

**Policy name: Women's Policy Framework**

**Reference:** N/A

**Issue Date:** 26 June 2021

**Implementation Date:** 26 June 2021

**Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled:** PSO 4800

**Introduces amendments to the following documents (e.g. PSIs, PSOs, Custodial Service Specs):** None

**Action required by:**

<input type="checkbox"/>	HMPPS HQ	<input checked="" type="checkbox"/>	Governors
<input checked="" type="checkbox"/>	Public Sector Prisons	<input type="checkbox"/>	Heads of Group
<input checked="" type="checkbox"/>	Contracted Prisons	<input type="checkbox"/>	HMPPS-run Immigration Removal Centres (IRCs)
<input checked="" type="checkbox"/>	Probation Service		
<input type="checkbox"/>	HMPPS Rehabilitation Contract Services Team		
<input type="checkbox"/>	Other providers of Probation and Community Services		

**Mandatory Actions:** All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions.

**For Information:**

Governors must also ensure that any new local policies that they develop as a result of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act 2010).

**Update June 2021** – With effect from 26 June 2021 all Community Rehabilitation Company (CRC) contracts will be terminated, with the responsibility for all offender management activity transferring to the Probation Service. The revisions to this policy introduces new language and terminology, removes reference to CRCs, but does not change the practice set out in the mandatory actions.

**Audit/monitoring:** N/A

**Resource impact:** None- no additional resource required to implement this framework.

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**Deputy/Group Director sign-off:** Steve O'Connor, Deputy Director, Vulnerable Offenders

**Approved by OPS for publication:** Kevin Reilly and Peter Greenhill, Joint Chairs, Operational Policy Sub-board.

<b>Date</b>	<b>Changes</b>
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## 1. **Purpose**

- 1.1 This policy framework sets out the MoJ's expectations for the delivery of services for working with women in custody and the community. This enables staff to be aware of the gender specific issues that affect women, and respond appropriately to ensure that their different needs are consistently met. This does not detract from the requirement to consider the needs of other protected characteristics. It is important that this framework is read in conjunction with its supporting **Guidance on Working with Women in Custody and Community**.

## 2 **Evidence**

- 2.1 In 2015 the evidence based commissioning guidance Better Outcomes for Women Offenders was published.<sup>1</sup> This was informed by a variety of sources, including a Rapid Evidence Assessment of robust evidence from the UK and overseas to identify what works in reducing women's offending.<sup>2</sup>
- 2.2 The best available evidence suggests that we should invest in gender-informed interventions that take into account the impact of the trauma many women supervised individuals have experienced and address the seven priority areas of need which are outlined in Annex A.
- 2.3 A gender-informed approach is an approach that is built on the theories of women's crime, taking into account the characteristics of women who offend and factors that affect the response of women to interventions.
- 2.4 See table in Annex A for a more detailed breakdown of evidence.
- 2.5 In June 2018 the Government's Female Offender Strategy was published which focuses on improving the outcomes of women in both the community and custody based on the best evidence of what works.
- 2.6 See Table in Annex B for evidence highlighted in the Female Offender Strategy

## 3. **Outcomes**

### **Cross-cutting**

- 3.1 Staff who work with women are provided with gender-informed training.
- 3.2 Women are given help and support to maintain family ties where appropriate.
- 3.3 The needs of pregnant women and women who have given birth are assessed and addressed.

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<sup>1</sup> MoJ. (2015). Better Outcomes for Women Offenders. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457922/Better\\_Outcomes\\_for\\_Women\\_Offenders\\_September\\_2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/457922/Better_Outcomes_for_Women_Offenders_September_2015.pdf)

<sup>2</sup> MoJ. (2015). Effective interventions for Women offenders: A Rapid Evidence Assessment. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/448859/effective-interventions-for-women-offenders.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/448859/effective-interventions-for-women-offenders.pdf)

- 3.4 Women who are separated or who are separating from their children (including through fostering and adoption) are given appropriate support, including those experiencing loss or bereavement.
- 3.5 Women are not disproportionately disadvantaged or unable to access services due to diversity circumstances, childcare, personal circumstances etc.

