

Equalities Impact Assessment for the Female Offender Strategy

Name of Policy	Female Offender Strategy
Policy lead	Madeleine Percival and Catherine Pearson
Start date	November 2016

Introduction

1. The Corston report: *A Review of Women with Particular Vulnerabilities in the Criminal Justice System* (2007), noted that “Women have been marginalised within a system largely designed by men for men for far too long and there is a need [] to ensure that their needs are properly recognised and met”.
2. The Prison Safety and Reform White Paper in November 2016 included a commitment to publish a strategy for female offenders in the community and custody, and the 2017 Conservative manifesto included a commitment to “introduce dedicated provision for women offenders”.
3. This document is a statement of how the Ministry of Justice (MoJ) has demonstrated ‘due regard’ to the Public Sector Equality Duty (PSED) in the design and development of the Female Offender Strategy.
4. The PSED is a legal duty which requires public authorities to have due regard to each of the following when devising policies otherwise carrying out their functions:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share such a protected characteristic and those who do not.

Brief description of the planned product. What are the high-level equality objective/s (positive opportunities) associated with your product? How will you ensure that your project is inclusive to all those affected? What are the risks, including risk of bias?

5. The female offender strategy sets out the Government’s aim to reduce crime and see fewer women entering the justice system, going into custody, and reoffending. It aims to create a justice system that is based on the best available evidence of what works to reduce offending and reoffending, responds in a gender-informed way to women’s particular needs at all points of the system, recognises that they have frequently been victims of abuse, and offers holistic individualised approaches to support them to turn their lives around.

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6. The effects of our strategy on female offenders will include:
- Better Early Intervention for vulnerable women at risk of offending, to steer them away from the criminal justice system and into treatment and support where appropriate;
 - An increase in the number of women diverted from custody through improving provision for women in the community;
 - Improving the conditions and outcomes for those in custody;
 - Leadership at a national level that empowers local areas to institute holistic and gender-informed approaches for this cohort;
7. The female offender strategy allows us to advance equality of opportunity between male and female offenders by systematically reforming the way in which female offenders are treated throughout the criminal justice system and beyond. The strategy is underpinned by some evidence that a gender-informed approach that addresses the causes of women's offending, including previous abuse and trauma, is more effective than a gender-neutral approach in rehabilitating female offenders and addressing their often complex needs¹. We believe the evidence demonstrates that this strategy is a proportionate means of achieving the legitimate aim of minimising particular disadvantages suffered by the adult female offender population.

First steps: Identify when in the project you will consider, plan and discuss the equality opportunities associated with your proposed product.

	Key Date
Advisory Board on Female Offenders	Quarterly
Two Calls for Evidence	May and November 2017
Engagement with the Women's Estate	October 2017
Engagement with Whole Systems Approach (WSA) MoJ-funded areas	November 2017 – June 2018
Work to consider the specific needs of Black, Asian and Minority Ethnic women in the criminal justice system	January – December 2018
Engagement with other Government Departments	December 2017 – June 2018
Engagement with Home Office and MoJ on Female Offenders as victims of domestic abuse	March – July 2018
Engagement with key stakeholders through TV License prosecutions gender disparity roundtable	May – December 2018
Workshop on the Strategy with key CJS, statutory and third sector stakeholders	June 2018

¹ For example, Gobeil, R., Blanchette, K., & Stewart, L. (2016). A Meta-Analytic Review of Correctional Interventions for Women Offenders: Gender-Neutral Versus Gender-Informed Approaches.

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Ongoing record: Key dates when equality was considered and actions taken as a resultⁱ

Context:

Advisory Board for Female Offenders

Date:

Established in 2013 and quarterly meetings since

Action / Owner:

MoJ to take into account how various discussions during ABFO can impact equality around female offender policy and incorporate this into the direction for our Strategy

Context:

Two separate calls for evidence from key stakeholders on the Female Offenders Strategy

Date:

May and November 2017

Action / Owner:

MoJ to take into account the written detail from key stakeholders on the direction for our Strategy and the equalities impacts cited here

Context:

Engagement event in HMP East Sutton Park
Engagement event in HMP Downview

Date:

October 2017

Action / Owner:

MoJ to incorporate frontline knowledge from the women's estate and understanding of equality into the drafting of our Strategy

Workshop with MoJ-funded WSA areas about the strategic planning and delivery of their approaches

Date:

November 2017

Action / Owner:

MoJ to incorporate frontline knowledge and understanding of equality into the drafting of our Strategy

Context:

Roundtable on Black, Asian and Minority Ethnic women in the criminal justice system

Date:

29 January 2018

Action / Owner:

MoJ to incorporate the distinct needs of BAME women into the Strategy's key themes into a revised draft and into wider publicity and communications work around it

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Context:

Working group meeting on the review of PSO 4800 into the Women's Policy Framework to be launched for Trade Union consultation alongside the Strategy

Date:

16 March 2018

31 May 2018

Action / Owner:

MoJ to incorporate comments regarding equality from colleagues across MoJ and HMPPS into the framework which will provide overarching guidance to practitioners working with women in the CJS

Context:

Roundtable with Dr Phillip Lee and key stakeholders for female offenders with experience of domestic abuse

Date:

15 May 2018

Action / Owner:

MoJ to incorporate this specific topic and the understanding of the equality impacts of our Strategy's key themes into a revised draft and into wider publicity and communications work around it

Context:

Roundtable with key stakeholders on prosecutions for TV License evasion and its disproportionate effect on female offenders

Date:

18 May 2018

Action / Owner:

MoJ to incorporate this specific topic and the understanding of the equality impacts of our Strategy's key themes into a revised draft and into wider publicity and communications work around it

Context:

Female Offender Leadership Board with other Government Departments to discuss our draft strategy's key themes

Date:

4 June 2018

Action / Owner:

MoJ to incorporate OGDs understanding of the equality impacts of our Strategy's key themes into a revised draft and into wider publicity and communications work around it

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Context:

Officials led workshop with ABFO members to engage stakeholders to discuss our draft strategy's key themes

Date:

6 June 2018

Action / Owner:

MoJ to incorporate stakeholders understanding of the equality impacts of our Strategy's key themes into a revised draft and wider publicity and communications work around it

Context:

Engagement with Welsh government

Date:

W/c 11 June 2018

Action / Owner:

MoJ to incorporate a Welsh perspective and equality impacts into a revised draft of our strategy and wider publicity and communications work around it

Evidence and Analysis relating to female offenders:

8. Female offenders aged 18 and over are underrepresented in the CJS. Despite making up half of the adult general population, on 22 June 2018 there were 3,850 adult women in prison, making up just 4.6% of the total prison population².
9. The type of offending committed by female offenders aged 18 and over differs from that committed by adult men. On average, women serve short custodial sentences for non-violent offences³, are a low or medium risk of serious harm to the public⁴, but are persistent, low level offenders⁵. In 2017, the average custodial sentence length was 10.0 months for adult women and 17.7 months for adult men⁶. 72% of custodial sentences for women were six months or less, compared with 56% of men⁷. The majority (94%) of women serving custodial sentences of fewer than 12 months who have an assessment are low or medium Risk of Serious Harm⁸.
10. Women commit less serious offences than men⁹ and a greater proportion of female defendants are prosecuted by bodies other than the police¹⁰. In 2017, 36% of immediate custodial sentences for women were for shoplifting offences, compared to 12% for men,

² <https://www.gov.uk/government/statistics/prison-population-figures-2018>

³ <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017>

⁴ MOJ (2018). Supporting data tables: Female offender strategy. Available at:

<https://www.gov.uk/government/publications/female-offender-strategy>

⁵ <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017>

⁶ Ibid.

