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# **Conditional cautions: Evaluation of the women specific condition pilot**

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We are thankful to the key stakeholders from the Police Service, the CPS and TW centres in the pilot areas for their participation in evaluation interviews and to the 21 women offenders who received a women specific condition (WSC)<sup>1</sup> during the pilot period and agreed to tell us about their experiences. Thanks also to staff at the TW centres in Liverpool, Bradford, Leeds and Keighley<sup>2</sup> who were supportive of our attempts to access women to interview for our research.

Finally we would like to acknowledge the ongoing support and advice provided by the evaluation steering group, which included members of the Office for Criminal Justice Reform (OCJR), Ministry of Justice, Attorney General's Office and the Government Equalities Office.

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1 During the pilot the initiative under evaluation was called 'women's conditional caution (WCC)' and was renamed 'women specific condition (WSC)' after the pilot ended. For the purposes of the report the new terminology will be used.

2 Bradford has two TW centres – one in Bradford itself and a satellite centre in Keighley in North Bradford.

## Policy briefing

This report presents the findings of the evaluation of the pilot of the conditional cautioning scheme referral of low-level, low-risk women offenders<sup>3</sup> to Together Women (TW) centres between 1 September 2008 and 28 February 2009. The pilot was conducted in three sites: two of these, Leeds and Bradford, are situated within the West Yorkshire Police Service area; the third, Liverpool, is situated within Merseyside Police Service area. Within this report, the women specific condition (WSC) pilot sites in Bradford and Leeds have been grouped together and are commonly referred to as West Yorkshire. As Liverpool was the sole WSC pilot site in Merseyside, Liverpool is used within the report to refer to the WSC pilot site and Merseyside is used when referring to the organisations responsible for the administration of the WSC pilot.

## Key findings

- The women specific condition (WSC)<sup>4</sup> is a disposal for low-level, low-risk women offenders, which responds to the recommendations made in the Corston Report (2007). The WSC was well received by both stakeholders and women offenders interviewed over the pilot period as it provided an opportunity to address women offenders' underlying needs.
- Inconsistencies between pilot sites were observed in relation to the number and type of conditions used in conjunction with the WSC, and the number of TW centre appointments required to fulfil the WSC.
- While findings about women offenders' self-reported offending needs to be interpreted with caution, these indicated that the WSC had a positive impact on their offending and on other key areas of their lives.
- There is evidence to suggest that some women offenders were given a WSC where a simple caution and the option of a self-referral to a TW centre may have been sufficient.
- Overall, it was reported that the WSC required few additional resources to administer, in comparison with referring women offenders to court.

## Recommendations

- Custody officers and CPS lawyers with a responsibility for administering the WSC should be given clear guidance about how to use the WSC in conjunction with other conditions. Other conditions used should be proportionate to the nature of the offending and to the woman offender's circumstances.

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3 For the purpose of this report the term 'women offenders' will be used when referring to women given a conditional caution with a referral to the Together Women centres: A women specific condition (WSC).

4 In September 2008, a new condition was developed for dealing with low-level, low-risk women offenders as part of the existing conditional caution scheme introduced by the Criminal Justice Act 2003 (amended by the Police and Justice Act 2006). This is a rehabilitative condition requiring the woman offender to attend a Together Women (TW) centre for a 'needs assessment' at a pre-arranged time and date. This condition is referred to as the women specific condition (WSC) throughout this report.

- Clear guidance for the Police Service, TW centres and the CPS should be established to ensure consistency in the application of the WSC so that it is administered in the way it was intended, particularly in relation to the level of engagement required to complete the TW centre referral.
- In order to support the wider use of the WSC it is important that each area nominate a champion for women offenders who can direct the work of the diverse agencies involved.
- Training about the principles and perspectives that inform gender-specific reforms to the criminal justice system should be offered at all organisational levels to secure wider practitioner commitment and investment. Training should also raise awareness of the unforeseen and unequal consequences of net-widening and uptariffing (see section 4.3 for more details) in order to minimise its occurrence.
- A communications strategy should be developed to ensure practitioners and women offenders understand the nature and extent of this condition.
- A monitoring process that provides timely, robust and user-friendly data to practitioners should be established to track both the use and outcomes of this condition as a way of providing feedback to those administering the WSC.

# Summary

## Context

A conditional caution is an out-of-court disposal introduced by Criminal Justice Act 2003 (as amended by the Police and Justice Act 2006). It provides a way of dealing with the offender as an alternative to prosecution. It may be given to an adult (18+), where there is sufficient evidence and the offender admits the offence and agrees to the caution and conditions attached.<sup>5</sup> In September 2008, a new condition was developed for dealing with low-level, low-risk women offenders.<sup>6</sup> This condition is referred to as the women specific condition (WSC) throughout this report.

The WSC is a conditional caution where there is a rehabilitative condition requiring the woman offender to attend a TW centre for a 'needs assessment' at a pre-arranged time and date. As with other types of conditional cautions, the WSC is administered by the police following approval of the decision by the Crown Prosecution Service (CPS). A WSC can be administered both pre charge or at a later stage post charge.

This report presents the findings of the evaluation of the pilot of the conditional cautioning scheme referral of low-level, low-risk women offenders to Together Women (TW) centres between 1 September 2008 and 28 February 2009. This evaluation aimed to:

- examine the use of the conditional caution scheme as a referral route for women offenders to access services through TW centres;
- examine the intervention and referral processes employed;
- examine the impact of the conditional caution on the likelihood of the referred women reoffending;
- examine the impact of the conditional caution on the lives of the referred women offenders;
- highlight examples of good practice; and
- identify the resourcing implications of using this referral.

## Approach

The evaluation was conducted in three sites, two of these, Leeds and Bradford are situated within the West Yorkshire Police Service area, and the third, Liverpool, is situated within Merseyside Police Service area. In this report, the WSC pilot sites in Bradford and Leeds have been grouped together and are commonly referred to as West Yorkshire. As Liverpool was the sole WSC pilot site in Merseyside, Liverpool is used within the report to refer to the WSC pilot site and Merseyside is used when referring to the organisations responsible for the administration of the WSC pilot.

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5 On 26 January 2010 pilot commenced in five areas to test the youth conditional caution and adult financial penalty condition.

6 For the purpose of this report the term 'women offenders' will be used when referring to women given a conditional caution with a referral to the Together Women centres.



A mixed methodological approach was adopted combining analysis of quantitative data (Police Service, CPS and TW); semi-structured qualitative interviews with 21 women offenders and 34 key stakeholders; and a review of 59 CPS case files. A detailed methodology, including the key methodological limitations of the study and the research tools used, are provided in Appendix 1 and Appendix 2 of this report.

## Results

### Referrals to the scheme

During the six-month pilot period, a total of 114 women offenders were given a WSC – 62 in West Yorkshire (33 in Bradford, 26 in Leeds and 3 in Keighley)<sup>7</sup> and 52 in Merseyside (Liverpool). More than one-half (53%) were administered for theft from shop (73% in West Yorkshire and 29% in Liverpool). While none were issued post charge in West Yorkshire, 20 were issued post charge and 32 were issued pre charge in Liverpool.

### Compliance

Of the 114 women offenders given a WSC, 86 (75%) complied with their conditions. There was a higher rate of compliance in Leeds (81%) than in the other WSC pilot areas and a lower rate in Liverpool (73%). A total of 28 women offenders did not comply with the conditions of their caution. This rate of compliance compares with that of the conditional caution scheme in general (around 80%).<sup>8</sup>

### Launching the WSC pilot

There was good evidence from interviews with stakeholders that each of the agencies shared clearly aligned views of the WSC and its aims. There was an observable difference between the two pilot areas in the approach taken to the management and monitoring of the WSC. In West Yorkshire the Drugs and Offender Management Unit (DOMU)<sup>9</sup> oversaw the administration of the WSC pilot with a dedicated Steering Group. In Liverpool, the CPS was lead partner, and the administration and monitoring of the WSC was embedded within existing conditional cautioning arrangements. There is some evidence that the model of working in West Yorkshire offered a good framework within which to manage, monitor and provide feedback to stakeholders by allowing them to identify successes and deal with issues as they emerged. This research also suggests that in both areas the police would have benefited from a longer lead-in time and training that included all the agencies with a responsibility for administering WSCs.

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7 Bradford has two TW centres – one in the centre of Bradford and a small satellite centre in Keighley north of Bradford.

8 This figure is taken from the CPS management information system (MIS) November 2008. See Appendix 1.

9 The Drugs and Offender Management Unit (DOMU) is an umbrella department within the West Yorkshire Police that manages the following crime reduction programmes and initiatives: Integrated Offender Management (IOM), Drug Interventions Programme (DIP), Prolific and other Priority Offenders (PPO), and Deter Young Offenders (DYO). DOMU manages five multi-agency partnership teams across the region.

## **WSC in practice**

Inconsistencies between pilot sites were observed in relation to the number and type of conditions used in conjunction with the WSC, and the number of TW centre appointments required to fulfil the WSC. Such differences have important implications, as increasing the conditions that are attached to the WSC and/or increasing the TW centre appointments required to complete the WSC potentially creates 'multiple points of failure' and unfairness in application. Better rates of compliance were found in sites where the WSC was used as the sole condition and where women offenders were not required to attend additional appointments at the TW centre beyond their initial assessment in order to comply with the WSC. There is evidence to suggest that some women offenders were given a WSC where a simple caution and the option of a self-referral to a TW centre may have been sufficient.

## **Women offenders' views of the WSC**

Women offenders generally welcomed the WSC as a positive disposal that responded to their needs and offered them a lifeline. However, there was some confusion among the women offenders interviewed about the requirements of the WSC. There was also confusion about the services and support available at TW centres and about what they could expect from a referral. For some, this created anxiety about attending the initial assessment.

## **Outcomes**

### **Self-reported reoffending**

All the women offenders interviewed indicated that they wanted to stop offending, with 14 out of 21 women interviewed adamant that they would not reoffend. All but 1 of the 21 women interviewed reported that they had not reoffended since receiving a WSC.

### **WSC as a route into support services**

From the data available, women offenders had made a number of positive changes in their lives in relation to their practical, personal and emotional circumstances. Women offenders interviewed reported that the services accessed at TW centres were relevant, had a direct impact on their lives and helped them to address their offending behaviour. Data from West Yorkshire TW Centre showed that the WSC was a positive route into support for women with underlying needs. Of the 19 women offenders given a support plan following their initial assessment, 16 went on to voluntarily engage with the support suggested. It was not possible to determine the extent of women offenders' voluntary engagement with support in Liverpool as a distinction was not made in the data between voluntary post engagement and engagement required as part of the support plan.

### **Stakeholder views of the WSC**

The WSC was widely received by all stakeholders interviewed as a useful disposal option and was welcomed as an opportunity to contribute something positive to the lives of women offenders. Senior police in particular noted that the WSC helped them to re-humanise

offenders more generally and to approach their work from a different perspective. However, the short lead-in time and 'top down' approach taken to training meant that officers with operational responsibility were not given the opportunity to develop a sufficient awareness and understanding of the issues connected to women offenders.

## **Resourcing**

Overall, the reported requirement for additional direct resources to administer WSC was low. The CPS reported a reduction in the resourcing required as there was no longer a need to prepare files for court. It should be noted that not all women offenders would have been referred to court and may have been given an alternative out-of-court disposal instead. The TW centres felt the WSC had no additional resourcing implications for their work and the police reported mixed effects on resourcing.

# 1. Context

The proportion of women being sentenced to immediate custody rose between 1995 and 2005 by 69% (Howard League for Penal Reform, 2006). This led to an increased concern about the way in which women offenders were being processed through the criminal justice system. That concern was, and still is, rooted in recognition that there is limited provision for women offenders, especially community-based provision (Worrall, 2002). Rather, most provision within the criminal justice system is designed for and focuses on the needs of men offenders because of their greater numbers and the greater frequency and seriousness of their crimes (Gelsthorpe *et al.*, 2007; Fawcett Society, 2009). Alongside this, there has been an increasing awareness of the distinctive and complex vulnerability and underlying needs of women offenders as they enter and progress through the criminal justice system (Eaton, 1993; Carlen and Worrall (eds), 2004; Corston Report, 2007; Worrall and Gough, 2008).

Recognition of a potential problem with the treatment of women offenders has led to an increased prominence in government policy. The *Women's Offending Reduction Programme* (2003) involved a three year multi-agency strategy aimed to reduce women's offending and the number of women in custody, through:

*“providing a better tailored and more appropriate response to the particular factors which have an impact on why women offend.”*

(Home Office, 2004)

More recently the Corston Report (2007) on *Women with Particular Vulnerabilities in the Criminal Justice System* and the Fawcett Society (2009) report on *Engendering Justice: From Policy to Practice* have both emphasised the need to rethink the way in which women offenders are viewed and dealt with by the criminal justice system. These reports suggest that there are significant differences between the offending of men and women and that these require a differential response. They argue that equality in the criminal justice system is not achieved by treating men and women in the same way. The Commission on Women and the Criminal Justice System (2004) argues that such a misunderstanding of equality has led to male-defined practices and programmes being applied to women and has resulted in women offenders being shoehorned into a system designed for men. The Corston Report (2007) emphasised the need to consider the implications of the Equality Act 2006 and the Gender Equality Duty<sup>10</sup> and recommended that:

*“Every agency within the criminal justice system must prioritise and accelerate preparations to implement the gender equality duty and radically transform the way they deliver services for women.”*

(Recommendation One, Corston Report, 2007)

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<sup>10</sup> The Gender Equality Duty (GED) came into force in April 2007 and requires public authorities to promote equality of opportunity between men and women and eliminate unlawful harassment and discrimination.

In order to break the cycle of repeat offending and custody the Corston Report (2007) advocated the greater use of diversionary measures for low-level, low-risk women offenders. More specifically it called for a woman-centred approach and the further development of Together Women (TW) centres to serve as a point of diversion from court and prosecution and as a wider resource for women in general. Together Women began operating between late 2006 and early 2007 at five centres in the North West and Yorkshire & Humberside National Offender Management Service (NOMS) regions. The project was set up to address both the needs of women who had offended to help them reduce their reoffending, and the needs of women described as being 'at risk' of offending to prevent them becoming involved in crime. While the range of support varies between the TW centres, their central aim is to provide a holistic and 'one-stop shop' approach to addressing women's needs and to respond constructively to women's offending, providing a way out of disadvantage, dependence, isolation and social exclusion (Hedderman *et al.*, 2008).

## 1.1 Conditional caution

A conditional caution is an out-of-court disposal introduced by Criminal Justice Act 2003 (as amended by the Police and Justice Act 2006). It provides a way of dealing with the offender as an alternative to prosecution. It may be given to an adult (18+), where there is sufficient evidence and the offender admits the offence and agrees to the caution and conditions attached. If the conditions are not complied with, the offender can be prosecuted for the original offence. It is for the Crown Prosecution Service (CPS) to decide whether a conditional caution is suitable and to identify appropriate conditions. Under the current scheme the conditions are aimed at rehabilitation (addressing the offender's behaviour) and/or reparation (making good the harm the offender has caused) and may include restorative justice processes. Therefore typical conditions could include victim compensation or referral to drug or alcohol misuse counselling.<sup>11</sup>

## 1.2 Women specific condition (WSC)<sup>12</sup>

In September 2008 a new condition was developed for dealing with low-level, low-risk women offenders as part of the existing conditional caution scheme. This condition is referred to as the women specific condition (WSC) throughout this report. The WSC is a caution with a rehabilitative condition requiring the woman offender to attend a Together Women centre for a needs assessment at a pre-arranged time and date. The assessment explores the woman's personal circumstances, factors that may have led to her offending and the type of support, education or training that might address her offending behaviour. Other conditions with reparative and/or restorative elements can also be applied.