### **Court**

- 3.6 Pre-sentence reports (PSRs) are written to assist the court to determine the most suitable method of dealing with a Supervised Individual and should represent the personal circumstances of each woman, taking into account their specific needs (such as impact on care and safeguarding issues).
- 3.7 Proposals in PSRs are clear and strong in argument to support non custodial options for the Court to consider in appropriate cases.
- 3.8 Licence conditions and Community Order Requirements which aim to protect the public, prevent re-offending and secure the woman's successful re-integration into the community, should also be proportionate, achievable and meet the individual and distinct needs of that woman.
- 3.9 Women's experience while in court cells and while travelling to and from prison is safe, decent and efficient, and serves to reassure them about their well-being and safety in custody.

### **Community/Custody**

- 3.10 Women feel safe and reassured that they will receive appropriate help to address any urgent needs.
- 3.11 The Assessment, Induction and the Offender Management processes meet the specific needs of women.
- 3.12 Women are given access to appropriate interventions in the community and in custody.
- 3.13 In accordance with Public Health England's Gender Specific Standards to Improve Health and Wellbeing for Women in Prison in England, women are able to access health services, including mental health, personality disorder, substance misuse and learning disability services that meet their gender specific needs.
- 3.14 Women at risk of, or who are victims of, domestic abuse, sexual abuse, sexual exploitation, sex work, human trafficking and other forms of gender-based abuse, are identified and then supported according to their needs.
- 3.15 Women are supervised/held in trauma-informed conditions and within regimes providing rehabilitative culture where they feel safe and that meet their specific needs and which facilitate their successful resettlement.
- 3.16 Women are given support to find somewhere safe to live, learn how to manage their money, access education and training and improve their employability.
- 3.17 Approved Premises are utilised in appropriate cases for those women who are assessed as high and medium risk of serious harm, but can also be used by some low risk of harm women who are high need

- 3.18 Women comply with their community order/licence conditions and variation to orders and licence are made to support this.
- 3.19 Alternatives to breach/recall are appropriately considered.

### **Custody**

- 3.20 Women are managed appropriately to their current risk level and complexities of need, with the aim of reducing risk as their sentence progresses. Where possible, and subject to the considerations of security, good order and addressing their offending behaviour, women are held in prisons that best enable them to maintain their family ties.
- 3.21 Women who self-harm are supported and cared for appropriately according to their individual needs. Establishments understand the risk factors and triggers for self-harm, and use the Assessment, Care in Custody and Teamwork (ACCT) case management process effectively, with the aim of reducing the number and severity of self-harm incidents and preventing self-inflicted deaths.
- 3.22 There is appropriate use of peer support arrangements.
- 3.23 Suitable and safe accommodation on release is identified.
- 3.24 Order in women's prisons is managed in an informed way with preventative actions taken to promote pro-social behaviour wherever possible.
- 3.25 Prisons have a Family and Significant Other Strategy in place detailing how they aim to help women maintain these relationships.
- 3.26 All pregnant women and women with children under 18 months are made aware of the benefits of Mother and Baby Units and are assisted in making an application for a place on such a unit, where they choose to do so.
- 3.27 Mother and Baby Units are operated in a way that meets the best interests of the child and which work to deliver successful resettlement for mother and child.
- 3.28 In custody, women are given the opportunity to access appropriate education, learning, skills (including parenting skills), and employment.

## **4. Requirements**

### **Cross-cutting**

#### **The Equality Act and the Public Sector Equality Duty**

- 4.1 The Equality Act 2010 provides protection from unlawful discrimination in relation to the following characteristics: age, disability, gender reassignment, pregnancy & maternity (which includes breastfeeding), race, religion or belief, sex, marriage and civil partnership, and sexual orientation.

Guidance can be found at Equality Act 2010: Summary Guidance on Services, Public Functions and Associations

4.2 The Equality Act created the 'Public Sector Equality Duty' (PSED), which requires that public sector employers **must**, in the exercise of their functions, have 'due regard' to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct 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 a protected characteristic and those who do not.