⁷ Ibid.

⁸ MOJ (2018). Supporting data tables: Female offender strategy. Available at:

<https://www.gov.uk/government/publications/female-offender-strategy>

⁹ <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017>

¹⁰ MOJ (2018). Supporting data tables: Female offender strategy. Available at:

<https://www.gov.uk/government/publications/female-offender-strategy>

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with an average custodial sentence of 1.7 months¹¹. 11% of women and 23% of men were sentenced for indictable/triable either way offences¹². Of these, shoplifting made up 43% of all sentences for indictable/triable either way offences for females and 19% for male offenders.

11. Outcomes for women in custody are generally poor, both for themselves and their families. When in custody, women are more likely than men to self-harm. In 2017, women accounted for 19% of self-harm incidents¹³, whilst making up around 5% of the total prison population.
12. The imprisonment of mothers also results in poor outcomes for children. In prisoner surveys conducted in 2003 and 2004, a higher proportion of imprisoned mothers reported living with their children prior to imprisonment than imprisoned fathers (~60% vs. ~45%)¹⁴. Evidence from these surveys also suggests that the imprisonment of mothers has a greater impact on the living arrangements of dependent children than the imprisonment of fathers. Other research supports this, with one study suggesting that only 5% of women prisoners' children remain in their own home once their mother has been sentenced¹⁵. International evidence has found that children with incarcerated parents are at increased risk of antisocial and offending behaviour¹⁶.
13. Immediate outcomes for women on release from prison are generally thought to be poor. Over half of adult women (56.1%) and almost half of adult men (47.3%) released from custody between April to June 2016 reoffended within a year¹⁷.
14. The Offender Rehabilitation Act (ORA) 2014 expanded licence supervision so that anyone sentenced to more than a day in prison will receive at least 12 months supervision on release. In 2017, 1,651 women were recalled to prison with 60% (986 women) recalled under ORA, compared with 39% of men¹⁸. Failure to keep in touch and non-compliance are the most common reasons women are recalled¹⁹.
15. Accommodation and employment outcomes are particularly poor for women leaving custody. Between April to end December 2017, 39% of women allocated to CRCs and the NPS on release were released into unsettled accommodation, with 18% of women released homeless²⁰ and just under two thirds of women released from prison in 2010/11 were claiming out-of-work benefits one month after release, compared to just over half of men²¹. A 2016 joint report by HM Inspectorate of Probation and HM Inspectorate of Prisons on Through the Gate resettlement services for short-sentenced prisoners was critical of the accommodation support provided to prisoners.²² While some good work was observed regarding maintaining pre-existing tenancies, most prison leavers needed

¹¹ <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017>

¹² Ibid.

¹³ <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-december-2017>

¹⁴ <https://www.gov.uk/government/publications/prisoners-childhood-and-family-backgrounds>

¹⁵ Rona Epstein (2012) Mothers in Prison.

¹⁶ Murray, Farrington, Sekol (2012) Children's Antisocial Behavior, Mental Health, Drug Use and Educational Performance After Incarceration: A Systematic Review and Meta-Analysis. *Psychological Bulletin* 2012. Vol 138. No.2, 175-210

¹⁷ MOJ (2018). Supporting data tables: Female offender strategy. Available at: <https://www.gov.uk/government/publications/female-offender-strategy>

¹⁸ <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2017>

¹⁹ Ibid.

²⁰ MOJ (2018). Supporting data tables: Female offender strategy. Available at: <https://www.gov.uk/government/publications/female-offender-strategy>

²¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/380090/women-cjs-2013.pdf

²² <https://www.justiceinspectors.gov.uk/cjji/wp-content/uploads/sites/2/2016/09/Through-the-Gate.pdf>

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support to find somewhere to live upon release – and not enough was being done to address these needs.

16. Based on the evidence, we have identified a number of disadvantages suffered and needs which are particularly prevalent amongst adult female offenders. We also know that there is some evidence that a gender-informed approach that addresses the causes of women's offending, including previous abuse and trauma, is more effective than a gender-neutral approach in rehabilitating female offenders and addressing their often-complex needs²³.
17. We therefore believe that we are meeting the requirements of the Public Sector Equality Duty by developing a Female Offender Strategy. The strategy and its associated work support the policy aim of reducing female offending and reoffending, benefitting the women themselves and wider society.
18. The strategy is a proportionate means of achieving the aim of enabling and encouraging these offenders to overcome the disadvantages faced by women in the criminal justice system and meeting the complex needs of female offenders.
19. The need for a strategy for female offenders is further supported by a research paper by the London School of Economics on 'Confronting Gender Inequality' which states that:
*"Successive reports over many years have drawn attention to the plight of women in the criminal justice system, where their relatively small numbers have led to special disadvantages – notably in terms of the likelihood of being imprisoned far from home, of being separated from children for whom they are primary carer, or of serving their sentence in a prison which is unsuitable or inadequate in terms of training, medical or mental health services. In particular, both sentencing decisions and the design of prison regimes should take into account the high proportion of women offenders who are themselves the victims of violence, trafficking, emotional abuse and other forms of gendered disadvantage."*²⁴
20. Based on the evidence of several poorer outcomes for women in the criminal justice system compared with men and the particular disadvantages suffered by adult female offenders, we consider the strategy to be a means of advancing equality of opportunity for women in the criminal justice system. MoJ and HMPPS will continue to advance the equality of opportunity for male offenders, by meeting their differential needs and taking steps to mitigate any disadvantage they may face.

Evidence Sources:

21. In assessing potential equality impacts of the strategy, we have used the following key evidence sources:
 - a. Criminal Justice Statistics (England and Wales) data which provides key statistics on activity in the criminal justice system for England and Wales and includes data on protected characteristics, where available. Comparisons have been drawn with population data and data on male offenders.
 - b. Data on offenders starting community orders or suspended sentence orders, or in prison, are from Offender Management Statistics (England and Wales). These data

²³ For example, Gobeil, R., Blanchette, K., & Stewart, L. (2016). A Meta-Analytic Review of Correctional Interventions for Women Offenders: Gender-Neutral Versus Gender-Informed Approaches.

²⁴ http://www.academia.edu/19577107/Confronting_Gender_Inequality_LSE_Research_Paper

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have been used to assess whether some offenders (in terms of protected characteristics) may be more likely to be affected by the strategy.