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11 On 26 January 2010 pilot commenced in five areas to test the youth conditional caution and adult financial penalty condition.

12 During the pilot the initiative under evaluation was called 'women's conditional caution (WCC)' and was renamed 'women specific condition (WSC)' after the pilot ended. For the purposes of the report the new terminology will be used.

As with other types of conditional cautions the WSC is administered by the police following approval of the decision by the CPS. A WSC can be administered either pre charge while the woman offender is held in custody or at a later stage post charge. Non-compliance is not a criminal offence. However, allegations of non-compliance by a woman offender are investigated by the police and then the CPS determines whether there were any extenuating circumstances. If not, the woman offender can be arrested and prosecuted for the original offence. The WSC provides an opportunity for developing an innovative response to women offenders and begins to address the gendered nature of the criminal justice process.

In order to be considered for a WSC a woman offender must meet the official criteria for conditional cautions:<sup>13</sup>

- the offender must be over 18 years;
- the offence is permitted under the *Director's Guidance on Adult Conditional Cautions* Annex A (Crown Prosecution Service 2010);
- the offender has made a clear and reliable admission to all elements of the offence;
- the admission has been recorded and is Police and Criminal Evidence Act (PACE) compliant;<sup>14</sup>
- there is sufficient evidence to charge the offender with the offence; and
- the offender agrees to the caution and conditions put forward.<sup>15</sup>

In addition a woman offender must meet the requirements of the TW centre to live within the city boundaries.

### 1.3 Additional contribution of this research

This evaluation makes a contribution to the research and evidence about 'what works' with women offenders. It also contributes to some of the debates surrounding gender equality and the experiences of women offenders in the criminal justice system.

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13 Other factors also played a part and are discussed in Section 4.3.

14 On 26 January 2010 a revised Code of Practice supporting the DPP Guidance came into effect and removed the requirement for a PACE-compliant admission to the offence before a conditional caution could be administered. But the offender must admit the offence at the time the caution is administered.

15 Criminal Justice Act, 2003; Part 3, 22 and 23.

## 2. Implications

A number of implications can be drawn from this evaluation that will have relevance for both policy makers and practitioners.

- The Corston Report (2007) called for the adoption of a radical new approach to working with women who offend. It also advocated a focus on addressing women's needs in the community, outside of what is a highly gendered criminal justice system. The women specific condition (WSC) has been well received by all stakeholders involved in delivering the pilot and by the women offenders<sup>16</sup> themselves who all view WSC as a positive disposal. Women offenders interviewed considered the women-only nature of the TW centre and the range of support and courses on offer to be relevant and to have a direct impact on their lives. While information about the outcomes for women offenders needs to be interpreted with caution there are indications that the WSC had a positive impact on women's offending and on other key areas of women offenders' lives.

Indications are that WSC had a positive effect on low-level, low-risk women offenders, and did not require increased resources. Therefore the scheme could be beneficial if it were embedded and used more widely.

The evidence indicates that the provision of women-only environments would be useful to facilitate reflection, counselling and change in a place that women offenders could feel safe and secure.

- Inconsistencies between pilot sites were observed in relation to the use of conditions in addition to the WSC. This inconsistency has implications for the fairness of application of the disposal and for a woman offender's capacity to comply. Compliance rates were higher in Leeds where the WSC was used as the sole condition of the conditional caution than in WSC other pilot sites.

The research suggests that in order to ensure consistency in the application of the WSC those with an administrative responsibility are provided with clear guidance about how to use the WSC in conjunction with other conditions.

It is also important that those issuing conditional cautions for women offenders ensure that the conditions given are proportionate to the nature of the offending and to the woman offender's circumstances.

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<sup>16</sup> For the purpose of this report the term 'women offenders' will be used when referring to women given a conditional caution with a referral to the Together Women centres – women specific condition (WSC).

- There have been inconsistencies observed in the ways in which the WSC was implemented by the TW centres. In West Yorkshire compliance with the TW centre referral required one assessment appointment. In Liverpool following the assessment, if underlying needs were identified, a support plan was developed that required subsequent attendance at the TW centre. The WSC was not intended to require women to engage with support but rather to encourage their voluntary engagement.

The evidence suggests that clear guidance be established to ensure consistency in application of the WSC so that it is administered in the way it was intended.

Ongoing monitoring of agencies responsible for working with women offenders given a WSC is suggested to ensure the standardised delivery of the WSC.

- There is evidence to suggest that through offering a gender-specific disposal the WSC can begin to challenge attitudes within a gendered criminal justice system. This research indicates that the police would have benefited from a longer lead-in time and an approach to training that included all those with a responsibility for administering WSCs. The findings suggest that this would facilitate a better understanding of the unique position of women offenders and secure greater commitment to the WSC as a disposal.

The evidence suggests that operational police should be included in training and discussions concerning the relevance and effectiveness of gender-specific disposals to ensure that the gap between policy and practice is narrowed.

Any subsequent embedding and expansion of the WSC scheme would benefit from being accompanied by awareness-raising events and provision of a longer lead-in time.

- One of the perennial problems associated with diversion strategies is that they can lead to net-widening or uptariffing (see section 4.3 for more details). There is evidence to suggest that some women offenders were given a WSC where a simple caution and the option of a self-referral to a TW centre may have been sufficient. It is important when developing the WSC in future that clear guidance is provided to ensure the appropriate targeting of the disposal.

The evidence indicates that practitioner training should be implemented to raise awareness of the unforeseen and unequal consequences of net-widening and uptariffing in order to minimise its occurrence.

Consideration may also be given to providing guidance for police about how to encourage women offenders to self-refer to women's centres.



- The majority of women offenders offered the WSC reported having little knowledge of the TW centres and the services they could offer. Those with operational responsibility for administering WSCs also recognised that their knowledge of the TW centres and the services that they offer women offenders was limited. This lack of knowledge and familiarity with the ethos and practice of TW centres meant that they could not always adequately explain the benefits of the WSC to the women offenders concerned. There was concern that this might affect women offenders' take-up of the scheme and subsequent attendance at a TW centre for initial assessment.

Explanatory leaflets should continue to be made available to all women offenders offered a WSC at police stations or at court and their use should be more widely encouraged.

Operational police and CPS prosecutors would benefit from the opportunity to develop a better understanding of the work of a TW centre and its positive impacts.

Consideration should also be given to the training of non-police professionals present in the custody suites to offer initial information concerning the TW centres to all women offenders regardless of the disposal offered.

- The WSC has been developed to respond to women offenders' complex and multiple needs. The evidence from this study shows that women offenders given a WSC present a range of multiple needs. It is important to recognise that these multiple vulnerabilities may also make it difficult for women offenders to make decisions to accept the WSC or to adhere to the requirements of the WSC when first offered, but that they may be receptive and engage with the WSC at a time in the future.

It is suggested that agencies responsible for working with women offenders given a WSC continue to offer support on a self-referral basis should women offenders need to access it in future.

Prosecutors should consider carefully the circumstances of any earlier offer or non-compliance with a WSC in order to make an informed decision about whether to offer a similar conditional caution should the woman offender reoffend.

- The findings of this study suggest that there is a need for clearly defined and visible leadership to manage and monitor the WSC at the local level. In West Yorkshire a steering group was set up for this purpose. There is some evidence that this model of working kept the agencies involved well-informed of progress and that they were better able to identify successes and deal with issues as they emerged. This also ensured a continued commitment to the ethos and practice of the WSC throughout the pilot period.

Consideration should be given to the creation of a local champion for women offenders based in either the police or the CPS. This role should take responsibility for providing clear guidance about the use of WSCs as well as establishing mechanisms for managing, monitoring and providing feedback to stakeholders.

A process of monitoring that provides timely, robust and user-friendly data to practitioners should be considered as a way of tracking both the use and outcomes of this condition.

## 3. Approach

This report presents the findings of the evaluation of the pilot of the conditional cautioning scheme referral of low-level, low-risk women offenders<sup>17</sup> to Together Women (TW) centres between 1 September 2008 and 28 February 2009. The aim of the research was to evaluate the implementation and effectiveness of the women specific condition (WSC). In particular, the evaluation aims to:

- examine the use of the conditional caution scheme as a referral route for women offenders to access services through TW centres;
- examine the intervention and referral processes employed;
- examine the impact of the conditional caution on the likelihood of the referred women reoffending;
- examine the impact of the conditional caution on the lives of the referred women offenders;
- highlight examples of good practice; and
- identify the resourcing implications of using this referral.

The evaluation was overseen by a steering group, which included members of the Office for Criminal Justice Reform (OCJR), Ministry of Justice, Attorney General's Office and the Government Equalities Office.

### 3.1 The evaluation sites

The pilot was conducted in three sites: two of these, Leeds and Bradford, are situated within the West Yorkshire Police Service area; the third, Liverpool, is situated within Merseyside Police Service area. In West Yorkshire the TW centres involved in the pilot were Leeds and Bradford. Bradford has two centres – one in Bradford itself and one in Keighley, north of Bradford. In Merseyside the TW centre involved in the pilot was in Liverpool. Within this report, the WSC pilot sites in Bradford and Leeds have been grouped together and are commonly referred to as West Yorkshire. As Liverpool was the sole WSC pilot site in Merseyside, Liverpool is used within the report to refer to the WSC pilot site and Merseyside is used when referring to the organisations responsible for the administration of the WSC pilot.

### 3.2 Methodology

A mixed methodological approach was adopted, which combined an analysis of quantitative data, semi-structured qualitative interviews and a review of a sample of Crown Prosecution Service (CPS) case files.

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<sup>17</sup> For the purpose of this report the term 'women offenders' will be used when referring to women given a conditional caution with a referral to the Together Women centres – women specific condition (WSC).

The quantitative data examined included:

- police data about the number of women offenders referred to the scheme, their key demographics and the offence committed;
- police data about levels of compliance with the WSC;
- CPS case management system data about the outcomes for women offenders who did not comply with the WSC;
- TW centre data about the underlying needs, nature and level of engagement with the TW centres and the key outcomes for women offenders given a WSC;
- contextual data about conditional cautions from the CPS management information system and data published by the Ministry of Justice.

The qualitative elements of the evaluation involved:

- in-depth semi-structured interviews with a sample of 21 women offenders – 14 in West Yorkshire and 7 in Liverpool;
- in-depth semi-structured interviews with 34 key stakeholders – Merseyside and West Yorkshire Police, the CPS, TW centres, the OCJR and the Attorney General's Office;
- a sample of 59 case files from CPS Merseyside including a sub-sample of 9 non-compliance files with details of reoffending.

A more detailed methodology, including key limitations of the study and copies of the research tools, are attached in Appendix 1 and Appendix 2.

## 4. Results

### 4.1 Launching the WSC pilot

#### A shared vision of the WSC and its aims

The administration of the women special condition (WSC) requires partnership working across three main agencies: the Police Service, the Crown Prosecution Service (CPS) and the Together Women (TW) centres. The need for strong multi-agency working has been documented as crucial for bringing about successful policy changes. Recent Her Majesty Inspectorate Constabulary (HMIC) reports on domestic violence (HMIC, 2004) and rape (HMIC, 2002), for example, have stressed the need for a common understanding of the philosophy underpinning an intervention among organisational partners as a starting point for successfully working together to bring about change.

There is good evidence from interviews with stakeholders that each of the agencies shared clearly aligned views of the WSC and its aims. The WSC was widely received by the police, the CPS and TW centre staff interviewed as a useful disposal and was welcomed by all as an opportunity to contribute something positive to the lives of women offenders.<sup>18</sup>

The police, in particular, noted the profound effect of the WSC pilot on its work and in its attitude to offenders in general. In both areas police identified that the WSC helped them to approach their work in the custody suites from a different perspective. One Inspector noted that the experience helped his custody staff to re-humanise offenders and to move away from a view that the police role was to “lock anyone up and send them to the courts” and towards a new vision of “dealing with people and preventing them from offending”. This shift in police views of offenders is in line with the ethos of the Corston Report (2007) and the work of the TW centres, where women’s status as offender is put aside and all women are treated in a supportive and non-judgemental manner.

For the most part, interviewees from the police and the CPS were able to see and describe the benefits of the WSC in terms of its potential to address the problem of reoffending. This is particularly true of senior police officers who had attended the launch events and who by virtue of their positions were able to take a broad of the long-term benefits of the WSC. Here, police officers equated the intentions behind the WSC, in terms of reducing reoffending, with those of the Police Service itself. As one Inspector from West Yorkshire noted:

*“That is the benefit [of WSCs] ... and that is what the Police Service is trying to do, to stop people reoffending. That is the ethos of the Police Service.”*

Custody sergeants, while positive about the WSC pilot, expressed feeling less positive and invested than their senior counterparts. The nature of the job meant that custody sergeants were less able to see the overall benefit of the WSC scheme. As one officer articulated:

<sup>18</sup> For the purpose of this report the term ‘women offenders’ will be used when referring to women given a conditional caution with a referral to the Together Women centres – women special condition (WSC).

*“What happens is that you move on to your next job and unless it really affected you in some great shakes then you probably wouldn’t ring up [the TW centre] and say ‘I wonder how she went on?’”*

There was a strong consensus among the police and the CPS in both pilot areas that the WSC as a condition of the conditional caution was a key feature of their positive commitment. While stakeholders were realistic about the possible effects of the TW centre referral on women’s offending and lives more broadly, they were keen to emphasise that such a referral had alerted them to the possibility that helping a person put their life back on track might have the greatest long-term benefits for woman offenders, for their own workload and for society at large. As one police officer commented:

*“Well I think you’ve got to look at the long-term benefits and if it works. If say we conditional caution 20 women, for instance, if 25% of them stop reoffending then it has been a very successful element and we might get it wrong, but if we get it right some of the time it is worth it.”*

The CPS also noted the distinctive possibilities of the WSC above other conditions when they state that:

*“The problem with the ordinary conditional caution is that in West Yorkshire we are very restricted in what we have got and basically it comes down to a letter of apology and some compensation ... so it was good to see that this was going to be made available with all the options of advice, debt advice, housing advice, etc. So I think it really is good and I would be disappointed if it couldn’t be made to work constantly in the future.”*

## **Management and organisational lead**

There was an observable difference between the two pilot areas in the organisational lead taken in the management and monitoring of the WSC. As Merseyside had been a pilot area for the implementation of the conditional caution, WSCs were considered ‘business as usual’ and monitoring arrangements for the WSC were embedded within existing administrative arrangements. Merseyside CPS acted as the organisational lead for WSCs in this area and worked closely with the Merseyside Police. It was not deemed necessary to create a separate steering group to monitor the use of WSCs. In contrast, in West Yorkshire the Drugs and Offender Management Unit (DOMU)<sup>19</sup> acted as the organisational lead for WSC overseeing conditional cautions in general and the WSC pilot in particular. A Conditional Cautioning Steering Group, including representatives from DOMU, the TW centres, Leeds and Bradford custody inspectors and the CPS, was set up to meet on a monthly basis to discuss, manage and monitor the performance of the team’s delivery of the WSC.

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<sup>19</sup> The Drugs and Offender Management Unit (DOMU) is an umbrella department within the West Yorkshire Police that manages the following crime reduction programmes and initiatives: Integrated Offender Management (IOM), Drug Interventions Programme (DIP), Prolific and other Priority Offenders (PPOs), and Deter Young Offenders (DYO). DOMU manages five multi-agency partnership teams across the region.