4.3 HMPPS is a public authority to the extent it exercises public functions within the meaning of Section 149(2) of the Equality Act 2010. As such, it is also required to meet and demonstrate compliance with the PSED when undertaking these functions.

### **Human trafficking and Modern day slavery**

4.4. Staff **must** contact a 'First Responder' if a female Supervised Individual indicates that they have been a victim of human trafficking, or if staff have any reason to believe this may be the case. First Responders are organisations designed to assess individuals to determine whether the person should be formally referred to the National Referral Mechanism (NRM)<sup>3</sup>.

4.5 Further information and advice about First Responders and the NRM process is available on **EQUIP**.

### **Female Genital Mutilation (FGM).**

4.6 Regulated health and social care professionals and teachers in England and Wales are mandatorily required to report known cases of FGM in under 18-year-olds to the police. The FGM duty came into force on 31 October 2015.<sup>4</sup>

### **Court**

Petherick judgment<sup>5</sup>

4.7 Sentencers are required to take into account the Petherick Judgement which provided 8 general principles to be considered when sentencing Offenders with dependent children:

4.8 Sentencing of a person with dependent children engages article 8, right to a family life.

4.9 Is there an interference with article 8? If so, is it in accordance with law, pursue a legitimate aim and is proportionate?

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<sup>3</sup> The National Referral Mechanism is a multi-agency framework designed to make it easier for agencies involved in a trafficking case to cooperate, share information about potential victims and to facilitate the individual's access to support.

<sup>4</sup> Section 5B of the Female Genital Mutilation Act 2003, inserted by section 74 of the Serious Crime Act 2015

<sup>5</sup> <http://www.bailii.org/ew/cases/EWCA/Crim/2012/2214.html>

- 4.10 Sentencing practice in England and Wales recognises that dependent children are a relevant factor in sentencing.
- 4.11 The criminal court should be informed where the family life of others will be affected and this will need to be balanced with the legitimate aims that sentencing serve.
- 4.12 When considering the legitimate aims of sentencing, this includes the need to punish serious crime, interest of victims, appropriate deterrence and there ought not to be unjustified disparity between defendants convicted of similar crimes.
- 4.13 For individual supervised individual on the cusp of custody, consideration should be given to the fact that in such cases, the interference with the family life of one or more entirely innocent children can sometimes tip the scales and mean that a custodial sentence otherwise proportionate may become disproportionate.
- 4.14 The interference with family life caused by imprisonment is progressively reduced as the offence is graver.
- 4.15 Where custody cannot proportionately be avoided, the effect on children or other family members might afford grounds for mitigating the length of sentence, but it may not do so.
- 4.16 Pre-sentence reports should therefore assess primary care responsibilities and the impact of a custodial sentence on dependents, including children.

#### **The Offender Rehabilitation Act 2014**

- 4.17 The Offender Rehabilitation Act 2014 (ORA) came into force fully on 1<sup>st</sup> February 2015. This made a number of changes to the sentencing framework, most notably changing the law so that all supervised individuals released from short prison sentences now receive 12 months of statutory supervision and assistance with their resettlement back in the community.
- 4.18 Under section 10 of the Offender Rehabilitation Act 2014 (ORA), the Secretary of State for Justice is required to ensure that contracts with providers comply with the public sector equality duty and identify anything in the arrangements that is intended to meet the particular needs of female supervised individual.

#### **Community**

- 4.19 The Probation Service must meet three specific requirements in relation to the management of female supervised individual. Female supervised individual should be offered the option of a female Responsible Officer/Offender Manager; when attending meetings with their Responsible Officer/Offender Manager they should be offered the option of being interviewed in a female-only environment; and they should be offered the option of not being placed in an all-male work environment as part of an Unpaid Work or Attendance Centre requirement.