- c. *Statistics on Women and the Criminal Justice System* (2015) which compiles statistics from data sources across the Criminal Justice System (CJS), to provide a combined perspective on the typical experiences of women who come into contact with it.
 - d. *NOMS Annual Offender Equalities Report* which contains details of those in prison, and those on community licences or orders, covering topics including safety in custody, absconds, Release on Temporary Licence (ROTL), adjudications, Incentives and Earned Privileges (IEP), deaths under supervision, those receiving electronic monitoring and Home Detention Curfew, and reoffending by protected characteristic.
 - e. The NOMS *Achieving Better Outcomes for Women Offenders* guide (September 2015) which draws on the best available evidence on 'what works' to set out principles for the commissioning of services for female offenders aged 18 and over.
 - f. Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of adult prisoners sentenced to between one month and four years in 2005 and 2006, which collected data on a range of different factors relevant to offenders.
 - g. Data from the Offender Assessment System (OASys). OASys is a structured risk assessment and management instrument that guides and assists offender managers / supervisors to assess and manage offenders' risks and needs and to adapt intervention delivery to be responsive to the offender. OASys is used throughout the sentence, with the initial OASys assessment carried out early in the sentence and reviewed according to the sentence length and type of offender. Not all offenders receive an OASys assessment.
22. The data sources used have limitations. The equalities analysis presented here takes into consideration the relative limitations of each data source in terms of the strength of the conclusions that can be drawn regarding the potential equality impacts.
23. These are:
- a. As with many administrative datasets, the quality of the data is affected by the extent of missing data. High completed rates are not registered for a number of categories (age, disability status, gender reassignment status, race, religion, sex and sexual orientation, marital/civil partnership status).
 - b. The SPCR was a survey conducted face-to-face with offenders held in custody in England and Wales in 2005/06. Respondents were asked about a range of areas including: their backgrounds and families, their offending history, their educational achievements and employment status, their attitudes and needs, and their plans and expectations upon release from prison. As the figures are from 2005/06 results may not be representative of today's population of prisoners.
 - c. Not all offenders receive an OASys assessment, so data may not be representative of the complete offender population.

Due to these data gaps we have not presented a comprehensive picture in relation to all the protected characteristics.

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Summarise the general ways you have embedded equality and inclusion into your product in order to make sure it is suitable or as relevant as possible. This will include how you have addressed the potential for bias:

24. A number of steps are already in place or in train to ensure that the new policy direction takes equality into consideration at every stage – from initial conception through to completion.
25. We have drawn upon evidence from the sources listed above, as well as reports from HM Inspectorate of Prisons, the Corston Review of Women with Particular Vulnerabilities in the Criminal Justice System (Corston report 2007), the Women’s Custodial Estate Review (2013) and drawn upon findings from the Lammy Review (2017).
26. The Advisory Board on Female Offenders (ABFO) has discussed the Female Offender Strategy at different stages of development. The Board, which is chaired by the Minister for women in the CJS, includes criminal justice representatives, voluntary sector providers, inspectorate representatives, external penal reform organisations and other specialists in the field, as well as Government Departments. Its role is to provide support and challenge to the Government and officials in improving the treatment and rehabilitation of female offenders. The Board has also advised on equality considerations for the strategy, focusing specifically on female offenders with protected characteristics.
27. A call for evidence was issued in March 2017 to support the strategy development, engage key stakeholders and sense check emerging evidence and principles. Requests were sent to members of ABFO and voluntary sector providers affiliated to Clinks, which is an umbrella organisation of voluntary sector services supporting offenders.
28. The call for evidence provided responses from 14 organisations and asked five key questions to further inform the development of the strategy and highlight any concerns and issues with our initial proposals for the strategy. The responses were analysed and any recommendations were appropriately considered and taken forward.
29. On 6 June 2018, officials led a workshop with the membership of ABFO; outlining the vision and direction of travel of the Female Offender Strategy and highlighting key messages from the MoJ. The board provided constructive feedback on nuances within the strategy and broadened our discussions of equality considerations and provisions made within the strategy for female offenders with protected characteristics.
30. We have held and will continue to hold roundtables, workshops and other engagement opportunities with key stakeholders who represent staff, other government departments, prisoner representative groups and a range of third sector organisations supporting female offenders. These engagement opportunities revolve around subjects such as gender-specific areas of the CJS like Women’s Centres and offences that disproportionately affect women such as TV license evasion²⁵. These opportunities also consider how these areas affect sub-sections of the female offender cohort with protected characteristics in different ways, how we can understand this and incorporate it into our strategy.
31. We have consulted and are continuing to consult with a group of Judges and Magistrates on sentencing approaches to women to better understand their decision process and inform our strategy with regards to using community sentences for female offenders rather than short custodial sentences where appropriate.

²⁵ <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017>

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32. We have met with academics who have conducted extensive research on female offenders and their complex needs. They have provided us with recommendations on how the Ministry of Justice should develop the strategy to better meet the complex needs of female offenders and address the underlying issues leading to their offending and reoffending behaviour.
33. We have held events to inform the development of a Whole System Approach (WSA) to female offenders in our strategy and understand best practice to support local areas that have been allocated funding from the MOJ to develop a WSA model. An event was held prior to funding allocation to discuss the principles of a WSA and the scope to develop models throughout England. The event was attended by representatives from the police and Police & Crime Commissioners; National Probation Service; prisons; Community Rehabilitation Companies; NHS Health & Justice leads; local authorities; women's community services; officials from Ministry of Justice/NOMS, Department of Work & Pensions, Ministry for Housing, Communities, and Local Government (MHCLG) Public Service Transformation Network; and members of the Advisory Board on Female Offenders.
34. We continue to hold workshops with the local funded areas and have established a Slack site for sharing good practice and learning from early WSA models. We have produced a data template for local funded areas to regularly complete on the women they support, including data on protected characteristics.
35. We have held engagement events in female prisons with staff and residents to highlight issues in the custodial estate, prison workforce and criminal justice system as a whole with regards to female offenders. We have identified key themes and findings across different female prisons and aimed to address these in the strategy.
36. Within MoJ, we have established a community provision for female offenders working group which aims to bring together colleagues from across the department, including HMPPS, The Prison Estates Transformation Programme (PETP), probation, legal and finance to help inform the initial development of the community provision proposal and ensure equality was considered at the earliest opportunity.
37. We have held a roundtable on BAME women in the criminal justice system and separately met with external stakeholders and BAME organisations to consider the issues faced by BAME women and the positive equality opportunities to be included in the strategy for those sharing this protected characteristic.
38. We have reflected the needs of female offenders in our work on domestic abuse, which affects almost 60% of the cohort²⁶. We have collaborated with the domestic abuse team on a thematic event with key stakeholders to discuss female offenders with experience of domestic abuse and their distinct, and complex needs.
39. As part of the development of a National Concordat on Female Offenders, we will be consulting with a range of government departments and national and local partners to ensure we give due regard to the full range of equality needs which women with multiple and complex needs in the CJS face.