In West Yorkshire those overseeing WSCs at a strategic level received regular updates on the pilot through the DOMU steering group. Strategic level staff in both areas also received regular basic monitoring data. The data helped to maintain a positive attitude towards the WSC among custody inspectors. This model of working, which could be considered good practice, kept the agencies involved well informed of progress and allowed them to identify successes and to deal with issues as they emerged. However, in both pilot areas, those with an operational responsibility for administering the WSCs reported during the interviews that they had little opportunity to gauge the success or otherwise of their decisions to administer WSCs. As a result they felt less invested in the WSC scheme.

This difference in organisational lead between the pilot areas had a significant impact on the level and nature of relations between organisational partners and on the way in which the WSC was administered. This is discussed further in section 4.4.

### Training in the use of WSCs and start-up

Previous research has identified the important role of training for the successful administration of new criminal justice interventions (Blakeborough *et al.*, 2007; Adams, 1998; Gilbert, 2004). Both the WSC pilot areas hosted launch events attended by senior representatives from all partner agencies that had a responsibility for administering WSCs. The training adopted a 'top down' approach with senior representatives expected to cascade information and guidelines to staff who had an operational responsibility for administering the WSC. A range of materials was provided to assist this process and included WSC training websites, emails, posters and leaflets developed by the Office for Criminal Justice Reform (OCJR).

While attendees from the CPS and TW centres viewed the launch event positively, they acknowledged that they had a pre-existing understanding of the issues it addressed. In contrast, the police commented that the launch event alerted them to the unique position of women offenders, both socially and within the criminal justice system. In West Yorkshire senior police officers spoke passionately about how their commitment to WSCs deepened as a consequence of hearing about the real-life experiences of women offenders. As one Inspector commented:

*"I saw the immediate benefit of this pilot and thought this is really good, let's try it, and I think that's why it worked ... I did push the conditional caution. I went in every day and highlighted on the board 'these women are in protective custody and the first thing that we should think of is conditional caution and nothing else'. If the conditional caution doesn't apply then fine, but you should have thought about that first."*

The police expressed some concern over the speed at which the WSC was introduced and noted the detrimental effects of having a short lead-in time within which to relay information to custody officers responsible for administering the WSC. Interviews with police officers indicated they would have benefited from a full discussion and consideration of the rationale

for such a disposal, which they noted on the surface may appear somewhat one-sided – privileging women offenders before victims and women’s needs above those of men.

The police also reported that further information on the work and operation of the TW centres would have been useful when they presented this as an option to women offenders. This need for improved knowledge among the police was also identified during interviews with women offenders given a WSC. Although women offenders interviewed felt the police had been supportive, treated them kindly and provided them a chance to consider more positive options, they felt the information given in custody was fairly sketchy. Most women offenders were not clear about the disposal they had been given, for example, three women offenders from Bradford referred to the WSC as a ‘conditional discharge’. Women offenders interviewed were also not clear about what they could expect from a TW centre and the services and support available to them. One woman offender thought she would need to “*don a yellow vest*” and “*complete community service*”. Another believed that she would be detained in the centre for the eight hours it would take to complete her conditions. This lack of clarity about the disposal, in combination with the sketchy details provided about the TW centres themselves, left women offenders feeling anxious about attending their assessment.

It is difficult to gauge the extent to which women offenders’ lack of understanding was symptomatic of their vulnerable state or was a consequence of the inadequate explanations given by the police. Providing women offenders with more information about TW centres is crucial in trying to maximise women’s participation in such a disposal. A WSC leaflet was developed to be given to women offenders while they were in custody. From the sample of 21 women offenders interviewed only 7, all from Bradford, reported being given a leaflet at the time the WSC was administered. The issuing of a WSC leaflet to women offenders by police is important for a number of reasons. The leaflet provides valuable information for women offenders about the disposal they have been given and the location of the TW centres, and is also something tangible for women offenders to refer to on leaving custody. This was particularly important for one woman offender interviewed who reported having no memory of being issued a WSC at the police station but later came across the leaflet in her belongings and was able to attend her initial assessment at the TW centre as a result.

It is also necessary to ensure that operational police possess a good knowledge of TW, its ethos, and the support offered. Such information will ensure women offenders are better equipped to make a decision about whether to accept the WSC. It will encourage greater clarity and understanding of the disposal and will offer a degree of reassurance about what they can expect. This increase in reassurance may also have a positive effect on women offenders’ compliance.



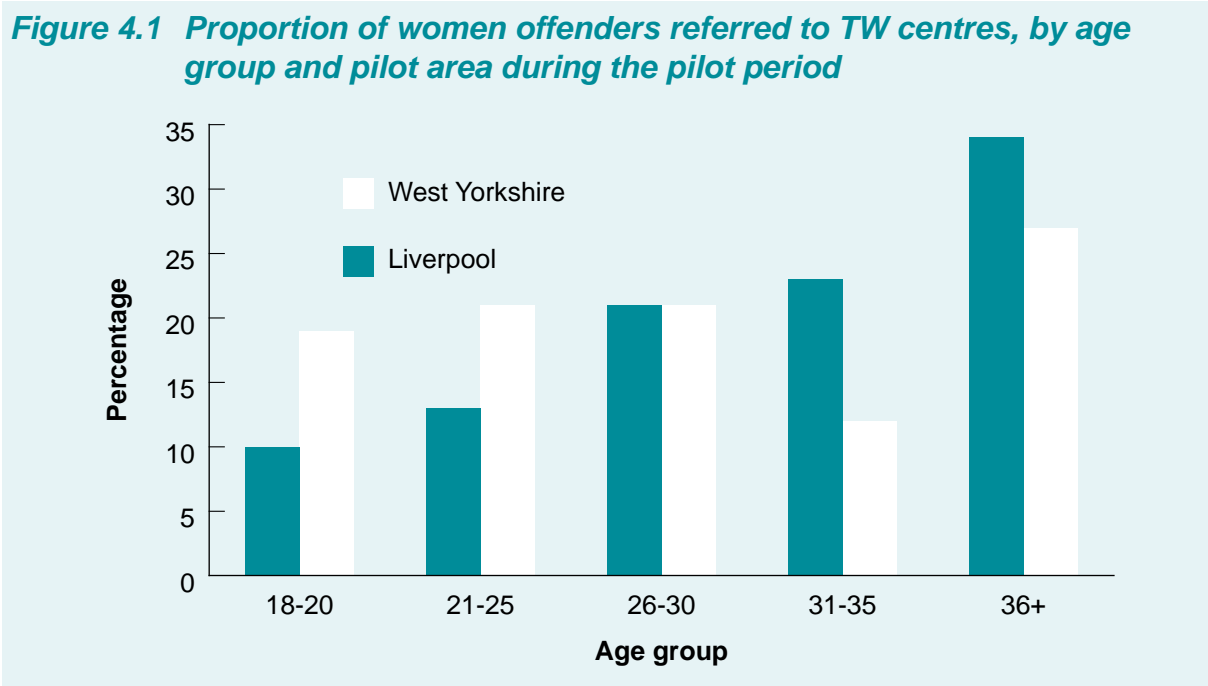
## 4.2 Referrals to the scheme

### Number of women offenders given a WSC

During the pilot period a total of 114 women offenders were given a WSC – 62 in West Yorkshire (33 in Bradford, 26 in Leeds and 3 in Keighley)<sup>20</sup> and 52 in Merseyside (Liverpool). It is not possible to assess how many women were given a WSC as a proportion of all women eligible for this disposal as the necessary data needed to establish this were not collected.<sup>21</sup>

### Demographics of women offenders given a WSC

Across the two areas, there was a relatively even distribution of WSCs by age. Women offenders referred to TW centres in West Yorkshire appeared older than their counterparts in Liverpool.<sup>22</sup> Figure 4.1 shows that roughly one-third (34%) of the WSCs administered in West Yorkshire during the pilot period were administered to women offenders over 36 years of age. More than three-quarters (78%) of those administered a WSC were aged 26 and over. In Liverpool, 27% were aged 36 and over while 60% were aged 26 and over.



Source: West Yorkshire Police and Merseyside Police.

According to TW centre data, just over one-half of the women offenders (both West Yorkshire and Liverpool) had dependent children.

Of the 62 WSCs administered in West Yorkshire 52 (84%) were given to White British women. This is representative of the overall population of Leeds and Bradford, which

20 Keighley TW Centre is a satellite of Bradford TW Centre.

21 See Appendix 1 for further details.

22 Data are based on a very small sample and may not be sustained should further conditional cautions be administered. See further detail in Appendix 1.

according to the 2001 Census is 84% White British. Seven WSCs were administered to Asian (Pakistani/Indian), Black (Caribbean) and non-British White women. The ethnicity of the three remaining women offenders was not stated. According to TW centre data three women offenders in West Yorkshire were from non-English speaking backgrounds. Of the 52 WSCs administered in Liverpool 48 (92%) were given to White British women. This is representative of the overall population of Liverpool, which according to the 2001 Census is 92% White British. One WSC was given to a woman offender who was not White British and the ethnicity of the further three women offenders was not stated.

**Offences committed by women offenders given WSCs**

Table 4.1 illustrates the range of offences that had been committed by those who received a WSC during the pilot period. Most common in both areas was theft from shop, with more than one-half (53%) of the 114 women offenders arrested for this reason. The rates of arrest for this offence, however, were noticeably different between the two pilot areas. In contrast to West Yorkshire where nearly three-quarters (73%) of women offenders had been arrested for theft from shop, less than one-third (29%, n=15) of those in Liverpool had been arrested for this offence.

**Table 4.1 Offences committed by women offenders receiving a WSC during the pilot period**

Offence	Merseyside (Liverpool)		West Yorkshire (Bradford and Leeds)	
	Number	Percentage	Number	Percentage
Theft from shop	15	29	45	73
Assault offences	4	8	3	5
Other dishonesty offences	9	17	3	5
Theft by employee	3	6	2	3
Possession of drugs	9	17	1	2
Burglary dwelling	1	2	0	0
Criminal damage	1	2	0	0
Other	10	19	8	13
<b>Total</b>	<b>52</b>	<b>100</b>	<b>62</b>	<b>100</b>

Source: West Yorkshire Police and Merseyside Police. Percentages may not sum to 100 due to rounding.

In Liverpool there was a wider distribution of offence types than in West Yorkshire and WSCs were also issued for some more serious offences such as assault on a police constable. In Liverpool nine (17%) women offenders were arrested for possession of drugs compared with one (2%) in West Yorkshire. It is also important to note that three of the WSCs issued were for offences not eligible for a WSC.<sup>23</sup>

23 Two were given to women involved in offences related to prostitution. These offences were excluded from the pilot as there are wider issues concerning the imposition of restrictive conditions, which required more careful consideration than was available under the timescales for setting up this pilot. However, involvement (or the risk of involvement) in prostitution would not rule a women offender out of the pilot. The remaining case was a result of a simple processing error.

## Underlying needs and circumstances of women offenders' given a WSC<sup>24</sup>

TW centre data showed that women offenders presented with multiple needs, including histories of abuse; current active offending; offending with peers; drug misuse; alcohol problems; debt and financial problems; mental health issues; and housing issues. Across the two pilot areas, the most commonly identified underlying needs were alcohol and drug issues (47% of women offenders in Liverpool; 32% of women offenders in West Yorkshire) and debts and financial problems (23% in Liverpool; 48% in West Yorkshire).

Further information on the underlying needs of women offenders given a WSC was available within the West Yorkshire TW Centre data but the equivalent information was not available within the Liverpool TW Centre dataset. The data from West Yorkshire indicated that roughly one-half (46%) of women offenders reported suffering from mental illnesses (depression, bipolar disorder, anxiety and personality disorders). Many of these were on medication related to their mental condition, some were currently or had previously been in the care of mental health professionals, and some had a history of self-harming. A slightly smaller proportion (42%) of women offenders suffered from a range of physical health problems, which included asthma, epilepsy, headaches, back pain, hepatitis C, cancer, and other debilitating illnesses and injuries. Around one-eighth (12%) of women offenders were currently experiencing domestic violence. TW centre data also showed that 47% of women offenders had experienced violence in the past (for example, abuse as children, young women, from past partners or violence from strangers).<sup>25</sup>

Around one-third (30%) of women offenders in West Yorkshire reported that their current housing did not meet their needs and provided a range of reasons for this, including size (both too small or too large for their needs), housing of a poor quality, living with friends and relatives on a temporary basis, wanting to flee domestic violence, wanting to move location, or that they were currently living in hostels, refuges or with drugs users. TW centre data indicated that the majority of women offenders in West Yorkshire were unemployed (86%). Many women offenders had debts, which ranged from £20 to £95,000 (including a mortgage) with most of those in debt owing up to a few thousand pounds.

### 4.3 Making decisions about women offenders' eligibility for the WSC

While it was not possible to assess how many women offenders were given a WSC as a proportion of all women offenders 'eligible' for this disposal,<sup>26</sup> stakeholder interviews and CPS case file reviews illustrate some of the complexity involved in practitioner decision-making about the number and type of women offenders who receive this disposal. In addition to the

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24 The number of women offenders included within TW centre data does not match with numbers reported by the police. For a further discussion of this and of the other limitations of this data please see Appendix 1.

25 This finding was established from a content analysis of a free text field and was therefore not available for each woman offender.

26 See Appendix 1 for further details.

professional frameworks within which the CPS and the police operate, less formal factors such as the 'time and place' within which the WSC was administered and the individual characteristics of women offenders also played a role in decision-making and are explored in the next section.

## Time and place

Interviews with police officers suggested that the time taken to administer a WSC had on occasions influenced their decision not to use this disposal within the busy custody environment.<sup>27</sup> Some also considered that the time taken to administer a WSC might act in contradiction to Police and Criminal Evidence Act (PACE) guidelines, which place a responsibility on police officers to deal with prisoners in custody suites expeditiously. While evidence review officers (EROs) reported that it did not take any longer to complete the paperwork associated with a WSC, custody sergeants did not agree. The custody sergeants were responsible for balancing the needs of numerous prisoners in custody. They noted that there were times, when they might give a simple caution or even a Penalty Notice for Disorder (PND) rather than a WSC in order to free up a cell for another more serious offender. In other cases, custody sergeants reported that they might go straight to a charge when the offence was such that they had authority to charge without going to the CPS.<sup>28</sup> As one custody inspector told us:

*"I think there are times you know when it is a matter of well, we have two or three other prisoners waiting and you know, if this officer goes through the CPS it is going to delay it, it could delay it another hour. So let's charge her. It would be easier to charge her."*

It was reported that these decisions were more likely to take place out of hours when EROs and custody inspectors were unavailable and when custody officers were required to contact CPS Direct for a decision. Police officers reported that CPS Direct<sup>29</sup> was sometimes not aware of the WSC pilot scheme and as a result this required further explanation by the police and additional time for prosecutors to research this disposal. In interviews with more senior police officers, these practices were seen as a failure of multi-agency working or as an example of officers taking an 'easy option', which did not benefit the woman offender.

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27 The implementation of a revised Code of Practice for conditional cautioning and the introduction of the 6th edition of the Crown Prosecution Service (2010) *Director's Guidance on Adult Conditional Cautions* on 26 January 2010 further streamlined the referral process by: removing the requirement for a PACE compliant admission to the offence (the offender must admit the offence at the time the caution is administered); making it a requirement that referral to the CPS for a conditional cautioning decision must be by telephone (once systems have been established); and the police are only required to submit an MG5 (case summary form) to the CPS to obtain a conditional cautioning decision.