#### **The Homelessness Reduction Act 2017**

- 4.20 The Homelessness Reduction Act 2017 came into force on the 3<sup>rd</sup> April 2018. Under the Act housing authorities must design advice and information services to meet the needs of people within their district, including people leaving prison and victims of domestic abuse. Housing Authorities have a duty to take reasonable steps to prevent an eligible person from becoming homeless if they are threatened with homelessness within 56 days, irrespective of priority need, intentional homelessness or local connection to the area.



- 4.21 Local housing authorities must also take reasonable steps to try and relieve homelessness for eligible people who are actually homeless, by helping them to secure accommodation. Again this relief duty is owed whether or not the applicant has priority need or may be intentionally homeless, but if there is no local connection they may be referred to another local authority for help, if they would be safe in that area. The prevention and relief duty each last for up to 56 days.
- 4.22 Under the Homelessness Reduction Act 2017, the Governor or Director of a prison and providers of probation services as a public authority has a duty to refer anyone who is homeless or at risk of being homeless within 56 days to a local housing authority provided HMPPS has the person's consent and the person has identified the local housing authority they wish to be referred to. In Wales, women are subject to the Welsh Housing Act 2014.

## **Custody**

### Immigration Act 2016 - Pregnant Immigration Detainees

- 4.23 Prisons must make the Home Office Criminal Casework team aware (via their designated inbox – [adultatriskpregnancy@homeoffice.gsi.gov.uk](mailto:adultatriskpregnancy@homeoffice.gsi.gov.uk)) of any pregnant immigration detainees at the earliest possible time in compliance with section 60 of Immigration Act 2016. This requires that the detention of a pregnant foreign national woman under immigration powers must not exceed a maximum period of 72 hours (or seven calendar days with Ministerial approval), and upon expiry of these time periods the pregnant woman must be released from immigration detention. However, these provisions do not apply if the woman is to be shortly removed from the United Kingdom or there are exceptional circumstances which justify the detention.

### PSI 39/2011 - Categorisation and Recategorisation of women prisoners

- 4.24 Governors must follow the arrangements in PSI 39/2011 Categorisation and Recategorisation of Women prisoners. This sets out that the most dangerous or high risk women are categorised as Restricted Status (RS) and are held in one of the prisons designated as secure enough to hold such women. All other individuals in the women's estate are categorised as either 'closed' or 'open' and should be held in the least restrictive category appropriate to their risk.

### Women's Estate Case Advice and Support Panel (WECASP) Policy Framework (2021)

- 4.25 Governors must follow the arrangements in the Women's Estate Case Advice and Support Panel (WECASP) Policy Framework. This sets out the details of the support available to prisons managing Restricted Status women and those with complex needs. The system is managed through Headquarters and provides multi-disciplinary case advice and support.

## **Family**

- 4.26 Governors must follow the arrangements in the Strengthening Prisoners' Family Ties Policy Framework and ensure that arrangements are in place to help women build, maintain and strengthen their family ties wherever appropriate.

### PSI 49/2014 - Mother and Baby Units

- 4.27 Governors must follow the arrangements in PSI 49/2014 Mother and Baby Units, including making sure that women are asked on reception, or at the earliest opportunity, whether they

are/could be pregnant or have children under the age of 18 months. As per the Strengthening Prisoners' Family Ties Policy Framework "When collecting information about next of kin and family contacts when prisoners are received, Governors/Directors should include requesting details of children. This will enable appropriate services to be provided to support prisoners and their family".

- 4.28 The Mother and Baby Unit (MBU) Instruction provides detailed information on the management of MBUs including the application and appeal process and is likely to be extended to include the management of pregnant women in prison.

#### **PSI 16/2011 - Providing Visits and Services to Visitors**

- 4.29 Governors must follow the arrangements in PSI 16/2011 Providing Visits and Services to Visitors. This provides information on providing visits and services to visitors for pregnant women, nursing mothers, families, as well as guidance on final contact visits prior to adoption.