²⁶ MOJ (2018). Supporting data tables: Female offender strategy. Available at: <https://www.gov.uk/government/publications/female-offender-strategy>

Equality considerations in the strands of the strategy

Approach

40. Under the female offender strategy, we are keen to see strong joined-up national leadership across Government, eliminating duplication or gaps in service and setting out clear expectations for local agencies, enabling local areas to provide gender-informed, holistic multi-agency support to vulnerable women at risk of offending.
41. National guidance and support for local areas to implement a cross-cutting approach for female offenders, will recognise female offenders as a distinct group of vulnerable women, and also part of a wider “complex needs” cohort. This centrally-led approach will give rise to a number of equality opportunities; messaging will highlight the need of female offenders as well as those female offenders with multiple protected characteristics who face different forms of ‘double disadvantage’ such as BAME women²⁷.
42. We believe that training CJS staff (prison, probation, court staff, etc.) to work with female offenders in a way that recognises their experience of trauma and abuse should produce better outcomes. Staff working with male offenders will continue to be provided with the training and guidance necessary to effectively support and rehabilitate male offenders.
43. We would expect that a gender-informed workforce also provides opportunities to advance equality of opportunity for those women sharing protected characteristics such as disability. For example, disability has been shown to be overrepresented amongst female offenders²⁸. Training will equip those working with female offenders with the knowledge and skills needed to take a gender-informed approach to addressing their multiple complex needs, including learning disabilities and mental health issues.
44. The strategy emphasises a Whole System Approach (WSA) to female offenders and investment of £1m between 2015/16 and 2019/20 to support local areas to develop a multi-agency, holistic approach to support women with complex needs. Equality impacts will continue to be monitored across the four WSA projects funded by the MoJ with both past and currently funded areas required to gather data on protected characteristics and provide this alongside their quarterly reports on progress. This will allow us to monitor engagement by protected characteristics so that any barriers can be identified and addressed under the PSED.
45. The WSA model and projects will have a positive effect for women which we consider to be justified given the aims of the policy. As we have evidence to show particular disadvantages suffered by adult female offenders, and needs which are particular to this cohort, we deemed that the project is a proportionate means of achieving the legitimate aim of enabling and encouraging these offenders to overcome or minimise these disadvantages, and meeting the needs we have identified. Evidence shows that, on average, female offenders are more likely to have complex circumstances, including backgrounds of abuse and chaotic lives than male offenders. The smaller proportion of male offenders who report needing help for mental health problems (18% compared with 49% of female offenders)²⁹, experiencing abuse³⁰, being taken into care and therefore having complex needs compared with female offenders, suggests that the extent to which a WSA model is required by male offenders compared with female offenders does not

²⁷ <https://www.gov.uk/government/publications/lammy-review-final-report>

²⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278827/estimating-prevalence-disability-amongst-prisoners.pdf

²⁹ <https://www.gov.uk/government/publications/gender-differences-in-substance-misuse-and-mental-health-amongst-prisoners--2>

³⁰ <https://www.gov.uk/government/publications/prisoners-childhood-and-family-backgrounds>

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make it reasonably practicable at this point to provide a WSA model for male offenders. However, learning from the WSA could be used to develop a holistic support model for other cohorts, if appropriate.

46. We are also investing £3m to support local areas and partners to deliver services and interventions designed to meet the needs of vulnerable women, especially those with experience of domestic abuse, in their area and to continue to develop multi-agency whole system approaches. There are a number of positive equality opportunities from this funding, including a positive impact for BAME women, as the essential criteria for bids for funding will require applicants to demonstrate how they will specifically provide support for women with protected characteristics and proactively encourage them to engage with their service.

Early Intervention

47. This chapter of the strategy focuses on providing improved and targeted early intervention for vulnerable women at risk of offending so that, where appropriate, they are diverted away from the criminal justice system. This includes the roll out of Liaison and Diversion assessment and referral services. Although within the strategy there is a focus on providing these services to women, we do not consider that this discriminates against male offenders. A gender-informed response can be used to achieve best outcomes, with learning applied to male offenders as well.
48. Liaison and Diversion (L&D) services are being rolled out in police custody suites and courts in England. The L&D services consist of on-site health professionals who are able to identify, assess and refer offenders with mental health, learning disability, substance misuse and social vulnerabilities into treatment, or to ensure that they receive the correct support in their journey through the criminal justice system. Information on their health needs can then be passed on to the CJS agencies and can inform, where appropriate, charging and sentencing decisions. These are being trialled for both men and women at police stations and courts across over 80% of the country. NHS England is leading a cross government programme to expand these services to the whole of England by 2021. The L&D Operating Model states the 'services need to address the specific needs of disadvantaged groups including women, people from black and minority ethnic communities, and older people.' A lead has been appointed to develop a specific pathway for female offenders.

Community Solutions

49. On average, female offenders have committed less serious crimes³¹ and, on average, pose less of a risk to the public than male offenders³². Only 44% of female defendants were prosecuted by the police in 2017 (compared with 77% of male defendants)³³. Women are over-represented in prosecutions for TV licence evasion and child truancy³⁴. In 2017, 31% of female defendants were prosecuted by the TV License Enforcement Authority (which represents almost 70% of TV licence prosecutions)³⁵. We therefore believe that, for many of these women, robust community sentences are more

³¹ <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017>

³² MOJ (2018). Supporting data tables: Female offender strategy. Available at: <https://www.gov.uk/government/publications/female-offender-strategy>

³³ Ibid.

³⁴ <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017>

³⁵ MOJ (2018). Supporting data tables: Female offender strategy. Available at: <https://www.gov.uk/government/publications/female-offender-strategy>

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appropriate, and will generate better outcomes, both for the offender and the public, than custodial sentences.

50. We will ensure that sentencers are given timely and comprehensive information about the availability of robust sentencing options for female offenders in the community, which may offer an alternative to custody for some. We do not consider that this will discriminate against male offenders as the sentencing framework will continue to remain gender neutral.
51. Women in custody often have complex needs, including backgrounds of abuse, which differ to men and are better responded to in a community environment. 63% of women in custody, who have an assessment, have experienced domestic violence comparing to only 7% of men in custody³⁶. In addition, female prisoners are twice as likely to report experience of abuse during childhood (53% compared with 27% men) with those who have experienced abuse as a child, more likely to report suffering sexual abuse (67%) than male prisoners who have experienced abuse (24%)³⁷.
52. Currently outcomes for women in custody and, where applicable, their children can be poor. There is a higher proportion of imprisoned mothers living with their dependent children prior to imprisonment than imprisoned fathers (~60% vs. ~45%)³⁸ and only 12 women's prisons in England (none in Wales) meaning women are often held far from their home area and leading to the separation of family units. At 31 May 2018, women were held, on average, 63 miles away from their home and there were about 650 women held in prison more than 100 miles away from their home³⁹, out of a population of c. 3,900⁴⁰. The imprisonment of mothers has a greater impact on the living arrangements of dependent children than the imprisonment of fathers⁴¹. International evidence has found that children with incarcerated parents are at increased risk of antisocial and offending behaviour⁴².
53. In 2017, the rate of self-harm incidents was 2,093 per 1,000 female prisoners - nearly 5 times as high as the rate for men⁴³. Over half of adult women (56%) released from custody between April and June 2016 reoffended within a year⁴⁴, with 71% of women released in this period following a short custodial sentence (<12m) reoffending within a year (47% and 63% respectively for adult men).
54. In response to the negative effects of custody which disproportionately affect women, our strategy aims to divert women from the criminal justice system and support community provision for female offenders. We plan to develop options to pilot five residential women's centres in identified areas of demand with local partners. This differs from Approved Premises (APs) which are a residential facility that aims to provide supervision for offenders who present a high or very high risk of serious harm on release from custody on licence, serving a community sentence or on bail pending trial. The proposed residential women's centres would accommodate low-medium risk of serious harm

³⁶ Ibid.