28 In accordance with the Crown Prosecution Service's *Director's Guidance on Charging* (2007a), the police may charge summary or either way offences where a guilty plea is expected, and certain less serious offences even where the suspect may be expected to plead not guilty. These include Bail Act offences, less serious road traffic offences and offences punishable with no more than three months custody. Shoplifting is one of these offences.

29 CPS Direct is the national service that provides police officers across England and Wales with access to out of hours charging decisions from the CPS.

## Characteristics of individual women offenders

The *Director’s Guidance on Adult Conditional Cautions* states that:

*“A history of recent offending, especially offences of a similar nature, is likely to be an indication that a prosecution should be preferred, but each case should be considered on its own merits.”*

(Crown Prosecution Service, 2010)

Therefore the police and the CPS considered factors such as the individual’s history of offending, previous convictions, and both underlying and immediate needs in making a decision about whether to offer a WSC in each case.

The police in both pilot areas made it clear that having previous and numerous convictions would not necessarily rule out a WSC, especially if the convictions were some time ago. But when the offending was considered too persistent and recent, a conditional caution would be deemed an inappropriate disposal. As one officer stated:

*“... we look at the pre-cons and if there is somebody who commits shoplifting every week then we are setting them up to fail by giving them a conditional caution.”*

CPS prosecutors also review a woman offender’s previous offending and disposal history. While a history of recent offending, especially offences of a similar nature would be likely to prevent a woman offender being given a WSC, each case was considered on its merits. Case study 4.1 provides an example of this. In this case, the police suggested that the offender be charged, but on reviewing this decision the CPS considered her suitable for a WSC as her previous offending occurred some time ago.

### Case study 4.1: Stephanie\*

Background:	Mid-30s White British woman from Liverpool.
Offence/conviction history:	2000–01 Significant offending history of fraud, theft and kindred offences, and offences relating to the police, courts and prison.** Received terms of imprisonment and fines at court.
Current offence:	Theft from shop – children’s clothing of low value.
Details of police/CPS decision:	Police suggested the offender should be charged. Junior CPS lawyer identified case as a possible WSC and referred it to a senior lawyer for advice. Response: <i>“Yes I think she is. Numerous pre-cons but nothing for seven years. Full admission and apology at interview.”</i>
Proposed condition:	A WSC with a TW centre referral for assessment.

\* Name has been changed.

\*\* Offences relating to the police, courts and prisons includes failing to answer police bail and breach of court orders, including bail

The evaluation also found examples where women offenders were given a WSC in response to the presence of underlying needs when a simple caution or other out-of-court disposal may have been sufficient. One of the perennial problems associated with diversion strategies is that they can lead to net-widening or up-tariffing. According to Blakeborough *et al.*, (2007) up-tariffing is “based on the premise that introducing a new disposal between two forms of existing disposals is likely to draw in offenders from the less serious disposal”. Evidence of up-tariffing was found at the point of police decision-making by Blakeborough *et al.* (2007) in their examination of the introduction of conditional cautions, and by Brown (1998) and Hucklesby (2001) in their examinations of conditional bail. Interviews with the police and the CPS, as well a review of CPS case files indicated that WSCs had been issued to women offenders who might otherwise have only received a simple caution. On numerous occasions both the police and the CPS interviewed referred to the WSC as an opportunity to provide a woman offender with a route into much needed support services that otherwise might not have been immediately available. Faced with a woman offender who clearly needed support, for example, one police officer explained exactly this:

*“I thought it just seems ludicrous that we have got a woman here who is in custody who is saying ‘I need help’ and I’m going to caution her and send her home just to do the same thing again.”*

In West Yorkshire two WSCs were administered to women offenders arrested for offences related to prostitution. Although these women offenders were explicitly excluded from the WSC pilot by the formal eligibility criteria,<sup>30</sup> the police felt that they would nevertheless benefit from a referral to a TW centre as they had similar underlying needs and patterns of offending to women offenders who would be eligible for a WSC.

#### **4.4 WSC in practice**

As with other types of conditional cautions the WSC is administered by the police, following approval of the decision by the CPS. While following a similar pattern of administration there were some observable inconsistencies and differences in the way in which the WSC was operationalised in the two pilot areas, which are discussed below.

##### **Points of intervention**

While the first opportunity for a woman offender to be considered eligible for a WSC rests with police custody staff (pre charge),<sup>31</sup> a WSC may also be offered at a later stage following CPS intervention (post charge). In West Yorkshire, six custody suites administered 62 WSCs. None were made post charge. In contrast, in Liverpool, of the 52 WSCs administered, 32 were made within the custody suites. The remaining 20 were made post charge by the

30 These offences were excluded from the pilot as there are wider issues concerning the imposition of restrictive conditions, which required more careful consideration than was available under the timescales for setting up the pilot. However involvement (or the risk of involvement) in prostitution would not rule a women offender out of the pilot.

31 This is the preferred method of administering a conditional caution according to the guidance issued by the Director of Public Prosecutions (Crown Prosecution Service 2010).

CPS. Some explanation of this difference in pre and post charging is available in interviews with stakeholders, CPS case file reviews and by observing the differences in organisational management between pilot areas. Interviews with stakeholders indicated significant differences in the ways in which the CPS participated in the process of administering the WSC. While CPS lawyers in both pilot areas considered themselves to act as a check on police decision-making, the procedures they followed varied.

The research findings suggest that the CPS in Merseyside had further developed their practices and processes to support conditional cautioning in general. While this varied across the custody suites involved in the pilot some common features emerged. Firstly, a dedicated conditional caution hotline was created during the pilot period, which provided direct phone access during business hours with a Merseyside CPS lawyer for each conditional caution case. Secondly, each custody suite had dedicated CPS lawyers onsite during business hours. Interviews with stakeholders from the CPS in Merseyside indicated that they took an active role in reviewing the case files of women offenders eligible for the WSC both in cases pending court appearances and in court where associate prosecutors were present. Case files were routinely checked six days before a court appearance and there was a further check at the court itself. As one CPS lawyer in Merseyside noted:

*“Our associate prosecutors ... are very proactive in identifying cases, both at the review stage in the office and at court.”*

This approach is unsurprising considering the Chief Crown Prosecutor for CPS Merseyside held a strategic responsibility in relation to conditional cautions. This approach, which could be considered good practice, acts as a mechanism to check on police decision-making and as such has the potential to be used as a feedback means to improve the use of the WSC pre charge as preferred in *The Director’s Guidance on Adult Conditional Cautions* (Crown Prosecution Service, 2010).

In contrast, there were no WSCs identified post charge in West Yorkshire and the level of CPS engagement differed from that observed in Liverpool. As standard practice West Yorkshire CPS checked all case files the day before a court appearance and associate prosecutors were given the opportunity at that point to consider a WSC as an alternative to a court appearance. West Yorkshire CPS was unable to explain why this had resulted in no post charge WSCs being issued. It was their suggestion that the police may have already identified all suitable women offenders and/or that women offenders may have refused the offer of a WSC provided at court. There was no evidence available to confirm or deny these explanations.

## The use of other conditions in conjunction with the WSC

A conditional caution can involve the use of a number of conditions, such as a letter of apology and/or the payment of compensation in conjunction with a WSC. Interviews with stakeholders and the review of CPS case files indicated that there was some inconsistency in their use, but the extent of this is not known.<sup>32</sup> While conditions in addition to the WSC were on occasion applied in both Liverpool and in Bradford, none were applied in Leeds. Indeed, police in Leeds were adamant that they had been instructed at the launch event to use only the WSC. They questioned this, however, as they felt it contradicted recent policy initiatives to increase the focus on victims through the use of reparation. They noted that on a number of occasions CPS lawyers declined a conditional caution because of this. As one officer commented:

*“Some CPS solicitors say that we are supposed to be victim-based, but this excludes the victim completely so they won’t put it forward and they will suggest a different process.”*

This inconsistency in the approach to the use of conditions in addition to the WSC may have arisen through the lack of direct guidance about how to use this new condition within the existing conditional caution framework with its attention to the victim. The *Conditional Cautioning for women offenders – A guide for practitioners* (Office for Criminal Justice Reform, 2008) issued to practitioners focused on the WSC as a new condition and as an additional option for dealing with adult women offenders. The documentation emphasised the women-focused nature of the disposal and the role of the TW centres. It did not, however, explicitly state how this new condition worked in conjunction with other existing conditions although reference to the broader conditional cautioning scheme guidance was provided. In order to ensure fairness, it is therefore important that those with a responsibility for administering the WSC are provided clear guidance about how to use the WSC in conjunction with other conditions.

The reality for women offenders given a conditional caution is that unless they fulfil all of the conditions applied they are deemed to have been non-compliant. For example, case study 4.2 below reveals how one woman was deemed to have been non-compliant with her conditional caution despite attending and fulfilling the WSC. This woman attended her assessment at the TW centre but was deemed non-compliant with her conditional caution because she did not fulfil the condition to pay compensation. The use of this additional condition may have compounded her situation by failing to recognise that financial difficulties were one of the very issues that underpinned her offending behaviour. Therefore it is necessary that those issuing conditional cautions for women offenders ensure that the conditions given are proportionate to the nature of the offending and to the woman offender’s circumstances.

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<sup>32</sup> The police were unable to share details of the conditions used in conjunction with the WSC at the time of the evaluation due to issues of confidentiality and the time required to extract this information.



### Case study 4.2: Lindsay\*

Background:	Early 30s White British woman from Liverpool.
Offence/conviction history:	No previous offences or convictions.
Current offence:	Theft by employee.
Background to offence:	To pay family bills.
Details of police/CPS decision:	Both agreed a conditional caution was appropriate with conditions below.
WSC conditions:	1. Not to reoffend within six months 2. Pay compensation 3. Attend TW centre.
TW attendance:	Attended for initial assessment.
Details of non-compliance:	Failed to pay compensation.
Reoffending after non-compliance:	None to date.

\* Name has been changed.

### Completing the WSC

Interviews with TW centre staff and TW centre data revealed further differences between pilot areas regarding the interpretation of the procedures for completing the WSC. Official guidance on completing the WSC notes that:

*“A single appointment may be all that is needed to complete the assessment, or they [women offenders] may need to attend follow up sessions advised by the centre. In order to complete the condition, the offender will need to attend all meetings until the assessment is complete, which may be up to eight hours in total.”*

(Conditional Cautioning for women offenders – A guide for practitioners)

In West Yorkshire this guidance was interpreted to mean that women offenders were deemed to have fulfilled the conditions of their caution after completing one appointment for an initial assessment, which took about an hour. The initial assessment included a self-assessment, a TW centre assessment and the development of a support plan dependent upon the woman's needs. Further attendance after that time to work on the support plan was encouraged, but took place on a voluntary basis.

The guidance was interpreted differently in Liverpool. Both TW centre data and interviews with TW centre staff indicated that in order to complete their WSC women offenders were required to attend additional support and interventions as part of their support plan, which required subsequent attendance of up to eight hours. If the woman offender did not attend these required elements they were deemed to have been non-compliant. One woman, for example, attended seven counselling appointments in addition to her initial assessment before being considered to have completed her WSC. Several others were required to attend weekly for the duration of a course or programme of appointments. TW centre data showed that even women offenders with no underlying needs identified were required to attend these additional appointments.

It is difficult to establish from the data if a relationship exists between the number of underlying needs and the number of appointments given to women offenders. For example, in four of the cases where women offenders were required to attend seven appointments to complete their WSC, two women offenders had underlying needs identified by TW centre and two other women offenders had no underlying needs recorded.<sup>33</sup>

For both West Yorkshire and Liverpool, non-attendance at the initial appointment was regarded as non-compliance and TW centre data showed this type of non-compliance was the most common. However, it was also apparent that women offenders in Liverpool were deemed non-compliant if they failed to attend an appointment or course arranged for them as part of their support plan. Indeed, six women offenders within the sample were deemed non-compliant in this way – five of these for failing to attend an acupuncture appointment and a further woman offender who completed two out of three elements but who failed to attend appointments for the third element related to her alcohol use.

While it may be the case that the increased requirement to engage with support services over a period of time may result in an overall positive benefit on women offenders' lives (Clarke, 2004; Lart *et al.*, 2008) the WSC was not intended to require women offenders to engage with support but rather to encourage their voluntary engagement. Differences in approach such as these directly affect the fairness of the WSC as women offenders in Liverpool faced a more demanding level of engagement.<sup>34</sup> The approach taken in Liverpool also created further opportunities for non-compliance with the possibility of 'multiple points of failure' for these women offenders. Research on the introduction of new criminal justice interventions has stressed the often unintended consequences of reform strategies where differences exist between what is intended and what actually occurs (Hannah-Moffatt and Shaw, 2001; Hayman, 2000). It is therefore important that clear guidance is given and that ongoing monitoring is undertaken to ensure the WSC requires attendance for assessment at the initial appointment only as intended and that any engagement beyond this is voluntary in nature, as was the case in West Yorkshire.

## 4.5 Compliance

In every TW centre a woman offender who failed to attend their initial assessment appointment was contacted by the centre and asked for an explanation, which had to be verified, and one more appointment may have been given. However, without a verified excuse, the woman offender was deemed to have failed to comply with the WSC. In all circumstances the TW centre contacted the police with details of the non-compliance. The police then re-contacted the CPS to determine whether she would be prosecuted for the original offence. Non-compliance is not a criminal offence. As with any other conditional caution if a woman offender did not complete the required conditions they could be arrested and charged with the original offence.

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33 TW centre data could not be used to establish whether the data were incomplete in relation to these women offenders' needs or whether these women offenders genuinely had no underlying needs and were required to attend sessions anyway.

34 See Section 4.5 where this is explored in more detail.

## Rates of compliance

Table 4.2 shows that of the 114 women offenders administered a WSC during the pilot period, 86 (75%) were considered by the police to have complied. Of the 62 women offenders in West Yorkshire, 48 (77%) were compliant. There was a higher rate of compliance for women offenders referred to Leeds TW Centre (81%) compared with Bradford (75%). In Liverpool 38 (73%) were considered to have completed.

**Table 4.2 Compliance with the women specific condition during the pilot period**

	Completed		Failed to attend		Total Number
	Number	Percentage	Number	Percentage	
Bradford	27	75	9	25	36
Leeds	21	81	5	19	26
Total for West Yorkshire	48	77	14	23	62
Liverpool	38	73	14	27	52
<b>Total across pilot sites</b>	<b>86</b>	<b>75</b>	<b>28</b>	<b>25</b>	<b>114</b>

Source: West Yorkshire Police and Merseyside Police.

A total of 28 (25%) women offenders did not comply with the conditions of their caution – 14 in Liverpool and 14 in West Yorkshire. Of the 28, 14 (50%) had committed the offence of ‘theft from shop’, 3 (11%) had been drunk and disorderly, 3 (11%) had been in possession of Class A drugs and the remainder had committed a range of offences. Rates of compliance appeared slightly higher among women offenders who had committed the original offence of theft from shop (77%) but this difference is not statistically significant.

In Leeds, where the compliance rate was the highest (81%) women offenders were not given other conditions in addition to the WSC and were only required to attend one TW centre appointment. In contrast, in Liverpool, where compliance rates were lowest (73%) multiple conditions were used and women offenders were also required to attend a number of TW centre appointments. These figures suggest that compliance is affected by differences in the approach taken to assessment by the TW centres and differences in the use of conditions between the pilot sites.<sup>35</sup>

Overall the compliance rate for the WSC (75%) was lower than the rate of compliance with conditional cautions in general (around 80%)<sup>36</sup> but was higher than the 70% rate of compliance reported by Blakeborough *et al.* (2007) in their examination of the early implementation of the conditional caution scheme. It was also higher than the rate of compliance with Penalty Notices for Disorder (52%), which are a comparable disposal for offending of a similar nature such as low-level theft offences.