#### **Notification of stillbirth, neonatal death, suspected brain injury or maternal death**

- 4.30 Prison staff need to be aware that from April 2018, the Healthcare Safety Investigation Branch (HSIB) will investigate every case of a stillbirth, neonatal death, suspected brain injury or maternal death notified to the Royal College of Obstetricians and Gynaecologists (RCOG) Every Baby Counts programme, amounting to around 1,000 incidents per year.

### **5. Constraints**

#### **Prisoner Escort and Custody Services (PECS) – Contractual requirements**

- 5.1 Pregnant women must not be transported in cellular vehicles unless, exceptionally, the risk has been assessed as acceptable by a healthcare professional (in the case of movements from prison this will be the prison's healthcare manager).<sup>6</sup> Reception staff must be made aware of this requirement and any case of authorised use of cellular vans for a pregnant woman must be reported by the Governor to PECS.
- 5.2 When moving a woman from police custody or court, if the Contractor has not been advised by the Agency handing over the Prisoner that she is pregnant and the Prisoner declares herself to be pregnant, the Contractor shall seek advice from a healthcare professional and a non-cellular vehicle may be used if the healthcare professional so advises.

#### **Searching**

- 5.3 Women supervised individuals must not be full-searched as a matter of routine but only on intelligence or reasonable suspicion that an item is being concealed on the person which may be revealed by a full search. The procedure for searching women supervised individuals is different to that used to search male prisoners. Governors must follow the arrangements in PSI 07/2016 Searching of the Person, which specifies the searching

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<sup>6</sup> Cellular vehicles contain individual cells within an escort vehicle and that the cellular nature of these vehicles means that they are not suitable for holding pregnant women or mothers with babies. As such, the escort contractor must provide a non-cellular vehicle for the transport of pregnant prisoners and those who are mothers with babies (ensuring that a baby does not travel in a cellular van).

arrangements for women prisoners. Annex D.4 includes guidance on Searching Religious or Cultural Headwear.

- 5.4 In accordance with HMPPS Operational Protocol 'X-Ray Body Scanning of Prisoners' women prisoners who are or who might be pregnant **must** not be subjected to the x-ray body scanner process.
- 5.5 Any searching of babies (of mothers in Mother and Baby Units) should also be carried out in accordance with Annex I of this PSI.

### **Detention of Immigration Detainees – Pregnant Women and Mothers with Babies**

- 5.6 Section 60 of Immigration Act 2016 requires that the detention of a pregnant foreign national woman under immigration powers must not exceed a maximum period of 72 hours (or seven calendar days with Ministerial approval), and upon expiry of these time periods the pregnant woman must be released from immigration detention.
- 5.7 When a foreign national woman who is accompanied by her child in a Mother and Baby Unit (MBU) completes her custodial prison sentence, the Home Office can only detain the mother or child in exceptional circumstances, and only with permission from the Minister for Immigration. In general, foreign national women prisoners with babies should almost never be detained at the end of their custodial prison sentence using Immigration powers. Where an IS91 is in force and no formal release order has been issued withdrawing the authority to detain, or where there is any uncertainty about what should happen to a foreign national woman and her child at the end of the custodial sentence, prison staff should immediately contact Immigration Enforcement's Minors, Mothers and Baby Team on 0113 341 3374 for advice.

### **Transgender prisoners**

- 5.8 Guidance on transgender prisoners is contained within The Care and Management of Transgender Offenders Policy Framework (2019).

### **6. Guidance**

- 6.1 Government policy is made in accordance with the **United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ('the Bangkok Rules')**.
- 6.2 The 70 Rules give guidance to policy makers, legislators, sentencing authorities and prison staff to reduce the imprisonment of women, and to meet the specific needs of women in case of imprisonment.

Guidance can be found at:

United Nations Rules for the Treatment of Women Prisoners

- 6.3 More detailed information and guidance is set out in the document **Guidance on Working with Women in Custody and the Community**. This guidance is available internally for HMPPS staff. This guidance outlines how practitioners working with women can deliver services to them in a way that meets their distinct needs and reflects the significance of gender to their offending behaviour.