³⁷ <https://www.gov.uk/government/publications/prisoners-childhood-and-family-backgrounds>

³⁸ Ibid.

³⁹ MOJ (2018). Supporting data tables: Female offender strategy. Available at: <https://www.gov.uk/government/publications/female-offender-strategy>

⁴⁰ <https://www.gov.uk/government/statistics/prison-population-figures-2018>

⁴¹ <https://www.gov.uk/government/publications/prisoners-childhood-and-family-backgrounds>

⁴² Murray, Farrington, Sekol (2012) Children's Antisocial Behavior, Mental Health, Drug Use and Educational Performance After Incarceration: A Systematic Review and Meta-Analysis. *Psychological Bulletin* 2012. Vol 138. No.2, 175-210

⁴³ <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-december-2017>

⁴⁴ MOJ (2018). Supporting data tables: Female offender strategy. Available at: <https://www.gov.uk/government/publications/female-offender-strategy>

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female offenders on release from custody as well as operating as an alternative to custody for low-medium risk of serious harm women. Given the range of needs women have, an accommodation intervention alone is unlikely to be effective to reduce reoffending and improve outcomes, wider support and key work is required to tackle other criminogenic needs. We therefore anticipate that any model would also include additional facilities.

55. These provisions would form part of the wider aims in the female offender strategy to secure the sustainability of female-specific services in the community and to ultimately reduce the numbers of women entering custody, improve successful completion of community sentences, reduce reoffending and improve the life chances of women and their families.
56. We are working to identify areas where there is the strongest demand and it is intended that these facilities will be in accessible locations that enable very close links with the providers of services in the community.
57. We will also consider the geographical spread of centres to help create an equality of access to community provision for women across England and Wales.

Conditions in Custody

58. Under this strand of the strategy, we have recognised that there are specific safety needs in the women's estate and have therefore appointed a safer custody lead for women. This is a specialist role which will provide advice to the women's prisons and promote and share good practice on identifying and supporting prisoners at risk. We do not anticipate that this will create a disadvantage for male offenders as safer custody teams exist in all prisons and there are safety custody leads for all regions which will focus on the male estate. By ensuring that a minority group, such as female offenders has some focus, we aim to advance the equality of opportunity for women, by meeting their needs more effectively.
59. For women who remain in the custodial estate, we will work to address their needs through an improved Offender Management in Custody model (OMiC). We are implementing a new trauma-informed approach within the new Offender Management in Custody system to ensure that the routines reduce the effect of imprisonment, and are able to support more therapeutic communities within them, with an aim to reduce the emotional distress experienced by the women. A long-term development programme that canvasses the ideas of key stakeholders, including prison staff, female prisoners and voluntary sector organisations is underway to ensure we get this right. The new OMiC will also provide every prisoner in closed conditions a dedicated officer to engage with them regularly and on a one-to-one basis. Although the new OMiC will apply to both men and women, because of specific issues relevant to female offenders, a bespoke model is being developed for women to address the specific needs and characteristics of female offenders in the custodial environment.

Consideration of Protected Characteristics

The nine characteristics protected under the Equality Act 2010 are below. Your product may be relevant to all of them. Use these sections to evidence how you have considered, promoted or otherwise advanced your product with reference to any of them.

60. The paragraphs below summarise key published data on the representation of offenders with protected characteristics. Any changes made to current provision for female offenders may therefore indirectly disproportionately impact some of these protected groups. These impacts can be both positive and negative. This section sets out how we have considered, promoted or otherwise advanced our proposal with reference to the following protected characteristics.

Age

61. In 2017, women aged 25+ accounted for the largest proportion of adult women (and adult men) prosecuted, sentenced, and given a community or custodial sentence⁴⁵. At 31 March 2018, the most common age group for female prisoners was 30-39, accounting for 36% of the women's prison population (30% of men's population)⁴⁶. There were 130 (3%) young adult women (aged 18-20) in prison and 524 (14%) women aged 50 or over (5% and 16% respectively in the men's prison population).

62. The female offender strategy is intended to apply to all female offenders aged 18 and over. All aspects of the strategy will benefit adult female offenders (over 18 years) in the same way. For example, measures to promote early intervention and improve community provision, will not be selective of age in adult female offenders.

63. Additionally, the eligibility criteria for the cohort of women who would use the residential women's centres will be carefully developed to ensure that it does not adversely impact or exclude women based on their age, who would otherwise have been placed at a higher risk of experiencing disadvantages or obstacles. Working with partners, consideration will also be given to the design of the proposed residential women's centres to ensure that the physical design is able to accommodate any specialist services which are utilised by offenders with protected characteristics, for example, hand rails for older prisoners with limited mobility.

64. Young offenders are dealt with by the youth justice system, where they are subject to different sentences and support, including emphasis to consider non-custodial disposals. Juvenile female offenders will therefore receive different needs assessment and support during their criminal justice journey.

Disability

65. We recognise that the definition of disability extends to both physical and mental health impairments.

66. Prisoners with disabilities are over represented amongst the female offender population and we anticipate this strategy would have a positive impact in relation to this protected characteristic as far as female offenders are concerned. Findings from the 2013 Crown

⁴⁵ <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017>

⁴⁶ <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2017>

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court survey showed that women being tried for theft, dishonesty and fraud offences were more than twice as likely as men to have the factor of having a physical or mental illness⁴⁷.

67. In the Surveying Prisoner Crime Reduction (SPCR) survey women were more likely to be considered disabled (55%) compared with men (34%), as they were over-represented in the anxiety and depression group⁴⁸. Whilst not directly comparable due to the difference in the question asked, in the 2011 census, 18% of the general population in England and Wales reported that their daily activities were limited a little or a lot because of a health problem or disability⁴⁹.
68. In the SPCR survey, female prisoners were twice as likely as male prisoners to report needing help for mental health problems prior to custody⁵⁰. Female prisoners reported poorer mental health than male prisoners, with higher levels of suicide attempts prior to custody, psychosis and anxiety and depression.
69. OASys data shows that of offenders (custody and community) with an assessment at 30 June 2017, 21% of women and 10% of men had a mental health problem identified; 38% of women and 25% of men had a disability identified; and 32% of women and 28% of men a learning difficulty/challenge⁵¹.
70. A Criminal Justice Joint Inspection report published in January 2014 provided a clear assessment of the current difficulties facing offenders with learning disabilities within the criminal justice system:
*“Offenders with learning disabilities were not always afforded the level of service appropriate to the risk of harm they presented or their needs. Problems included a failure to recognise a learning disability, and failure to refer the offender to specialist services for assessment. We regularly found an absence of access to specialist support that would address their offending behaviour and manage the risk of harm posed to the public. We were particularly concerned to find that the processes, absence of services or a simple lack of knowledge and training often led to offenders with a learning disability being perceived as a problem to be processed, rather than an individual with particular needs requiring individual treatment.”*⁵²
71. The Female Offender Strategy provides the opportunity to address some of the issues highlighted in the Criminal Justice Joint Inspection report. The roll out of Liaison and Diversion services aims to identify offenders who have vulnerabilities including learning disabilities and mental health issues and may allow some women to be diverted away from the CJS and into appropriate support. The strategy will further address inequalities of those who share this protected characteristic by encouraging a trauma-informed approach to offenders and a gender-informed workforce. This will better inform those working with female offenders with the knowledge and training needed to address their multiple complex needs, including learning disabilities and mental health issues.
72. The design and construction of the residential women’s centres will look to meet the minimum requirements for access arrangements as defined in law and building