<sup>35</sup> Details of the conditions used in conjunction with the WSC were not available for this evaluation.

<sup>36</sup> This figure is taken from the CPS management information system (MIS) November 2008. See Appendix 1.

## Non-compliance

Of the 28 cases of non-compliance information was only available about the outcomes of 22 cases.<sup>37</sup>

**Table 4.3 Outcome of non-compliance during the pilot period**

Outcome of non-compliance	Number	Percentage
Conditional discharge	6	27
Community order	5	23
Fine	5	23
Withdrawn	4	18
Unknown sentence	2	9
<b>Total</b>	<b>22</b>	<b>100</b>

Source: Crown Prosecution Service case management system.

Examining only these cases shows that in five (23%) cases of non-compliance a community order was given. These ranged in duration from 6 months to 18 months. In one case the community order included a period of drug rehabilitation and in another case, a period of supervision. This represents a more serious outcome than the WSC for these women offenders.

A further five (23%) cases were given fines, which varied in amount from £50.00 to £87.50. In four out of the five cases where fines were given the original offence committed was related to drunkenness. Fines were only given to women offenders in Liverpool.<sup>38</sup>

In the remaining six cases (27%) a conditional discharge was given at court.

In four (18%) cases of non-compliance the case was withdrawn by the CPS.<sup>39</sup> In three of the withdrawn cases a simple caution was administered. In the remaining case the decision was to prosecute but the case had to be withdrawn as the paperwork was not available to the court and an adjournment of the case was not granted. Therefore this case was not taken any further.

It proved difficult to access women offenders who did not comply with their WSC. Only two women who were non-compliant agreed to be interviewed. Instead a review of Police National Computer (PNC) data and police intelligence<sup>40</sup> was examined. PNC data showed that six of the nine cases had committed no further offences in the six months following the pilot end.<sup>41</sup>

37 Information was missing for six cases. In two cases there was no record of the original conditional caution and for the further four cases there was no record of prosecution following non-compliance.

38 As there were no data available about the decision-making of the court that led to these outcomes it is not possible to examine the factors that influenced the court. For example, the different backgrounds or current needs of women offenders who did not comply or to the decision-making processes involved.

39 CPS CMS did not record information about the reasons for the withdrawal of these cases. Further information may be available on the paper file but access to these files was not possible at the time of writing.

40 This consisted of data held in the Merseyside Force Intelligence System (FIS), which is a stand-alone intelligence system that collates information about offenders, vehicles and associations.

41 The three offences committed by women who reoffended were racially or religiously aggravated harassment, obtaining services dishonestly and possession of heroin with intent to supply.

## 4.6 Women offenders' engagement with TW centres

### Nature of women offenders' engagement<sup>42</sup>

The TW centres offered women offenders a range of courses, counselling sessions, one-to-one and group meetings, as well as practical help that provided both immediate and long term support in addition to the formal assessment. The structure of the support available differed between each of the TW centres.<sup>43</sup>

TW data indicated that women offenders from each of the pilot sites engaged in a range of courses and support aimed at addressing their underlying needs. These included structured courses focusing on self esteem, employment and thinking skills, as well as domestic violence programmes, counselling, healthy eating, keep fit, benefits and housing advice, sewing, household maintenance, health screening, drug and alcohol nursing, and holistic therapies such as acupuncture.

Women offenders interviewed reported that these services were relevant and had a direct impact on their lives. Of the 21 women offenders interviewed, 11 were clear that it was the WSC that enabled them to access these vital support services and allowed them to put very practical and cognitive practices in place to address some of their problems.

The provision of strong group contact and support for women offenders has been cited by research as fundamental to sustaining women's commitment to developing a non-offending lifestyle (Eaton, 1993, Rungay, 2004; Gelsthorpe *et al.*, 2007). Most women offenders interviewed felt that the assessment at the TW centre allowed them the time to reflect on their situation, to talk and to be heard, to reassess their lives, and to reawaken forgotten skills and personal strengths. Two women offenders commented:

*"... at the initial assessment having time to think and realise that you can act differently ..."*

*"I felt really comfortable. I felt hope. I got a lot of hope out of me initial assessment, and I felt like for the first time in years somebody were listening to me, and that meant, you know, an awful lot to me."*

Women offenders interviewed also expressed the non-judgemental attitude of TW centre staff as central to their positive experience of the WSC. For the following woman offender this approach helped her to reach a turning point:

*"... when she [TW centre key worker] said that my problems were no different to anybody else's, I knew that that would be a turning point because I felt that she understood and ... I knew they weren't judging."*

The women offenders interviewed reported feeling supported by the TW centres and perceived them as a place to go if their commitment was to waver. As one woman offender explained:

<sup>42</sup> See Appendix 1 for details about the limitations of TW data used in this report.

<sup>43</sup> A full evaluation of the work of the TW centres was commenced in early 2010.

*“Yes, because like I said I would come and talk to somebody here before I did anything stupid again.”*

For women offenders who had experienced abuse and control related to domestic violence, the women-only nature of the TW centres provided a positive, safe and non-competitive environment for them to engage with support around these and other underlying needs.

### **TW centre engagement following initial assessment**

As has been identified in section 4.4 there was a difference in the process of completing the WSC and the engagement required beyond the initial assessment between areas. There were also differences in the way data were collected by the TW centres in each area with neither collecting data specifically designed for this evaluation.<sup>44</sup> Therefore the conclusions that can be made about women offenders’ engagement post assessment are limited and based on a description of the data available.

### **Liverpool TW Centre**

TW centre data for Liverpool did not distinguish clearly between engagement for the initial assessment, engagement as part of the support plan, and any engagement beyond that officially required. Therefore it is not possible to make a distinction between voluntary post engagement and engagement required as part of the support plan. Data were available for 40 women offenders. Of these 25 engaged with the TW centre, 12 did not engage and 3 partially engaged. Table 4.4 shows the duration of women offenders’ engagement with Liverpool TW Centre.

**Table 4.4 Duration of women offenders’ engagement with Liverpool TW Centre during the pilot period (n=40)**

<b>Duration of engagement</b>	<b>Number of women</b>
One week	12
Two weeks	12
Three weeks	7
Four weeks	5
Six weeks	3
Nine weeks	1
<b>Total</b>	<b>40</b>

Source: Liverpool TW Centre data.

At the time the file was closed, 33 women offenders had a status recorded. Of these 22 had completed the support plan, 8 were breached<sup>45</sup> and 3 were not engaging.<sup>46</sup>

44 See Appendix 1 for a full discussion of TW centre data. Although the Liverpool TW Centre database included 58 women offenders, entries were missing for a number of women offenders. Missing data have been removed from the analysis and the number of women offenders included in the analysis is specified.

45 TW centres referred to non-compliance as ‘breaching’.

46 These figures must be interpreted with caution as data were not available for all women offenders, and the data from the TW centres on numbers of breaches differed from the data recorded by the police.

**West Yorkshire TW centres**

The data from West Yorkshire are able to identify women offenders’ voluntary engagement following the initial assessment. Table 4.5 shows that a total of 19 women offenders had support plan goals identified following their initial assessment. Of these 16 went on to voluntarily engage with or complete the goals identified. Only three women offenders disengaged from the support of the TW centres once support plan goals had been identified. It is not possible from this data to examine the duration of each woman offender’s engagement in West Yorkshire.

**Table 4.5 Women offenders’ engagement with West Yorkshire TW centres following initial assessment during the pilot period (n=19)**

Nature of engagement	Number of women
Voluntary engagement with support plan	16
Disengaged following development of support plan	3
<b>Total</b>	<b>19</b>

Source: West Yorkshire TW centres data.

The Liverpool and West Yorkshire TW centres’ data indicated that most women offenders given a support plan continued to engage. This suggests that the WSC can therefore act as a positive route into support for women offenders. Interviews with 21 women offenders confirm this with the majority of women offenders reporting that they were happy to engage post assessment. Of the women offenders interviewed, ten (four in Liverpool and six in West Yorkshire) continued to engage beyond the requirements of their WSC. The remaining 11 had only recently been referred at the time of interview and while also initially positive felt it was too early to decide whether they would continue to engage in the future.

**WSC as a route into support services**

The WSC was introduced as a way of encouraging women offenders to address the underlying issues that may lead to their offending. Inherent within the philosophy of the WSC is a discourse of empowerment in which women offenders are being given the opportunity firstly to accept the WSC and later to engage with a TW centre. While the WSC appears to offer women a choice to address their underlying needs this is not as straightforward as it may appear.

Of the women offenders interviewed, 6 supported the coercive nature of the caution and the remaining 15 acknowledged that without being forced to attend they might well have not taken the opportunity offered to them. As one woman offender said:

*“I think it is a really good idea, because ... it is easy to walk out with a caution from the police station, but if you have a conditional caution and if you have to come somewhere like this it stays in your head. You think, well I have to come here, because I did wrong and it makes you think about what you did and that you are here because of what you did. It has also helped me loads with stopping my drinking, you know, with support and stuff ...”*

Only one woman offender mentioned the WSC as a bad idea and something that she resented. However, even though she felt she did not need this type of support she still engaged at a low level with the TW centre.

Although it was not possible to identify and therefore interview women offenders who were offered but declined a WSC, TW centre data indicated that there were some women offenders who did not attend their TW centre assessment and there were also some women offenders who did not engage with the TW centre following their assessment. While it may appear counterintuitive for a woman offender who is being offered a WSC to either decline the offer of help or not engage fully with the TW centre, it is important to recognise that women offenders often have 'multiple presenting problems' (Gelsthorpe *et al.*, 2007:7), which may make it difficult for them to make empowered decisions (particularly while in police custody) or for them to attend support services. As identified in section 4.2 women offenders referred to a TW centre presented with a range of multiple needs and this may mean that the benefits of the WSC may not be immediately apparent to them.

Furthermore, findings from the literature about desistance from crime suggest desistance is a process and not an event (Maruna, 2001; Laub and Sampson, 2001). Therefore, it is important that agencies offer women offenders support on a self-referral basis and that the availability of this support is widely communicated. It is also important that women offenders who initially decline the offer of the WSC are not excluded from being offered this disposal should they offend in future.

## 4.7 Outcomes of the WSC

Given the short timeframe of the evaluation it is not possible to make definitive statements about the long-term outcomes resulting from administering a WSC. This section examines PNC reconviction rates, self-reported reoffending, and changes in other key outcome areas for women offenders (TW centre data and self-reported). The PNC reconviction analysis was limited by the short timeframe for the study, the small number of women offenders receiving this disposal and the lack of previous conviction history for the majority of the women offenders to whom these disposals applied. As such this analysis can only be considered indicative and should be interpreted with caution.<sup>47</sup>

### Self-reported reoffending

All the women offenders interviewed reported that they wanted to stop offending. None reported that they were continuing to offend after receiving the WSC, with the exception of one woman offender, who acknowledged her dependency on illegal drugs. Nevertheless even she reported that she had not committed the offence 'theft from shop', for which she had been issued the caution, since her arrest. Of the 21 women offenders interviewed, 14 were adamant that they would not reoffend. As one woman offender reported:

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<sup>47</sup> For details about the methodology used and the limitations and caveats that apply please see Appendix 1.



*“I have done with it [offending] – utterly, utterly. I have had enough – enough - enough and I want my family back and want my grandkids. I want to do the Sunday roast and be a normal, good, decent woman and mother and grandmother.”*

Others were more circumspect. While expressing their hope that they would not reoffend they acknowledged that life was difficult for them, that they might be tempted but that they hoped they were becoming strong enough to resist. A number of women offenders interviewed were pleased that they had not reoffended over the difficult Christmas period.

### Changes in other key outcome areas

The changes in other key outcomes experienced by women offenders can be identified using both TW centre data and interviews with women offenders. At the time of writing this report data on changes in key outcome areas for women offenders attending TW centres were only available for the Liverpool TW Centre.<sup>48</sup>

Table 4.6 indicates the outcomes experienced by each of the 12 women offenders from Liverpool TW Centre where information was available.<sup>49</sup> The data showed that the TW centre was not aware of any of the 12 women reoffending during their involvement with the centre. There had also been benefits for these women offenders across a wide range of areas including: increased self esteem/confidence; increasing socialising and reducing levels of social isolation; reducing/stopping drinking; accepting mental health support; and moving into more settled accommodation. This suggests that there were benefits for women offenders who agreed to the WSC and engaged with the TW centre but this requires further exploration.

**Table 4.6 Women offenders achieving Liverpool TW Centre assessment outcome areas during the pilot period (n=12)**

Outcome area	Number of women
Not offended during TW involvement	12
Life skills/self-esteem/confidence	9
Increased socialising/reduced social isolation	7
Reduced or stopped drinking	4
Improved money management	4
Accepted 1:1 mental health support	4
Improved accommodation	4
Regularly engages - attends in line with support plan	4
Preventing family breakdown	3
Employment/education/training	3
Other outcomes	3

Source: Liverpool TW Centre data.

48 Outcome data were available for Liverpool TW Centre from October 2008 onwards only. Outcome data were collected for West Yorkshire (from March 2008). However, at the time of this evaluation these data were in paper format and were therefore not available for this evaluation.

49 Liverpool TW data listed 27 women offenders but an outcome was only recorded for 12.

An examination of women offenders' self-reported changes in key outcome areas is of particular relevance for understanding desistance and in exploring the potential of the WSC as a disposal. Maruna (2001) emphasises the importance of focusing on how ex-offenders develop a coherent pro-social identity for themselves. Many of the women offenders interviewed noted that simply being offered a WSC helped them to realise that they were being given the opportunity to make good and to face up to difficult decisions in a more positive way. For most it was considered a lifeline and as an opportunity to get back on track and in control over various elements of their lives. They considered the WSC to be particularly apt for low-level, low-risk women offenders as it provided a route into support services and was also completely different to other criminal justice interventions they had experienced. As one woman explained:

*"... I can't believe my luck. I think if I'd got a fine or probation, or even say prison, what would I have done? It would have made me ten times worse, I really do. This [WSC] has said: 'We know you have done wrong and we are giving you a chance here'. To have this opportunity to take this step and try and go in the right direction and get help ..."*

The WSC allowed women offenders to view themselves as women with needs rather than offenders. This provided them with an important opportunity to develop a different perspective of themselves – a perspective that did not see offending as the main and controlling factor of their life but rather as women with needs for which support was available. In the words of one woman offender:

*"I need somebody to back me up and there is somebody who knows that I haven't done good but it still don't mean that I'm a baddy ... I had my reasons for what I did and now I am sorting those problems out. So it's all working out now. So yes, I think that the caution has done me a big favour ... just talking to people, getting advice off them, them listening to me and telling me that I am not a nutter, and telling me that I am not wrong."*

Several women offenders identified their turning point as the realisation that someone they did not know believed that they could change and make better choices in the future. One woman offender commented that she:

*"... felt as if something different was happening, something positive."*

Another woman offender expressed:

*"Like I say, the police believed in me, instead of saying 'Right. Off to court you stupid cow!' They were like 'We can help you love. It's not your fault' ... The way I see it if they had punished me I could have gone on to a life of crime, and I could have thought well they have branded me a criminal so I might as well be one. I might have took that attitude and done it again ... I didn't know what I wanted to be so the fact that they had a bit of faith in me meant that I was like pulling my socks up. It was like a slap in the face, but in a nice way. It was like 'Come on. We are giving you a chance. We believe in you'."*

Agencies responsible for the administration of the WSC therefore play a pivotal role in securing women offenders' positive interpretation and engagement with the opportunities offered. As the first point of contact with women offenders, the custody police play a vital role in creating the window of opportunity within which these changes can occur. The TW centre provides a further opportunity to engage women offenders in this process of change, as discussed in section 4.6.

