) contract makes provision for female offenders. A minimum of 10% of available BASS bed spaces are reserved for women and currently this is at 13%. These bed spaces are spread across 28 locations giving good access to provision across all of England and Wales. The current BASS contractor, Stonham, has developed "BASS4Women" which takes account of the particular needs of female offenders. This includes accommodation for sole use when accompanied by dependent children, being able to request a female support officer, access to specialist services for those who are involved in prostitution or have experienced domestic abuse, and links to women's community projects for on-going support.

The current BASS contract has been extended by two years and runs to June 2015. Consideration will be given, in due course, to how BASS will be incorporated into the new community arrangements from 2015. This consideration will include any learning from the Enhanced Community Provision work stream being undertaken by the Advisory Board.

An integrated approach to vulnerable women and their families

30. We are unconvinced about the extent to which the approach set out in the Government's strategic priorities for women offenders is truly integrated across Departments, and there is need for clarification about what a 'whole system' approach means in practice. The Advisory Board should map the confusing array of Government initiatives that together have the potential to benefit vulnerable women and girls at risk of offending and specify how these should integrate with the strategy for women offenders. (Paragraph 202)

The Government agrees that the Advisory Board has an essential role to play in capturing, distilling, and promoting greater understanding of the breadth of ongoing cross Government work that has benefits for female offenders and women at risk of offending. Our Whole System Approach work stream will look in detail at the work that takes place both inside and outside the criminal justice system that addresses the factors associated with women's offending. It will also examine gaps in provision, both at a central and local Government level, with a view to promoting better joined-up working.

The Board has already considered a document mapping cross-Government work to address factors associated with women's offending, and has made a number of recommendations on where improvements to provision could be explored. Moving forward the Board will consider information about effective partnership working in local areas with an emphasis on services outside of the criminal justice system, including co-

commissioning. This will be used to challenge and explore opportunities for more joined-up working. Our update to Parliament on progress made against delivery of our Strategic Objectives in 2014 will be signed off by the Home Affairs Committee.

Lessening the inter-generational impact of crime

31. We note the Government's commitment to expand the Troubled Families programme. We believe that it should direct support to children whose parents are already directly involved in the criminal justice system, because they are serving time in prison or sentencing in the community; we were surprised that this is not one of the explicit criteria for inclusion in the programme. The Ministry of Justice, in conjunction with the Advisory Board, must clarify who has responsibility for promoting the needs of women offenders and those at risk of offending with commissioners of mainstream services. (Paragraph 206)

The criteria and final design of the expanded Troubled Families programme have not yet been determined and will be developed over the course of the next year in collaboration with local authorities, other Government departments and key stakeholders, including those in the criminal justice system. The Advisory Board can input into this process.

The current Troubled Families programme prioritises families affected by crime and anti-social behaviour within its national eligibility criteria. In addition, many areas have selected local criteria which relate to adult offending and associated problems, such as substance misuse and domestic violence.

The Advisory Board will, through its Whole System Approach work stream, promote understanding of the needs of female offenders and women at risk of offending amongst commissioners of services and others who come into contact with these women. This will be achieved by working alongside the SJCC, as well as closely with other Government departments to embed the recognition of the factors associated with women's offending. It will also include examining local partnership working to promote best practice and consider how to address any barriers that may be preventing better joined-up working.

Political courage

32. Baroness Corston intended that her agenda for reform should stretch beyond criminal justice to also benefit women with multiple vulnerabilities in the community, and their children. We welcome the Government's stated support for a 'whole system' approach, but there is little to signal a radical shift in the Government's thinking about what this means. All the signs are that in practice it will prove to be a partial and fragmented approach. Careful investment in women's services has the potential to make significant 'whole system' improvement yet funding options appear unlikely to be available for that purpose. We believe a 'whole system' approach should enable such services, and others, to provide earlier intervention to address the inter-generational nature of offending, and to stem the flow of girls and women into the criminal justice system. That system is not equipped to tackle the multiple problems that contribute to women's offending and in many cases, compounds rather than solves issues, increasing a woman's chance that she will end up in custody. Breaking the link between women with mental health problems and the criminal justice system must also be a key priority. (Paragraph 212)

The Advisory Board's programme of work is intended to provide challenge and leadership for central government and local areas to improve understanding of and service provision to address the particular needs of female offenders and those at risk of offending. For the first time we have invited interest groups and experts to join the cross Government Ministerial-led Advisory Board to tackle this issue. With the ongoing input and challenge of such experts we can achieve the Whole System Approach by ensuring that the need to address the factors associated with women's offending are embedded across Government, and through the consideration and dissemination of good local partnership working.

33. The Parliamentary Under Secretary of State for Justice, Women and Equalities has lead responsibility for progress both for women offenders and for those at risk of offending. This work will require strong backing from Ministers at the highest levels across Government. The efficacy of existing governance arrangements, along with the changes we recommended earlier in our report and the progress made against the Government's strategic priorities, should be reviewed after one year and should be used to inform a consideration of whether responsibility for driving the strategic approach should transfer to the Department for Communities and Local Government as Baroness Corston originally intended. (Paragraph 213)

The Government will give a progress report to Parliament in March 2014. This will mark the first anniversary of the publication of the Strategic Objectives for Female Offenders, and establishment of the Advisory Board, and will be signed off by all members of the Home Affairs Committee.

We question the value of transferring responsibility to the Department for Communities and Local Government. At the time of the Corston report, policy responsibility for women and equalities lay within the Department for Communities and Local Government, in the Women and Equality Unit. However, this has since transferred to the new Government Equalities Office, which is under the Secretary of State for Culture, Media and Sport. We believe that Lord McNally is best placed to lead the female offenders' agenda.



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