⁴⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/380090/women-cjs-2013.pdf

⁴⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278827/estimating-prevalence-disability-amongst-prisoners.pdf

⁴⁹ <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/disabilityinenglandandwales/2013-01-30>

⁵⁰ <https://www.gov.uk/government/publications/gender-differences-in-substance-misuse-and-mental-health-amongst-prisoners--2>

⁵¹ MOJ (2018). Supporting data tables: Female offender strategy. Available at: <https://www.gov.uk/government/publications/female-offender-strategy>

⁵² <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmprobation/learning-disabilities-thematic-report.pdf>

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regulations. Additionally, engagement with stakeholders throughout the design and construction phases to discuss their needs will be undertaken to ensure that new facility designs meet our obligations under the Equality Act. This will extend to consultation with health & wellbeing co-commissioners who will help us to meet disability needs appropriately (physical and mental health) and consultation with existing offenders who have a disability.

73. The Prison Estate Transformation Programme will ensure that where facilities in the existing estate currently do not meet the standards required, a review will be taken with a view to undertaking refurbishment in order to better meet the needs of disabled offenders. HMPPS are committed to working with Governors, who can identify where their estate currently does not meet the requirements for their existing cohort who possess a disability and will work to provide the facilities that will address this to avoid disadvantaging female offenders who need to remain in the existing custodial estate. There are also planned improvements to safer custody services for women with mental health issues which will support women who remain in the prison estate and are not eligible for diversion from custody options. This includes a specialist safer custody team dedicated to the women's estate and a roll out of revised and improved Suicide and Self-harm prevention training to support women with mental health issues.

Gender reassignment

74. The Equality Act 2010 makes it unlawful to discriminate against or harass any person because they are proposing to undergo, are undergoing, or have undergone gender reassignment. Data on gender reassignment is limited.
75. At March/April 2017, 47 of the 124 public and private prisons (38%) in England and Wales said that they had one or more transgender prisoners. There were 125 prisoners currently living in, or presenting in, a gender different to their sex assigned at birth and who have had a case conference⁵³. Of these, 99 reported their gender as male, 23 reported their gender as female and 3 did not state their gender.
76. The figures give an estimate of the number of transgender prisoners and are likely to underestimate the true number. There may be some transgender prisoners who have not declared that they are transgender or had a local transgender case board, and some who have a Gender Recognition Certificate (GRC). We do not anticipate the strategy will have any adverse impact on those who share this protected characteristic.
77. For the residential women's centres, identified provisions within the new instruction PSI 17/2016 (The Care and Management of Transgender Offenders) and PI 16/2016 (Information Sharing Policy) will be at the forefront of thinking when allocating offenders. For example, the complex and local case boards review the current location of transgender prisoners and support all transgender offenders to express the gender with which they identify (including those who are Intersex and/or those who identify as non-binary, gender fluid and transvestite).

Pregnancy/Maternity

78. Data on the number of women who become pregnant whilst they proceed through the CJS is not available. However, there is some data available on the number of offenders likely to have child dependents.

⁵³ <https://www.gov.uk/government/statistics/noms-annual-offender-equalities-report-2016-to-2017>

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79. In the SPCR survey, about half of female and male prisoners reported having children under-18⁵⁴. Analysis of MoJ, DWP and HMRC linked data estimated that in 2012 between 24% and 31% of all female offenders convicted had one or more child dependents at the time of their criminal disposal⁵⁵. On average, those with child dependents had 2 children. Among the different disposal types, women receiving immediate custody were significantly less likely to have child dependents (between 13% and 19%). For theft, dishonesty and fraud offences, women were more than three times as likely as males to have the factor of being the main carer/having caring responsibilities ticked on their form in the 2013 Crown Court survey⁵⁶.
80. Although data on the proportion of offenders with child dependents is limited, we anticipate this proposal would have a positive impact in relation to this protected characteristic as far as female offenders are concerned. The impact of the strategy on pregnancy/maternity would be positive if pregnant offenders and offenders who are new mothers could be increasingly diverted out of the criminal justice system, through our funding for women's community services and development of residential women's centres which would subsequently reduce the intergenerational effect of putting mothers in prison.
81. However, we recognise that some women who are pregnant or new mothers are not suitable for a community alternatives to custody. Where this is the case, Mother and Baby units (MBUs) are available in some prisons. We currently have five MBUs across the women's prisons in England and Wales which provide an overall total capacity of 52 places for mothers. However, there are a total of 57 places for babies to allow for the possibility of twins. The age limit for MBUs is 18 months (with some flexibility in exceptional circumstances), as findings suggest that from that age babies may be more sensitive to the stimulation of their residential environment. The best interests and safety of children on the unit are a primary consideration in all matters. MBUs provide a positive learning experience for babies with good opportunities for sensory play, exploration and discovery.
82. Additionally, for mothers remaining in the custodial estate, prisons look to help mothers maintain family ties (where it is appropriate) whilst in custody, with family engagement workers in place in all public sector-run female prisons. The family engagement workers support the maintenance of positive relationships, particularly for those women with complex family issues. They provide liaison/advocacy with local authority services, support family learning activities and provide personalised wrap-around support for mothers in prison through care proceedings and specific support plans around final-contact meetings before adoption.
83. Women's prisons also work to provide other support for improved family links, including play worker provision for visits, family days, child-centred visits, homework clubs and specific relationship and parenting skills programmes.

⁵⁴ <https://www.gov.uk/government/publications/prisoners-childhood-and-family-backgrounds>

⁵⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/465916/female-offenders-child-dependents-statistics.pdf

⁵⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/380090/women-cjs-2013.pdf