This diversion from court and the wider criminal justice system offered a diversion not only from a 'cycle of offending' but also afforded women offenders the chance to avoid the stigma of prosecution, the 'shame and trauma' of a court appearance and consequent labelling. Such an approach offered a powerful incentive to the women offenders interviewed to engage with the support being offered and therefore also with an underlying process of change. In this way, the WSC can be seen as a catalyst to the creation of a different mindset among women offenders that allowed them to see that they had other, positive, contributions to make and skills to draw on and therefore to encourage more meaningful engagement.

#### **4.8 Resourcing the WSC<sup>50</sup>**

In order to effectively evaluate the WSC and make recommendations about the wider use of this disposal it is important to examine the implications on resource levels for each of the organisations involved in its administration. While the strongest form of analysis would be to conduct a cost benefit analysis (Dhiri and Brand, 1999) the nature of the WSC and its administration does not permit analysis at this level. All stakeholders regarded the WSC as by as an extension of existing arrangements, rather than as a distinct disposal. Therefore, separate records, which would have enabled a costing of the WSC in terms of financial and time resources, were not kept. The direct resource implications of the WSC are therefore inseparable from wider financial and monitoring records. Through focused interviews with key stakeholders it has been possible to comment on more general perceptions of financial and time implications of this disposal, although the interviews did not focus on the indirect effects on other areas of criminal justice system activity (for example, potentially longer stays in police custody suites than would otherwise be the case).

##### **Police**

Within the police interviews there was some disagreement as to whether administering WSCs added to workload in custody suites and this usually depended upon the operation of the custody suite itself and the time when the woman offender was brought into custody. Where evidence review officers were employed, it was their view that once they were familiar with the administration process, a WSC did not take any longer than it would take to go to the CPS for a charge, and that the time taken to complete the necessary paperwork was similar. On the

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<sup>50</sup> While there was an increase in resourcing required to implement the initial stages of the pilot, this was of a short duration and is common before any change in processes; therefore this has not been considered as part of the evaluation of the impacts of the WSC on resources.

other hand, police staff with a responsibility for the care of the offender in custody felt that the presence of an additional prisoner in custody had an impact on their workload, particularly if the offender was intoxicated or required additional care. The main problem for these staff was the time taken in referring a case to the CPS. However, this varied significantly depending on the route taken to access the CPS, which varied across areas, custody suites, and by time of day. Some considered that waiting for a CPS decision could add around 1.5 hours to the time a woman was held in custody. A key barrier cited by custody staff was this need to consult with the CPS.<sup>51</sup> As one custody sergeant in Liverpool stated:

*“We could do four times as many WSCs if we didn’t have to do this. It takes too long in a busy custody situation. We could authorise a caution but not a WSC. We are at the coalface. We see the person. We know what’s going on.”*

## CPS

Key stakeholders from the CPS were clear that the administration of the WSC could reduce the resources required of CPS staff where administering a WSC diverted women offenders from court, thereby significantly reducing the amount of preparation and advocacy required. As a key stakeholder from the CPS indicated, the only exception to this would be if the woman offender was non-compliant. In their words:

*“Because the WSC is an alternative to a charge, if a WSC is successful and not breached then it is less work for the CPS because they do not have to deal with the file and take it to court. If there is a breach then they get the file back, but they would have had to deal with it anyway if it had gone straight to court.”*

It should be noted that the potential reduction of CPS resources is only relevant for cases that would have otherwise have gone to court. Where women offenders would have been given an alternative out-of-court disposal, there would be no reduction.

## TW centres

Significant sustainable funding is required in order that suitable women’s services can be created through which the WSC can be delivered. Interviews with TW centre staff indicated that the WSC presented no additional resource implications as all women offenders referred to a TW centre were equally considered customers and were worked with in the same way. As a result the point of referral had no resource implications for staff at TW centres.

*“Where there are women’s centres then WSC schemes should be part of their core business at no additional costs as many of the other services commissioned would also encompass the criteria for the WSC scheme.”*

51 The implementation of a revised Code of Practice for conditional cautioning and the introduction of the 6th edition of *The Director’s Guidance on Adult Conditional Cautions* on 26 January 2010 (Crown Prosecution Service, 2010) further streamlined the referral process by: removing the requirement for a PACE compliant admission to the offence (the offender must admit the offence at the time the caution is administered); making it a requirement that referral to the CPS for a conditional cautioning decision must be by telephone (once systems have been established); and the police are only required to submit an MG5 to the CPS to obtain a conditional cautioning decision.

While the numbers of non-English speaking women offenders were low during the pilot, a senior stakeholder also noted that if TW centres are to engage meaningfully with women offenders who require the support of an interpreter, resources would need to be allocated for this purpose. However, this is not specific to the WSC, but applies to any woman accessing the TW centres.

Overall, the reported requirement for additional direct resources to administer the WSC was low and therefore the benefits of using this disposal may outweigh the resources required for its administration.

## 4.9 Good practice guidance

The findings of the evaluation of the pilot of the conditional cautioning scheme referral of low-level, low-risk women offenders<sup>52</sup> to TW centres highlighted various elements of good practice:

- all three agencies involved in the administration of a WSC had clearly aligned views in relation to the WSC as a disposal (see section 4.1);
- initial launch training for senior practitioners drew on real life experiences of women offenders (see section 4.1);
- in West Yorkshire operational staff responsible for administering WSCs were included in a regular steering group, which provided opportunities to identify successes and address issues that emerged during the pilot (see section 4.1);
- strategic level staff in West Yorkshire were kept updated on progress through the provision of regular basic monitoring data via the steering group (see section 4.1);
- in Liverpool the CPS took an active role in reviewing women offenders' case files prior to court appearances, which acted as a check on police decision-making processes (section 4.4);
- the CPS improved the provision of their services to ensure they were able to support police decision-making (see section 4.4).

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<sup>52</sup> For the purpose of this report the term 'women offenders' will be used when referring to women given a conditional caution with a referral to the Together Women centres – women specific condition (WSC).

## 5. Additional resources

The Corston Report: a review of women with particular vulnerabilities in the criminal justice system

<http://www.justice.gov.uk/publications/gov-resp-corston-review.htm>

TW Centre Yorkshire and Humberside

<http://fhg693.demonweb.co.uk/TWP/home.html>

The Fawcett Society

<http://www.fawcettsociety.org.uk/>

Provision for women offenders in the community. Full Report (2007)

<http://www.fawcettsociety.org.uk/index.asp?PageID=496>

Government Equalities Office

<http://www.equalities.gov.uk/>

Equality and Human Rights Commission (EHRC)

<http://www.equalityhumanrights.com/>

EHRC Gender Equality Duty

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/what-are-the-public-sector-duties/gender-equality-duty/>

Police Justice Act 2006

[http://www.opsi.gov.uk/acts/acts2006/ukpga\\_20060048\\_en\\_1](http://www.opsi.gov.uk/acts/acts2006/ukpga_20060048_en_1)

The Director of Public Prosecution's Guidance on Adult Conditional Cautions

[http://www.cps.gov.uk/publications/directors\\_guidance/adult\\_conditional\\_cautions.html](http://www.cps.gov.uk/publications/directors_guidance/adult_conditional_cautions.html)

The Crime and Justice Act 2003

[http://www.opsi.gov.uk/acts/acts2003/ukpga\\_20030044\\_en\\_1](http://www.opsi.gov.uk/acts/acts2003/ukpga_20030044_en_1)

## 6. Further research

There are several key areas of research that would further an understanding of the effectiveness of the referral of low-level, low-risk women offenders to women's centres using the women specific condition (WSC). Further research should examine:

- the take-up rates and processes of determining women offenders' eligibility both by the Police Service and the Crown Prosecution Service (CPS);
- the impacts on women offenders of using conditions in addition to the WSC;
- the impact on women offenders of the requirement of a WSC to complete elements of a support plan in addition to the initial assessment;
- the impact of the WSC on key outcomes for women offenders, such as reconviction rates, and the relationship between engagement with Together Women (TW) centre and improvements in outcomes;
- the processes of women offenders' desistance using qualitative longitudinal research methods to provide information about how to better respond to women's offending;
- the reasons why women offenders decline the offer of a WSC, fail to attend their initial assessment, or do not comply with their conditional caution;
- how outcomes for women offenders who were not offered or who did not agree to a WSC compare with outcomes for women offenders who agreed to the WSC;
- the impact of the WSC on victims of crime.

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## Appendix 1: Methodology

The evaluation was conducted in three sites, two of these, Leeds and Bradford are situated within the West Yorkshire Police Service area, and the third, Liverpool, is situated within Merseyside Police Service area. Within this report, the women specific condition (WSC) pilot sites in Bradford and Leeds have been grouped together and are commonly referred to as West Yorkshire. As Liverpool was the sole WSC pilot site in Merseyside, Liverpool is used within the report to refer to the WSC pilot site and Merseyside is used when referring to the organisations responsible for the administration of the WSC pilot.

### Approach

As the evaluation required the examination of both process and impact a flexible mixed methodological approach was adopted, which utilised quantitative and qualitative data from a number of sources. Three main research strategies were employed:

- examination of quantitative data in relation to the process of administering the WSC;
- examination of quantitative data in relation to the impacts of the WSC on women offenders;
- qualitative information about the process and impacts of the WSC from key stakeholders and women offenders who received a WSC during the pilot period.

In order to minimise the limitations of each of these approaches methodological triangulation was used to reinforce, strengthen and confirm or challenge emerging findings (Denzin, 1970). This involved employing as many sources of data as possible to strengthen the analysis and to develop new areas for examination, which a single method or data source may not have uncovered. This approach was also taken to examine differences in the administration of the WSC between the two pilot areas.

### Research questions

The evaluation aimed to investigate the following research questions:

- Was the WSC used by practitioners, and, if so, for which women /offences? If not, why not?
- Did those who received a WSC comply with it?
- How many women offenders who completed their conditional caution chose to take up services provided by the Together Women (TW) centre?
- Of those who initially took up services, what was the drop out rate?
- Were there significant differences in the use of the WSC or in its outcomes between the three sites? What were the underlying causes of these differences?
- For the duration of the pilot, what was the impact of the women specific condition on the referred women offenders' self-reported reoffending behaviour and Police National Computer (PNC) reconviction data?

- What was the impact of the women specific condition on the lives of the referred women offenders?
- What resource implications are there in relation to the administration of the WSC?

## Quantitative data

### Police monitoring data

The Drugs and Offender Management Unit (DOMU) in West Yorkshire Police provided a post-pilot data report. The data were used to create descriptive statistics about each of the 114 WSC cases by custody suite, arrest reason, compliance, age, and ethnicity. The data did not contain details about the conditions given in conjunction with the WSC.

In this study it was not possible to examine the rate at which eligible women offenders were given a WSC as sufficient information about admission of guilt, levels of evidence, or a woman offender's refusal of the WSC was not available in police computer systems. Any analysis of eligibility without this information would have resulted in a vast overestimate of the number of women offenders eligible.

### Crown Prosecution Service (CPS) data

The CPS management information system has monitored conditional cautions since their introduction by the Criminal Justice Act in 2003. The data included in this system include information about the area, gender, age, offence type, type of conditions, rates of compliance, and outcomes of non-compliance for all offenders given a conditional caution. While the data were collected on a routine basis, there are limitations to its accuracy and application, which are recognised by the Home Office:

*“Data from the balanced scorecard is made available to practitioners only and should not be disseminated for wider public use. This is because the data produced are from the CPS management information system (MIS) and this has not been quality assured to the standards required by the Home Office Research, Development and Statistics (RDS) department for official publication. The balanced scorecard will continue to be produced until such time that the data required by RDS are automatically received from police force systems during 2009/2010.”*

Data from this system from November 2008 have therefore been used as an approximate point of comparison with the data provided by DOMU about women offenders given a WSC.<sup>53</sup>

The CPS case management system holds information about the outcomes of non-compliance for offenders given a conditional caution. A list of the 28 women offenders who did not comply with their conditional caution was provided to the CPS National Prosecution Team. Information about the outcomes of 22 of these cases was available and the data have been described in section 4.5 of this report.

<sup>53</sup> CPS management information is now available quarterly on the CPS website: [http://www.cps.gov.uk/publications/performance/conditional\\_cautioning/](http://www.cps.gov.uk/publications/performance/conditional_cautioning/)

## TW centre data

Data from the evaluation of the TW centres were provided by the Offender Management and Sentencing Analytical Services (OMSAS), Ministry of Justice. The data were produced as part of the day-to-day operation of the TW centres and their work assessing and monitoring service users. As the base number of cases varied within the subsections of this data the figures used in the report have been converted to percentages. Cases were removed from the analysis if the referral was made outside the WSC pilot period. A descriptive analysis of a selection of key variables relevant to the research questions was undertaken.

The evaluators hoped that this data would provide quantitative information about the underlying needs of women offenders given a WSC, the nature and level of their engagement with the TW centres and about any changes in key outcomes for these women offenders. While the data had undergone some cleaning and merging, at the time of this evaluation this process was not complete and there remained some noticeable inconsistencies and gaps within the data. These fell into three main groups.

- There were inconsistencies in the way data were collected and stored between the two pilot areas, making aggregation and comparison of the data difficult. In some instances data of a particular type were only available from one of the pilot areas. This is clearly noted in the findings where relevant. As a result, the base number of cases varied between sites and within subsections of the data. For example, data relating to the underlying needs and circumstances of women offenders were based on 50 women offenders in West Yorkshire and 60 women offenders in Liverpool. Data about engagement following the initial assessment were based on 40 women offenders in Liverpool and 19 women offenders in West Yorkshire.
- Inconsistencies appear in the data particularly as they have not been cross checked and cleaned against official police records. For example, the numbers of women offenders given a WSC within the police records did not match with TW centre data in either area and were also not consistent between subsections of the databases. As there was no means to cross check and thoroughly clean this data, incorrect and missing data were removed. Where data have been included in the report, the number of women offenders on which they are based is clearly specified.
- Many variables within the databases consisted only of free text. The data have been used to strengthen the qualitative dimensions of this analysis.

Considering the limitations identified TW centre data used within this report are useful only as an indicator and the findings from the analysis of this data should not be considered representative of all women offenders given a WSC.

## Qualitative data

### Semi-structured in-depth interviews with women offenders

In-depth face-to-face semi-structured interviews were conducted with a sample of 21 women offenders. This represents 18% of the 114 women offenders given a WSC during the pilot period. A standard interview topic guide was used.<sup>54</sup> This guide allowed the evaluators to capture various elements of success such as a reduction in frequency of offending, a change to a less harmful form of offending or a shift in attitude or behaviour, which may support a future reduction in offending.

All women offenders issued with a WSC were contacted by the TW centres and invited to attend an interview with the evaluation team. Before January 2009, contact was made by letter and later followed up by a phone call. From January 2009, women were approached at the TW centre at the time of their initial assessment visit.

The sample included women offenders from a range of backgrounds with diverse current circumstances:

- employment status: university students, unemployed, and those in full-time work
- living arrangements: stable and unstable environments (poor private rental or hostel accommodation or living with abusive partners)
- parental status: with children, without children, or grandmothers
- offending histories: first time, in the distant past, and currently offending, as well as those who had experiences in prison and on probation
- current offending: shoplifting, drunk and disorderly, possession of drugs, possession of offensive weapons, and violent offences
- underlying needs: financial, low confidence and self esteem, alcohol and drug misuse and dependency, and some with histories of abuse.