Priority area	What is likely to be effective?	What is less effective?
Substance misuse	Cognitive-behavioural programmes, particularly prison-based, focussing on skills development and community through care; therapeutic communities; opioid maintenance in the community. Led treatment services with effective links to community based services post release where appropriate	Education on the effects of substance misuse without building life and coping skills; use of 'scare tactics'.
Mental health	Advocacy; social support; mentoring; trauma-focussed cognitive-behavioural programmes; short-term trauma-focussed counselling. Wide availability of these services and reduced waiting times. Timely and appropriate assessment of need.	Only signposting to other services.
Build skills in emotional management	Cognitive skills programmes; mindfulness; dialectical behaviour therapy.	Long-term, non-specific counselling.
Help women to change how they view themselves and their ability to contribute to society	Enabling people to do good for their community or for others; helping people change the way they describe themselves. Asset based approach to interventions.	Increasing awareness of the effects of crime on others without a focus on building a stronger, healthier identity. Services experienced as punitive.
Help women to believe in their ability to control their lives and achieve goals	Help to believe in ability to be in control and achieve goals and building confidence in ability to be self-sufficient. Asset based approach to interventions.	Focussing solely on building self-esteem, particularly if contingent on external characteristics, such as attractiveness.
Improve family contact	Facilitate and build skills to develop healthier and more supportive relationships. Establishing healthy and positive relationships is wider than just family and may be circumstances where improving family contact is not appropriate	Solely facilitating contact, without also focussing on improving the quality of

		relationships.
Accommodation, employment and financial needs	Acquiring skills to explore and utilise services; facilitating safe and secure accommodation; meeting educational needs; securing appropriate and meaningful employment; helping women become financially independent.	Only signposting to other services, without developing skills to sustain involvement in resettlement activities.

## A strategy for female offenders

1. The Female Offender Strategy (June 2018) set out the Government's commitment to a new programme of work for female supervised individuals, driven by our vision to see:
  - fewer women coming into the criminal justice system
  - fewer women in custody, especially on short-term sentences, and a greater proportion of women managed in the community successfully; and
  - better conditions for those in custody.<sup>i</sup>
2. To reduce crime and make a difference to victims, we need to consider the underlying causes of offending and reoffending, and take an evidence-based approach to rehabilitating offenders. We know that many supervised individuals are amongst the most vulnerable people in society and that these vulnerabilities can often contribute to their offending behaviours or how they engage and respond to interventions.<sup>ii,iii</sup> Female supervised individuals can be amongst the most vulnerable of all, in both the prevalence and complexity of their needs. Many experience chaotic lifestyles involving substance misuse, mental health problems, homelessness, and offending behaviour – these are often the product of a life of abuse and trauma.<sup>iv</sup>
3. Although the proportion of women in the criminal justice system (CJS) is small – approximately 5% of the prison population and 15% of supervised individuals in the community – the positive impact of addressing their needs is significant.<sup>v</sup>
4. On average female offenders commit less serious offences than male offenders and often pose a low or medium risk of serious harm to the public.<sup>vi,vii</sup> Yet the reoffending rate among women is 22.9% for the April to June 2016 cohort, often committing non-violent, low-level but persistent offences, such as shop theft.<sup>viii,ix</sup> Furthermore, chaotic lives and complex needs often mean female offenders have repeated needs for services and a disrupted family life. Female offenders cost the Government approximately £1.7bn in 2015/16, including estimated police costs of c.£1bn.<sup>x</sup> This excludes wider social costs, such as the cost of intergenerational offending.
5. It is clear, therefore, that tackling and reducing the cycle of offending amongst women could have significant benefits to victims, families, and Government, as well as to female supervised individuals themselves.
6. Outcomes for women in custody can be worse than for men: for example, the rate of self-harm is nearly five times as high in women's prisons.<sup>xi</sup> This disparity is highly troubling and it is right to seek to create equal opportunity for men and women in the CJS to rehabilitate themselves. Baroness Corston's seminal report, *A Review of Women with Particular Vulnerabilities in the Criminal Justice System* (2007), highlighted that the factors that can lead men and women to commit crime, and to reoffend, can vary significantly, as can the way men and women respond to interventions.<sup>xii</sup> Our own evidence review suggests that ensuring interventions are tailored appropriately to the particular needs of women can be more effective than applying a generic approach to men and women alike.<sup>xiii</sup>
7. There is a clear opportunity to take an entirely different approach to this cohort – one that addresses vulnerability, acknowledges the role of gender, treats female offenders as individuals with the potential to make a positive contribution to wider society, and ultimately breaks the cycle of reoffending with all the benefits that brings for families and society as a whole.