Race

84. In the 2011 census, 14% of the UK population were Black, Asian and Minority Ethnic (BAME)⁵⁷. BAME women are overrepresented in the prison population⁵⁸, particularly black women. As evidenced by the recent Lammy review of the treatment of, and outcomes for, Black, Asian and Minority Ethnic (BAME) individuals in the Criminal Justice System⁵⁹, female BAME offenders experience even worse outcomes than other women, a 'double disadvantage'. Key findings from the Lammy Review highlight that in 2014/15:
- Once arrested, Black women were less likely than White women to face prosecution. Of those arrested, 88 Black women were charged by the CPS for every 100 White women.
 - Once charged with an offence, Black women were more likely to be tried at the Crown Court. Of those charged, 163 Black women were tried at the Crown Court for every 100 White women.
85. Under similar circumstances, the odds of imprisonment for BAME women and men are higher compared with white women and men⁶⁰. In 2017, the average custodial sentence was 3.5 months longer for BAME (14.0 months) than for White female offenders (10.5 months).⁶¹
86. At 31 March 2018, 82% of the female prison population were White, 8% Black/Black British, 4% Mixed, 4% Asian/Asian British, and 1% identified as Other Ethnic Group.⁶² BAME men are even more over-represented, accounting for 27% of the male prison population (13% Black/Black British; 8% Asian/Asian British; 4% Mixed; and 1% Other Ethnic Group).
87. We do not anticipate the female offender strategy will have any adverse impacts on race. However, we know that BAME women face a number of disadvantages in the criminal justice system and we have drawn upon evidence from criminal justice statistics on ethnicity as well as findings from the Lammy Review to help inform our strategy. In particular, learning from the Greater Manchester WSA has found that BAME women are less likely to engage with community support. The WSA is looking at how best to support groups such as BAME women who are less likely to engage, and will share learning with MoJ and others to inform best practice.
88. The strategy includes specific measures to actively improve outcomes for BAME women in the criminal justice system. These include:
- Engaging directly with BAME and Foreign National women who experience the criminal justice system so their views can be taken into account during policy development and implementation
 - Working more closely with voluntary sector and other organisations who work with BAME and Foreign National female offenders to improve their capacity to share best practice and form networks

⁵⁷ <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/ethnicityandnationalidentityinenglandandwales/2012-12-11>

⁵⁸ <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2017>

⁵⁹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf

⁶⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/380093/analysis-gender-custodial-sentences.pdf

⁶¹ <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017>

⁶² <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2017>

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- Providing more culturally informed training for staff in offender management and rehabilitation.
- Increasing workforce diversity so that prison and probation staff are more representative of the women they serve

Religion or belief

89. The data below shows the female prison population by religion in March 2018 published by the Offender Management Statistics⁶³. We do not anticipate this strategy would have an adverse impact in relation to this protected characteristic as far as adult female offenders are concerned.

Religion/belief	Women's Population March 2018	in	Men's Population March 2018	in
<i>All Christian</i>	2,156		37,683	
Anglican	712		13,259	
Free Church	63		713	
Roman Catholic	718		13,616	
Other Christian	663		10,095	
Muslim	250		12,597	
Hindu	9		370	
Sikh	18		607	
Buddhist	61		1,456	
Jewish	12		468	
Other religious group	110		1,614	
Non recognised	0		10	
No religion	1,174		24,537	
Not recorded	10		121	

Sex

90. The Female Offender Strategy and its associated work is aimed at women because they have specific needs and characteristics and face specific disadvantages within the criminal justice system which need to be addressed.

91. Whilst we recognise that the male prison population is high, our proposals for improved outcomes in custody and community and the emphasis on diverting offenders from custody will not focus on men. Instead, there is a focus on transforming the male custodial estate in the Prison Estate Transformation Programme in order to improve and modernise the facilities. A larger proportion of male offenders are high risk⁶⁴ and, on average, sentenced to custody for longer sentences than female offenders. In 2017, the average custodial sentence length was 10.0 months for adult women and 17.7 months for adult men⁶⁵. 72% of custodial sentences for women were six months or less, compared with

⁶³ <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2017>

⁶⁴ MOJ (2018). Supporting data tables: Female offender strategy. Available at: <https://www.gov.uk/government/publications/female-offender-strategy>

⁶⁵ <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017>

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56% of men⁶⁶. As a result, a smaller proportion of male offenders would be suitable for the community alternatives to custody than female offenders.

92. Although a smaller proportion of men in the criminal justice system report facing complex needs than women, we acknowledge that there are men in the criminal justice system who have complex needs, are vulnerable and in need of support. 18% of male prisoners report needing help with mental health problems⁶⁷, 27% of male prisoners report experience of abuse during childhood and of these, 24% report suffering sexual abuse⁶⁸. Men are also vulnerable to self-harm in custody. In 2017, the rate among men was 445 self-harm incidents per 1000 prisoners in male establishments (with a rate of 2,093 per 1000 prisoners in female establishments)⁶⁹.
93. There are a number of steps in place to support both vulnerable men and women in custody to address the issues faced by prisoners. These include better support to address issues of self-harm and suicide by rolling out improved training in prisons to prevent suicide and self-harm and grant funding the Samaritans to support the Listeners scheme; a peer support service that aims to reduce suicide in prisons.
94. We do not consider that a strategy for female offenders constitutes direct discrimination because men are not treated less favourably than women overall in the prison system, as the range of other initiatives being taken to meet the needs of male offenders (either initiatives for both sexes or initiatives for male prisoners) is sufficient.
95. There is a significant investment in the transformation of the male estate in the Prison Estate Transformation Programme which aims to improve and increasingly modernise the custodial estate with fit for purpose accommodation. As part of this programme, a new prison, HMP Berwyn, was built in Wales last year to accommodate up to 2,106 men. However, there are currently no plans to change or increase the women's custodial estate.
96. The size and configuration of the men's estate compared with the women's estate means that men have ready access to a full range of services that are either not available or not easily accessible in the women's estate. For example, Restricted Status (RS) female offenders currently are only held in two sites within the estate and have limited access to appropriate services. Category A male offenders, who pose a similar risk to RS female offenders, however, can be held in a number of locations, therefore having ready access to a whole range of appropriate services and being located closer to home.
97. There are also a number of HMPPS intervention programmes (accredited and non-accredited) offered both in custody and in the community which are specifically tailored for male offenders. There are currently 19 programmes for men and only 1 programme specifically tailored for women which is offered only in custody. The remaining 9 are suitable for both male and female offenders. The programmes for men in the criminal justice system are tailored to address the issues they face and their offending behaviour, including programmes to support men who have been convicted of an offence against a female partner and programmes for men convicted of violent offences which aims to address the complex and personal issues that play a part in their violent behaviour.
98. Similarly, male offenders have access to a number of services specific to their offence type which female offenders do not. For example, a sex offenders programme is available

⁶⁶ Ibid.

⁶⁷ <https://www.gov.uk/government/publications/gender-differences-in-substance-misuse-and-mental-health-amongst-prisoners--2>

⁶⁸ <https://www.gov.uk/government/publications/prisoners-childhood-and-family-backgrounds>

⁶⁹ <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-december-2017>

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for male offenders, but currently there is not such a programme for female offenders. This is because the numbers in the women's estate are very small and women's motivations to commit sex offences are very different.