The sample included two women offenders who did not comply with their WSC but no women who had refused the offer of the WSC, as these proved difficult to identify and to access. Table A.1.1 shows the number of women interviewed compared with the overall number of WSCs issued for each pilot site.

**Table A.1.1** *Number of WSCs issued and number of interviews completed, by pilot site during the pilot period*

Pilot area	Women interviewed		Number of WSCs issued	
	Number	Percentage	Number	Percentage
Leeds	4	19	27	24
Bradford	10	48	35	31
Liverpool	7	33	52	46
<b>Total</b>	<b>21</b>	<b>100</b>	<b>114</b>	<b>100</b>

Percentages may not sum to 100 due to rounding.

<sup>54</sup> See Appendix 2.

## **Semi-structured in-depth interviews with key stakeholders**

Face-to-face semi-structured interviews were undertaken with a sample of 34 key stakeholders purposively selected from a range of positions across the three partner organisations in each of the pilot sites. A standard interview topic guide was used to examine practitioner's experiences of being involved in the pilot and their views of the WSC.<sup>55</sup> A total of 18 interviews were undertaken with members of West Yorkshire and Merseyside Police. There were four interviews with senior stakeholders and a charging lawyer from the CPS. A further ten stakeholder interviews were undertaken with staff from the TW centres in Liverpool, Bradford and Leeds. These included key workers, administrators and criminal justice workers. Finally, two interviews were undertaken with key strategic stakeholders from the Office for Criminal Justice Reform (OCJR) and the Attorney General's Office.

While it was originally intended to examine the costs and benefits associated with administering the WSC (Dhiri and Brand, 1999) costed information about inputs, outputs and outcomes specific to the WSC were not available and were also not within the scope of this study. An examination of the resourcing implications of introducing the WSC was undertaken using a focused structured interview schedule to gather additional detail not provided in initial key stakeholder interviews.

## **CPS case file review**

A sample of 59 Merseyside CPS case files was examined using a standard case file review tool. The case file review provided information about the decision-making processes of the police and the CPS and provided detailed information for case studies. The sampling strategy was to include the first 20 cases within each of three groups from a list of all eligible cases processed in Liverpool during the pilot period. The final sample included: 23 WSC cases; 19 cases of eligible women offenders residing in the pilot area but not given a WSC; and 17 cases of eligible women offenders not residing in the pilot area. The final sample reflects the availability of case files on the days when the files were examined. Within this sample were nine cases where women offenders did not comply with their WSC. A review of Police National Computer (PNC) and police intelligence was examined for these cases. Police intelligence consisted of data held in the Merseyside Force Intelligence System (FIS), which is a stand-alone intelligence system that collates information about offenders, vehicles and associations. The evaluators chose a sample of Merseyside files for pragmatic reasons, as the evaluation was limited in time and resources.

## **Qualitative data analysis**

The evaluators examined the qualitative interview transcripts and case study data in detail. These were then classified, organised and charted by the key themes and concepts identified within the research questions and by the categories and concepts that emerged during the research. The coded and categorised data were then analysed using a thematic

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<sup>55</sup> See Appendix 2.

framework analysis, which grouped segments of data into themes and sub-themes (Ritchie and Spencer, 1994). Where relevant, segments of qualitative data were included in multiple themes and categories. The first phase of analysis took a cross case approach, looking for both similarities and differences across themes and sub-themes. Later analysis examined individual cases and themes across all sources of qualitative data.

## Key methodological limitations

It has been acknowledged that little is known about ‘What works?’ with women offenders:

*“both because research has not been done on those areas and because what research has been done is not of sufficient quality to yield robust results for policy.”*

(Lart *et al.*, 2008)

Evaluating interventions for women offenders is particularly difficult because of the small numbers of women offenders compared with their male counterparts. Conducting research using small sample sizes has several consequences:

- individual women offenders are potentially identifiable and measures need to be taken to protect their identities
- small changes in terms of numbers of women offenders may make significant changes in terms of proportions
- data cannot be generalised as they cannot be considered representative of the population
- problems with data quality, which could be managed within a larger sample, can prevent robust conclusions being drawn.

## Summary of limitations

During this evaluation the following methodological limitations arose:

- it has been difficult to extract information on women offenders given a conditional caution as a subset of offenders
- the short timeframe for the evaluation means that there has not been sufficient time to measure or analyse the impacts of the WSC on key outcomes
- small sample sizes limit the generalisability of the findings and the strength of the conclusions that can be drawn. This is compounded in this study as the sample is further split across two administrative areas (Merseyside and West Yorkshire) each with its own processes and procedures
- the short timeframe and small sample size mean reconviction analysis was not possible
- TW centre evaluation data required further cleaning and coding before robust analysis can be undertaken. The data can therefore only be used as an indicator of the nature and duration of women offenders’ engagement and the outcomes they have achieved



- the data provided by each partner – the Police Service, the CPS and TW centres – differed in the way they were collected and stored. It was not possible to correlate these different datasets during this evaluation. This means the number of women offenders given a WSC may differ between datasets. Data protection requirements also meant that it has not been possible to track individual offenders through each of these datasets.

## Appendix 2: Research instruments

### **Statement of Understanding for women participating in research to examine the effectiveness of the pilot of the women specific condition scheme in Liverpool, Bradford and Leeds**

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#### **What is the research about?**

London South Bank University and University of Liverpool are doing some research for the Office for Criminal Justice Reform (OCJR). The research aims to examine the effectiveness of a scheme which is piloting the use of conditional cautions and referrals to the Together Women's centres in Liverpool, Bradford and Leeds for some female offenders.

Part of the research is to interview women who have had experience of being conditionally cautioned and referred for an assessment at a Together Women centre, whether or not they stay on at the centre beyond the first assessment. We also want to interview people who chose not to receive a women specific condition caution.

#### **What do I need to do?**

We would like to give you a chance to offer us your views about the scheme. We would like to know:

- How you think the scheme currently works?
- How you have responded to the scheme?
- How the scheme has had an influence on your offending; behaviour; attitude; substance use; personal, social or family circumstances?
- What you think the strengths of the scheme are?
- What you think the weaknesses of the scheme are?
- How other factors have influenced you since you have been on the scheme?

We would like to talk to you about your experiences and look at data and information held about you by the Crown Prosecution Service, police and by the Together Women's centre.

We will also ask you to keep a journal of your experiences after being cautioned but you do not have to do this. If you decide to do this, you can discuss this with us if you like, as it may help us to better understand some of the changes you are making in your life.

## **What do I need to know?**

Before you can be involved in the research there are a few things we need to talk about:

- Anything you say to us during the research will be completely anonymous (you will not be able to be identified and your name will not be attached to any of your information).
  - Nothing you say will be shown to the women's centre, the police or the Crown Prosecution Service, however, a copy of the interview will be returned to the OCJR. We will make sure you cannot be identified in any way by this.
  - You can stop the interview at any time and you don't have to answer a question if you don't want to.
  - The information you give us will only be used for the research and will not be used to punish anyone.
  - You can ask us any questions at any time but we are not trained to offer you counselling. If you would like any help we will need to find a member of staff for you.
-

**Consent form for women participating in research to examine the effectiveness of the pilot of the women specific condition scheme in Liverpool, Bradford and Leeds**

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**DATE:**

**LOCATION:**

**INTERVIEW NUMBER:**

**[All statements are to be read out loud by the researcher. Additional explanations will be given if needed. The researcher may ask the interviewee questions to make sure that he or she understands the nature and purpose of the research, the confidentiality of the information, and the right of the interviewee to withdraw at any time. A full signature and printed name is required at the end to indicate full and informed consent to participate. The form will then be kept by London South Bank University for one year. The interviewee’s name will not be recorded on the questionnaire or computer by the researcher and will be kept separate from any other information on each participant.]**

- I have just read/been read the attached information sheet and understand that this research project is to examine the effectiveness of the women specific conditional cautioning pilot which refers low level women offenders for assessment at the Together Women’s Centre in Liverpool, Bradford or Leeds.
- I understand that I am not being given any advice, counselling or treatment during this interview.
- I understand that nothing I say will be shown to the women’s centre, the police or the Crown Prosecution Service, however, a copy of the interview will be returned to the OJCR. The researchers will make sure I cannot be identified in any way by this.
- I understand that I can stop the interview at any point for any reason if I do not want to continue.
- I can also choose not to answer any questions.
- I understand that the researchers would like to look at data held about me by the police, Crown Prosecution Service and Together Women’s centre. I give the researchers permission to do this provided the information used remains anonymous and confidential.

I give my full consent to participate in this study and agree to be contacted again for a follow up interview.

Full signature .....

Print name .....

## Interview Schedule – Women given WSC

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Interview Date \_\_\_\_\_

Interview Area Liverpool/Bradford/Leeds

Interview Number \_\_\_\_\_

*Just to remind you, I'm from London South Bank University/Liverpool University. We are doing some research on the use of conditional cautions offered to women, which include an assessment at the TW centres. Because you've been offered this kind of conditional caution we'd like to ask you about your experiences.*

*I would like to ask your permission to tape record the interview so that I can listen to your comments again and maybe use some of them in a report. Your name will never be attached to the tapes or interview and any quotes we use will not contain any information that will identify you. Nothing you say will be shown to the women's centre, the police or the Crown Prosecution Service, however, a copy of the interview will be returned to the Office for Criminal Justice Reform. The university will make sure you cannot be identified in any way by this.*

*Do you have any questions?*

### **Introduction**

- At what stage in the process did you agree to this women specific condition (WSC)?  
*(probe)* Initial arrest? Court?

### **Information**

- What information was given to you about WSC at different stages of the process?  
*(probe)* When arrested? when in custody? when cautioned?
- Who gave you that information?
- Did you understand the information you were being given? Why/why not?
- Did you receive any explanation of the information? If so from whom?
- What was your understanding of the scheme at that stage?
- Did you have any questions about it? If so can you remember what they were?

### **Women specific condition (WSC) scheme**

- What was your initial reaction to the idea of WSC? Why?
- Has your opinion towards WSC changed? If so, why?
- What influenced your decision to accept the WSC?  
*(probe but with care as this could be leading the participant)* was it because of the condition

or to avoid court or some other reason? A particular aspect of the scheme? How the scheme was portrayed? The involvement of the police? Influence of key figures e.g. Police? Lawyer?

- What did you think would happen if you didn't comply with the WSC?
- How did you feel about the consequences of failing to comply?
- What is your opinion of the speed of the conditional caution and referral process?
- Have you been to court before?
- If yes - How does WSC compare as an alternative to court? Why?

### **Together Women (TW) centre**

- What did you think about the option of being referred to the TW centre for an assessment as part of your conditional caution?
- Did you already know about the TW centre before you attended your assessment?
- If yes, how?
- Did your previous knowledge of the TW centre affect your decision to accept a referral to the centre for an assessment? How?
- Do you think you would have gone to the centre voluntarily at any time if you hadn't been asked to go as part of this WSC?
- If yes, how do you think you might have gained access to the centre without a WSC?
- What did you hope to get from being referred to the TW centre for an assessment?
- Did the fact you had to attend the TW centre as part of the condition of your WSC affect your decision to take the caution in any way? If so, how?

### **Women who are non-compliant**

*(If the respondent has never attended)*

- At the time you were cautioned did you intend to go to the assessment? Why/Why not?
- What led to you not attending the TW centre assessment?

*(If the respondent attended once and then didn't comply)*

- What did you get out of the initial assessment? Was it helpful at all? If not, why not?
- At what point did you decide you would not attend again?  
*(probe)* Was this after the initial appointment or a subsequent one?
- Why didn't you go back?
- Did the fact that your attendance at the centre was not voluntary affect your decision?
- Were you concerned that you were breaching the conditional caution by not attending your assessment appointments?
- Did you understand the consequences of not attending?

*(To all)*

- If offered a WSC referral to the TW centre in future do you think you would take it up? Why/Why not?

### Women who attended assessment

- How was your assessment undertaken?
- How long did it take? How many sessions did you attend?
- If you had to attend more than one appointment how did you feel about that?
- Did you think it was too great a punishment for the crime you had committed?
- What were your first impressions of the centre and assessment process?
- What elements of the TW centres do you like? Why?
- What elements of the TW centre do you dislike? Why?
- Overall, what do you think of the TW centre?
- Do you think you will come back to the centre in future? Why?

### Women who don't take up services

- What services were you offered as part of your support plan?
- Why did you choose not to take up the services offered?
- Do you think you would take up the services at the TW centre in the future?
- Have you accessed similar services elsewhere?

### Women who take up services

- What services have you been offered?
- Have you accessed all the services suggested on your support plan?
- Which ones have you accessed? Why?
- Which ones haven't you accessed? Why?
- What do you think of the services you have used so far?
- Would you have accessed these services without the conditional caution?
- If not why not?
- Do you have access to similar services elsewhere?
- If yes, where? And how do they compare?

### Changes<sup>56</sup>

- How do you think the WSC has affected the following aspects of your life?

Area of Need	Potential Outcomes (prompts)
Housing/Accommodation	<ul style="list-style-type: none"> <li>● What is your living accommodation like?</li> <li>● In settled and safe accommodation?</li> <li>● Has it changed?</li> <li>● Moved from unsafe to safe accommodation</li> <li>● Homeless to accommodated</li> </ul>
Education, training & employment	<ul style="list-style-type: none"> <li>● Gained employment</li> <li>● Increased capacity to work (80% attendance at courses)</li> <li>● Entry/completion of education or training</li> </ul>
Finance	<ul style="list-style-type: none"> <li>● Reduced debt</li> <li>● Management of debt (i.e. setting up of plan to reduce debt)</li> <li>● Increased income (including accessing of benefits)</li> </ul>

<sup>56</sup> Uses TW Model of Change as a framework for questions.

Mental health	<ul style="list-style-type: none"> <li>● Registered with GP</li> <li>● Referral to and maintenance of contact with another agency</li> <li>● Improvement in mental health</li> </ul>
Parenting and relationships/ preventing family breakdown	<ul style="list-style-type: none"> <li>● Numbers of children received into and out of care</li> <li>● Child not on child protection register</li> </ul>
Physical health	<ul style="list-style-type: none"> <li>● Registered with GP/dentist</li> <li>● Reduced incapacity benefit</li> </ul>
Substance use	<ul style="list-style-type: none"> <li>● Self-report re: frequency and level of use</li> <li>● Reduced seriousness (drug class)</li> <li>● Management of problem</li> <li>● Referral to and maintenance of contact with another agency</li> <li>● Drug testing</li> </ul>
Domestic and sexual violence/personal safety	<ul style="list-style-type: none"> <li>● Self-report re frequency and severity</li> <li>● Move to independent living</li> </ul>
Life skills	<ul style="list-style-type: none"> <li>● Increased self-esteem</li> <li>● Increased confidence</li> </ul>

For all of these probes – how has this aspect of your life changed? What do you think was the main factor that led to this change – was it the initial assessment, subsequent services/support/programmes? If so how did these help? Perhaps other factors in their experience of attending the centre or being given the WSC motivated these changes, if so what were these? Maybe it was something that happened outside of the centre and the conditional caution. If so what factors in their life outside the TW centre and WSC motivated these changes?