## **The Case for Change:**

### **Criminalising vulnerable individuals has broader negative social impacts**

8. Coming into contact with the criminal justice system, and in particular custody, can undermine the ability of women to address the issues that have caused their offending. In particular, many have difficulty maintaining employment and accommodation whilst in the CJS. This can contribute to these women entering crisis, or failing to come out of it, ultimately requiring greater support from services and leading to reoffending. Furthermore, the criminalisation or incarceration of parents has a significant impact on families and children.<sup>xiv</sup> The incarceration of women may also have a disproportionate impact on intergenerational offending as they are more likely to be living with their children prior to custody.<sup>xv</sup>

### **Short custodial sentences do not deliver the best results for female offenders**

9. Custody is intended as a last resort, to protect the public and to punish and rehabilitate offenders. Over three quarters of women sentenced to custody receive sentences of fewer than 12 months.<sup>xvi</sup> 56.1% of adult women released from custody between April and June 2016 reoffended within a year, with 70.7% of women reoffending following a short custodial sentence (<12m).<sup>xvii</sup> There is persuasive evidence that short custodial sentences of less than 12 months are less effective in reducing reoffending than community penalties.<sup>xviii</sup> Custody results in significant disruptions to family life. We also know that custody can be particularly damaging for women, whose rates of self-harm are nearly five times higher than those of men.<sup>xix</sup> Women are also twice as likely to report suffering from anxiety and depression and more likely to report symptoms indicative of psychosis.<sup>xx</sup>

### **Good community management works**

10. Many female supervised individuals serving short custodial sentences could be more successfully supported in the community, where reoffending outcomes are better.<sup>xxi</sup> Community orders also offer the opportunity to support female supervised individuals to engage in employment, and secure stable accommodation. They can be used effectively to address other underlying causes of offending, such as substance misuse problems. The third sector network of women's services, such as women's centres, play an important role in supporting women to address their needs. Holistic support for female supervised individuals helps minimise disruption to families and more effectively maintain female supervised individuals within their community as productive citizens, at less cost to Government and greater benefit to themselves and society.

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<sup>i</sup> MOJ (2018). Female Offender Strategy. Available at: <https://www.gov.uk/government/publications/female-offender-strategy>

<sup>ii</sup> The higher prevalence amongst offenders of issues with drugs, alcohol and mental health is well documented. In a 2005/06 MOJ survey, 46% of female prisoners reported having attempted suicide – more than twice the rate of male prisoners (21%). This is higher than in the general population, amongst whom around 6% have. In the same MoJ survey, 64% of prisoners reported using Class A drugs in the four weeks before custody compared to 13% of the general population, and 49% of prisoners were assessed as being at risk of suffering from anxiety and/or depression, compared to 16% of the general population. In the Adult Psychiatric Morbidity Survey of prisoners (1998), 90% of prisoners had one or more of the five psychiatric disorders studied (psychosis, neurosis, personality disorder, hazardous drink and drug dependence).