99. Additionally, there are a number of services provided through Community Rehabilitation Companies (CRC's) which are specifically tailored to support men in the criminal justice system. For example, Northumbria CRC has developed a Rehabilitation Activity Requirement (RAR) specifically for young adult males with violence/aggression issues. The CRC also provides support for male offenders involved in sex work and male victims of domestic violence. This is male-specific provision separate to the services provided for female offenders on these issues. Furthermore, male offenders in the London CRC regions undertake a course called 'Getting it Right' prior to release from custody which prepares them for release and is flexible to meet the varying needs of prisoners including elements on financial literacy, securing and maintaining tenancy and applying for college courses amongst other support.
100. Furthermore, although the strategy includes the development of options for delivering residential women's centres, MoJ will continue to ensure stable accommodation on release from custody for men as well as women. MoJ and Ministry of Housing, Communities and local Government (MHCLG) are working together to deliver a joint strategy to improve access to housing for those being released from prison. As part of this joint strategy, work is underway to develop a pilot project to help people access and sustain tenancies when they have been released from prison.
101. Through prison reform, MoJ will also pilot a performance measure in 2018/19 to hold prisons to account for the number of prisoners in safe accommodation on release. We are also investigating options for expanding the Approved Premises estate to support future demand and to respond to gaps in provision for accommodation. We have expanded the Bail Accommodation and Support Services eligibility to support low risk offenders who are released from prison without accommodation to support more prisoners on release into accommodation. We are working with MHCLG to investigate how the Housing First Pilots can do more to ensure that those offenders with complex needs released from custody can secure appropriate housing.
102. We also recognise that both men and women in the criminal justice system need to be supported as parents and MoJ will continue to support men who are fathers in custody. Governors are working in partnership with family service providers to meet the identified needs of prisoners, including developing relationships for prisoners who do not have access to family/children. Family services providers are engaging fathers and encouraging them to take responsibility for their children and relationships as appropriate. This includes providing activities for fathers to engage with their children through a range of opportunities such as Storybook dads. This involves fathers recording stories which are posted to their children who can listen to their dad telling them a story.
103. Family learning is also provided where prisoners and their families can engage in structured learning activities such as parenting courses and budgeting and money management which is intended to aid fathers' competence in parenting and providing for their family. MoJ is also developing new performance measures which will be piloted in 2018 for implementation. These will provide crucial guidance to deliver more consistent services to improve relationships between prisoners and their children such as extended visitations and family days across the prison estate
104. There is some evidence that a gender-informed approach that addresses the causes of women's offending, including previous abuse and trauma, is more effective than a gender-neutral approach in rehabilitating female offenders and addressing their often

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complex needs⁷⁰. The strategy and its associated work aims to provide additional support to address the complex needs of women, divert them from custody and improve outcomes. This can be justified by the numerous disadvantages faced by women in the criminal justice system. Female prisoners are more likely than male prisoners to have been taken into care, experienced abuse, and witnessed violence in the home as a child⁷¹. Female prisoners who have experienced abuse as a child are more likely to report suffering sexual abuse (67%) than male prisoners who have experienced abuse (24%)⁷². The strategy, and in particular the focus on holistic approaches, and community provision aims to build the often low-esteem of these women, many of whom are marginalised through their chaotic lifestyles and childhood experiences, and to encourage pro-social attitudes.

105. The strategy is therefore a means of achieving the legitimate aim of diverting women, where appropriate, from custody where outcomes for women are typically poorer than for men, and of enabling and encouraging female offenders to overcome or minimise these disadvantages and to meet the needs we have identified.

106. Male offenders will continue to be supported through existing processes and mechanisms to address their needs during their time in the criminal justice system. These include a duty on the police to risk assess everyone coming into their custody and to ensure that any vulnerabilities and special needs are identified and catered for where possible, including physical and mental health, protected characteristics (age, gender, disability etc.) learning disabilities, victims of domestic violence, drug and alcohol dependency etc. There are a number of voluntary referral routes to advice and guidance, for example, some custody suites have on site drugs and alcohol advisors. There are also statutory requirements for particular categories such as the duty to provide an appropriate adult to support young people or vulnerable adults. Learning from our work with female offenders will help inform policy development for other cohorts.

Sexual orientation

107. In relation to sexual orientation, we do not consider the female offender strategy to have any adverse impacts. Data on the sexual orientation specifically for female offenders is limited and not published by HMPPS.

108. Overall figures for prisoners are published: Self-reported prisoner sexual orientation is likely to be under-reported. This is partially reflected in a declaration rate of 91.6% (as opposed to 100%). Of those who declared their sexual orientation, 97% of prisoners identified themselves as Heterosexual with 71,901 prisoners, while 2.6% (1,954) identified as Gay/ Lesbian/ Bisexual or Other (LGB).⁷³

Marriage / civil partnership

109. In relation to the marital/civil partnership status of female offenders, we do not consider the female offender strategy to have any adverse impacts. Diverting women out of the criminal justice system, would in fact have a positive impact on marriages and civil partnerships.

⁷⁰ For example, Gobeil, R., Blanchette, K., & Stewart, L. (2016). A Meta-Analytic Review of Correctional Interventions for Women Offenders: Gender-Neutral Versus Gender-Informed Approaches.

⁷¹ <https://www.gov.uk/government/publications/prisoners-childhood-and-family-backgrounds>

⁷² Ibid.

⁷³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/663390/noms-offender-equalities-annual-report-2016-2017.pdf

Equalities Impact Assessment for the Female Offender Strategy

110. We recognise that some women do need to be held in custody. Prison puts a strain on relationships by separating couples and limiting contact to visits, letters and phone calls. To mitigate the impact of these disadvantages, we are working to implement modern technology solutions such as in-cell tablets which would afford the women greater opportunities to maintain contact with their partners and families.
111. Additionally, work to implement the recommendations of the Farmer review on maintaining family ties whilst in custody is underway under the Prison Safety and Reform Programme. We are enabling better communication between families and facilitating organised and constructive family days alongside courses and programmes to promote family engagement in the custodial estate. A new contract for family services across the female estate was awarded in October 2017. This supports prisons in the women's estate to develop innovative services to support family engagement.
112. The 2017 Farmer review was focused on the men's custodial estate. We are working with Lord Farmer to scope a further review, building on the findings of the earlier report, that will look specially at the need for a gender-informed approach to support female offenders to maintain family ties.

How have you considered the Welsh Language Act 2010 in relation to the product and in accordance with the HMPPS Welsh Language Scheme?

113. We have considered our responsibilities under the Welsh Language Act 2010 as part of communications regarding the Female Offender Strategy. Our plans are to ensure that the Female Offender Strategy will also be published in Welsh soon after the release of the strategy in English.

Policy and Equality Conclusions

114. We have considered whether the female offender strategy will give rise to the possibility of a person being treated less favourably by reason of their protected characteristics and identified where the strategy can advance equality of opportunity for those who share protected characteristics.
115. The gender-specific nature of the strategy and the projects within it, means there will be a positive effect on women. We consider this to be justified based on the evidence which demonstrates that female offenders have needs which are different and often more complex in comparison to men and would be better addressed through a gender-specific approach.
116. We have identified particular disadvantages suffered by the adult female offender population and this strategy is a proportionate means to achieving the aim of enabling and encouraging these offenders to minimise these disadvantages.
117. We do not believe that men will be treated less favourably than women because there is a sufficient range of support in place to meet the needs of male offenders. They will continue to be supported through existing processes and mechanisms to address their needs during their time in the criminal justice system.
118. We have had due regard to the advancing equality of opportunity aspect of the equality duty in relation to all the different reforms. We have also considered the need to advance equality of opportunity between adult male and female offenders, the need to take steps to take account of their gender-specific needs, the need to promote positive attitudes towards women and the need to encourage participation by women in public life and activities that might support their rehabilitation.