- Do you think it was the WSC or the TW centre which has led to these changes? If both, which one do you think has made the biggest change?
- Do you think you could have got this sort of help anywhere else?
- Do you think you could have gained access to the TW centre without being WSCd? If so. How?
- Do you think it is likely that you will commit the same offence again? Y/N
- Why?
- Do you think it is likely that you will commit another different offence? Y/N
- Why?
- How do you think the WSC/TW centre has helped you change?
- Which parts of the process have been most helpful to you? Why?
- What part do you think the conditional caution played in these changes?

### **Conclusion**

- What do you think of the WSC scheme now that you have experienced it?
- Is there anything you would like to add?
- Do you have any questions for me about the research?

*Thank you for taking the time to help us with our research.*



## Interview Schedule – Women who chose not to accept WSC

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Interview Date \_\_\_\_\_

Interview Area Liverpool/Bradford/Leeds

Interview Number \_\_\_\_\_

*Just to remind you, I'm from London South Bank University/Liverpool University. We are doing some research on the use of conditional cautions offered to women, which include an assessment at the TW centres. Because you were offered this kind of conditional caution but chose not to take it up we'd like to ask you about your experiences so we can compare them with those of women who did.*

*I would like to ask your permission to tape record the interview so that I can listen to your comments again and maybe use some of them in a report. Your name will never be attached to the tapes or interview and any quotes we use will not contain any information that will identify you. Nothing you say will be shown to the women's centre, the police or the Crown Prosecution Service, however, a copy of the interview will be returned to the Office for Criminal Justice Reform. The university will make sure you cannot be identified in any way by this.*

*Do you have any questions?*

### **Introduction**

- At what stage of the process were you offered a women specific condition (WSC) caution? (*probe*) Initial arrest? At court?

### **Information**

- What information was given to you about the WSC at different stages of the process? (*probe*) When arrested? When in custody? When charged? Who gave you that information?
- Did you understand the information you were given? Why/why not?
- Did you receive any explanations of the information? If so from whom?
- What was your understanding of the scheme at that stage?
- Did you have any questions? If so, can you remember what they were?

### **Women specific condition (WSC) Scheme**

- What was your initial reaction to the idea of a WSC? Why?
- Has your opinion towards WSC changed? If so, why?
- Why did you choose not to accept a WSC referral?

- What influenced your decision?  
(probe but with care as this could be leading the participant) A particular aspect of the scheme? How the scheme was portrayed? The involvement of the police?
- When you chose not to take the WSC option what was the reaction of the police?
- Did anyone try to change your mind? How?
- If you were offered a WSC in future would you take it up? Why/why not?

### TW centre

- What did you think about the option of being referred to the TW centre for an assessment as part of a conditional caution?
- Did you already know about the TW centre when you were offered the WSC?
- If yes, how?  
(probe) Did this affect your choice to not take the WSC option? How?
- Would you consider visiting the TW centre voluntarily? Why/Why not?
- Did the fact that you had to attend the TW centre as part of the condition of the WSC affect your decision to take the caution in any way? If so, how?

### Changes<sup>57</sup>

- What happened to you after you were offered the WSC? (probe) Were you charged? Did you attend court? What sentence did you receive?
- How do you think this sentence has affected different aspects of your life?

Area of Need	Potential Outcomes (prompts)
Accommodation	<ul style="list-style-type: none"> <li>● What is your living accommodation like?</li> <li>● In settled and safe accommodation?</li> <li>● Has it changed?</li> <li>● Moved from unsafe to safe accommodation</li> <li>● Homeless to accommodated</li> </ul>
Education, training & employment	<ul style="list-style-type: none"> <li>● Gained employment</li> <li>● Increased capacity to work (80% attendance at courses)</li> <li>● Entry/completion of education or training</li> </ul>
Finance	<ul style="list-style-type: none"> <li>● Reduced debt</li> <li>● Management of debt (i.e. setting up of plan to reduce debt)</li> <li>● Increased income (including accessing of benefits)</li> </ul>
Mental health	<ul style="list-style-type: none"> <li>● Registered with GP</li> <li>● Referral to and maintenance of contact with another agency</li> <li>● Improvement in mental health</li> </ul>
Parenting and relationships/ preventing family breakdown	<ul style="list-style-type: none"> <li>● Numbers of children received into and out of care</li> <li>● Child not on child protection register</li> </ul>
Physical health	<ul style="list-style-type: none"> <li>● Registered with GP/dentist</li> <li>● Reduced incapacity benefit</li> </ul>

<sup>57</sup> Uses TW Model of Change as a framework for questions.

Substance use	<ul style="list-style-type: none"> <li>● Self-report re: frequency and level of use</li> <li>● Reduced seriousness (drug class)</li> <li>● Management of problem</li> <li>● Referral to and maintenance of contact with another agency</li> <li>● Drug testing</li> </ul>
Domestic and sexual violence/personal safety	<ul style="list-style-type: none"> <li>● Self-report re frequency and severity</li> <li>● Move to independent living</li> </ul>
Life skills	<ul style="list-style-type: none"> <li>● Increased self-esteem</li> <li>● Increased confidence</li> </ul>

*(probe)* How has this aspect of your life changed? What do you think was the main factor that led to this change?

- Do you think it is likely that you will commit the same offence again? Y/N
- Why?
- Do you think it is likely that you will commit another different offence? Y/N
- Why?
- How do you think the sentence you received has helped you change?
- What part do you think the sentence you received played in these changes?
- Which parts of the process have been most helpful to you? Why?

### **Conclusion**

- What do you think of the WSC scheme now you have been through court?
- Is there anything you would like to add?
- Do you have any questions for me about the research?

*Thank you for taking the time to help us with our research.*

## Key Stakeholder Interview Schedule

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Interview Date \_\_\_\_\_

Interview Area Liverpool/Bradford/Leeds

Name \_\_\_\_\_

Agency \_\_\_\_\_

Job Title \_\_\_\_\_

Key Responsibilities \_\_\_\_\_

*Just to remind you, I'm from London South Bank University/Liverpool University. We have been commissioned to conduct an evaluation of the use of women specific condition (WSC) cautions. Because of your role in delivering WSCs we would like to ask you a few questions.*

*I would like to ask your permission to tape record the interview so that I can listen to your comments again and maybe use some of them in a report.*

*Do you have any questions before we start?*

### **General**

- What is your role in the WSC pilot?
- What are your key responsibilities?
- What do you see as the key aims/objectives of the scheme?

### **For those who have the responsibility to administer WSCs**

- What training have you been given in administering WSCs?  
*(probe) When? Where? By whom?*
- Do you think this training was adequate?
- How does it compare to the training that you have been given on other out of court disposals e.g. conditional cautions generally, other out of court disposals?
- Do you think it could have been improved in any way? If so how?
- Tell me about what information on WSC was provided?  
*(probe) What did you think about information provided? Was the information clear? If no which parts? Was it useful? Have you used the information?*
- Are there any parts of the process concerning the issuing of WSCs which you would like more information on? If so which?

- Have you issued any WSCs? Why/Why not?
- Is your team, as a whole, issuing the WSC? Why/Why not?
- What barriers do you face in using WSC's? Can you give us some examples of these barriers?
- How is a WSC referral made?
- How is compliance with the caution monitored?
- How is a woman deemed non-compliant?
- In your experience, do you think women comply with the WSC conditions?
- Have you any evidence for this point of view? eg. seen them again in custody?  
Intelligence about women?
- In your opinion, how do women react to the WSC?  
(*probe*) Do they understand what is being asked? Are they receptive to the idea of a WSC? Are they accepting them out of choice? Do they feel compelled to accept them?
- Have you any evidence for this point of view? If yes, what?

#### **For all: Workload issues**

- What effects does WSC pilot have on your workload?
- What additional responsibilities do you have in connection with the WSC pilot, if any?
- How does this differ from other out-of-court disposals?
- (Compared to other out-of-court disposals) What different paperwork is there?
- Does it take longer to complete?
- How does this differ from other out-of-court disposals?
- What are the implications/consequences of this?
- Has this extra workload ever affected the decisions you have had to take regarding the administration/issuing of WSCs?
- If yes, in what ways? Can you give examples of this?
- Has the extra workload ever led to you having to choose another disposal instead? If yes, can you explain and give examples of this?
- What impacts does this scheme have on other areas of your work?

#### **For all: Cost implications**

- What additional resources have you invested into the administration of the WSC scheme? Time, human, money.
- Where did the budget for these additional resources come from?
- Is that budget secure beyond this financial year (after March 2009)?
- Can you identify any implications of the WSC scheme on your workload in the longer term?

## All

- What benefits can you foresee in using WSCs as a permanent disposal option?
- What problems?
- Do you work with other agencies to deal with conditional cautions? In what capacity?
- Have WSCs changed how you work with other CJS agencies?
- If yes, probe whether this is in a good or bad way.
- How does it impact on your work with these agencies?
- Do you have any suggestions about how working between agencies could improve delivery of WSC? Please tell me about them.
- Do you have any other comments to make about any aspects of the WSC scheme not covered by my questions?  
Please tell me about them.

*Thank you for your involvement in this research.*

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## TW Interview Schedule

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Interview Date \_\_\_\_\_

Interview Area Liverpool/Bradford/Leeds

Name \_\_\_\_\_

Agency \_\_\_\_\_

Job Title \_\_\_\_\_

Key Responsibilities \_\_\_\_\_

*Just to remind you, I'm from London South Bank University/Liverpool University. We have been commissioned to conduct an evaluation of the use of women specific condition (WSC) cautions. Because of your role in delivering WSCs we would like to ask you a few questions.*

*I would like to ask your permission to tape record the interview so that I can listen to your comments again and maybe use some of them in a report.*

*Do you have any questions before we start?*

### **General**

- What is your role in WSC pilot?
- What are your key responsibilities?
- What do you see as the key aims/objectives of the scheme?

### **Training Issues**

- What training have you been given in WSCs? (probe) When? Where? By whom?
- Do you think this training was adequate?
- Do you think it could have been improved in any way? If so how?
- Are there any aspects of WSCs which you would like more information on? If so which?

### **Working with Conditionally Cautioned Women**

- How is a WSC referral made to the centre?
- In your experience, have there been any problems with the referral process? If yes, what were these problems? How were they resolved?
- In your opinion, how do women react to the WSC?  
(probe) Do they understand what is being asked of them? Are they receptive to the

idea of a WSC? Are they accepting them out of choice? Do they feel obliged to accept them?

- Have you any evidence for this point of view? If yes, what?
- When you first meet the women who have been conditionally cautioned do you get the impression that they have been given all the information they need about what a WSC is and the conditions that are attached?
- What further information do you think would be helpful? Why?
- How do you conduct your assessments with WSC women?
- Did you encounter any problems in arranging the WSC assessments? E.g. Getting details off the Police.
- What guidelines do you have about following up non-attendance of WSC assessment?
- How do you work with women who have been WSCd to encourage them to take up TW centre services post WSC?
- Is there a difference in how you manage/work with these women compared to women who have come to the centre through other routes? If yes, can you explain these differences? Can you give examples?
- How do you think WSCd women respond to the WSC?
- How is compliance with the caution monitored?
- What is your/the centre's role in this?
- In your experience do the women comply with the WSC?
- Have you any evidence for this point of view?
- How do you follow up attendance at assessment appointments?
- What benefits can you foresee in using WSCs to engage women with the centre?
- What problems can you foresee in using WSCs to engage women with the centre?
- Do you think that the WSC is an effective way of meeting the women's particular needs? If yes, explain, If no, explain why not
- Do you think that the WSC is an effective means of reducing individual women's offending?
- Do you think that the WSC is an effective way of bringing individual women into the centre to access its services after the WSC conditions have been met?
- How do you think the WSCd women respond to the TW centre?
- Do you think the source of referral makes a difference to women's engagement with the centre?
- Is it this source of referral more suitable for some women than others? If yes, who? Why?

### **Workload issues**

- What effects does the WSC pilot have on your workload?
- Is there different paperwork to complete?
- Does it take longer to complete?
- How does the workload compare with your work with women who have come from different routes?



- What are the implications/consequences of this?
- Has this extra workload ever affected the decisions you have had to take regarding the way you can work with women who are subject to WSCs? In what ways? Can you give examples of this?
- What impacts does this scheme have on other areas of your work?

### **Cost implications**

- What additional resources have you invested into the administration of the WSC scheme? Time, human, money.
- Where did the budget for these additional factors come from?
- Is that budget secure?
- Can you identify any implications of the WSC scheme on your workload in the longer term?
- What benefits can you foresee in using WSCs as a permanent disposal option?
- What problems can you foresee in using WSCs as a permanent disposal option?
- Do you work in partnership with other agencies? In what capacity?
- Have WSC changed how you work with other agencies?
- If yes, probe whether this is in a good or bad way.
- How does it impact on your work with these agencies?
- Do you have any suggestions about how working between agencies could improve delivery of WSC? If yes, please tell me about them.
- Do you have any other comments to make about any aspects of the WSC scheme not covered by my questions? If yes, please tell me about them.

*Thank you for your involvement in our research*

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# Merseyside WSC Case File Review Template – Part 1

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Reference Number

BCU	Evaluation date

**Personal details**

Name	
URN	
DOB	
Address	
Ethnicity (16+1)	
Previous convictions	Y/N
Relevant to current offence	Y/N
Details	

## Merseyside WSC Case File Review Template – Part 2

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Reference Number

### Disposal

WSC	Non-WSC(pilot)	Non-WSC(Non-Pilot)
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### Key dates

Offence date	
Arrest date	
CPS decision date	
Charge/caution date	

### Dependencies/needs/issues

<b>DRUGS</b>	Under the influence on arrest	Y/N/UK
	Drug type	
	Drug problem	Y/N/UK
	Type	
	Details	
<b>ALCOHOL</b>	Under the influence on arrest	Y/N/UK
	Alcohol problem	Y/N/UK
	Details	
<b>DEPENDENCIES</b>	Children	Y/N/UK
	Number	
	Living with children	Y/N/UK
<b>DEBTS</b>	Outstanding debts	Y/N/UK
	Amount	
	Type	
<b>VIOLENCE</b>	Current experience of violence	Y/N/UK
	Details	
	Past experience of violence	Y/N/UK
	Details	

**Offence details**

Offence(s) committed	1. Theft from shop 2. 3. 4.
Reason(s) for stealing	1. 2. 3. 4.
Shop stolen from	
Item(s) stolen	1. 2. 3. 4.
Details of offence	
Details of interview	

**Decision**

Charge/caution/other disposal	
Bailed to return	Y/N If yes – number of days-
Summary of police decision making	
Summary of CPS decision making	

**WSC files only**

Proposed conditions	1. 2. 3. 4.
Details of CPS review	
Final conditions	1. 2. 3. 4.

**Non-compliance**

Non-compliance	Y/N
Outcome of non-compliance	
Details	

**Non WSC files only**

Charges	1. 2. 3. 4.
Notes	

**Court details**

Court	
Date of first hearing	
Date of sentence	
No of hearings	
Plea	Guilty/not guilty
Sentence	

**Other Notes**

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**Ministry of Justice Research Series 14/10**

**Conditional cautions: Evaluation of the women specific condition pilot**

In September 2008 a new condition was developed for dealing with low-level, low-risk women offenders as part of the existing conditional caution scheme. The condition is referred to as the women specific condition (WSC) and is a rehabilitative condition requiring the woman offender to attend a Together Women centre for a needs assessment at a pre-arranged time and date. This report presents the findings of the evaluation of the pilot of the WSC over six months in three pilot areas. The aim of the research was to evaluate the implementation and effectiveness of the WSC. Evidence was collected on the view of stakeholders and women offenders on the WSC and looked at how the WSC was implemented in different pilot areas.

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