MOJ (2013). Gender differences in substance misuse and mental health amongst prisoners Available at: <https://www.gov.uk/government/publications/gender-differences-in-substance-misuse-and-mental-health-amongst-prisoners--2>

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- iii Substance misuse has been linked to increased likelihood of reoffending. According to a MoJ survey of adult prisoners sentenced in 2005 and 2006, 62% of prisoners who reported using drugs in the four weeks before custody reoffended in the year after released compared to 30% of those who reported never using drugs. 62% of those who reported drinking alcohol every day in the four weeks before custody were reconvicted, compared with 49% of those who did not report this. Addressing mental health issues should also help offenders better address other needs more directly associated with offending, such as engaging in drug treatment or maintaining stable accommodation.  
MOJ (2013). Gender differences in substance misuse and mental health amongst prisoners Available at: <https://www.gov.uk/government/publications/gender-differences-in-substance-misuse-and-mental-health-amongst-prisoners--2>
- iv The human cost of VAWG is high. Experiences of abuse have serious psychological, emotional and physical consequences and may contribute to multiple disadvantage, or a chaotic lifestyle involving substance misuse, homelessness, offending behaviour, gang involvement, prostitution or mental health problems. That 41% of the prison population have witnessed or experienced domestic abuse is illustrative of the wider social harms these crimes cause". (HM Government (2016). Ending Violence Against Women and Girls Strategy 2016-2020, p.8.) Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522166/VAWG\\_Strategy\\_FINAL\\_PUBLICATION\\_MASTER\\_vRB.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF)
- v MOJ (2018). Offender Management Statistics quarterly: October to December 2017. Available at: <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2017>
- vi MOJ (2018). Criminal Justice System statistics quarterly: December 2017. Available at: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017>
- vii MOJ (2018). Supporting data tables: Female offender strategy. Available at: <https://www.gov.uk/government/publications/female-offender-strategy>
- viii MOJ (2018). Proven reoffending statistics: April 2016 to June 2016. Available at: <https://www.gov.uk/government/statistics/proven-reoffending-statistics-april-2016-to-june-2016>
- ix MOJ (2018). Criminal Justice System statistics quarterly: December 2017. Available at: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017>
- x Government estimates of total costs to government in 2015/16 associated with female offenders [from police through to end of sentence], drawing on a combination of different data sources and assumptions. These are high level estimates, using a number of published and unpublished data, and there is major uncertainty in several cost estimates included.
- xi MOJ (2018). Safety in custody quarterly: update to December 2017. Available at: <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-december-2017>
- xii Baroness Corston (2007). A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System. Available at: <http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>
- xiii MoJ conducted a Rapid Evidence Assessment (REA) 2015 to explore the evidence on the effectiveness of interventions for adult women convicted of crime. Relative to the gender-neutral initiatives, more of the gender-informed programmes reviewed led to reductions in recidivism.  
MOJ (2015). Effective interventions for Women offenders: A Rapid Evidence Assessment. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/448859/effective-interventions-for-women-offenders.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/448859/effective-interventions-for-women-offenders.pdf)
- xiv Murray and Farrington (2008) The effects of parental imprisonment on children. In Tonry (Ed), Crime and justice: A review of research (Vol 3, pp 133-206). University of Chicago Press.
- xv MOJ (2014). Prisoners' childhood and family backgrounds. Available at: <https://www.gov.uk/government/publications/prisoners-childhood-and-family-backgrounds>
- xvi MOJ (2018). Criminal Justice System statistics quarterly: December 2017. Available at: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017>
- xvii MOJ (2018). Supporting data tables: Female offender strategy. Available at: <https://www.gov.uk/government/publications/female-offender-strategy>
- xviii MOJ (2018). Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending? Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/706597/do-offender-characteristics-affect-the-impact-of-short-custodial-sentences.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/706597/do-offender-characteristics-affect-the-impact-of-short-custodial-sentences.pdf)



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- <sup>xix</sup> MOJ (2018). Safety in custody quarterly: update to December 2017. Available at:  
<https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-december-2017>
- <sup>xx</sup> MOJ (2013). Gender differences in substance misuse and mental health amongst prisoners Available at:  
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- <sup>xxi</sup> MOJ (2018). Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending? Available at:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/706597/do-offender-characteristics-affect-the-impact-of-short-custodial-sentences.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/706597/do-offender-characteristics-affect-the-impact-of-short-custodial-sentences.pdf)