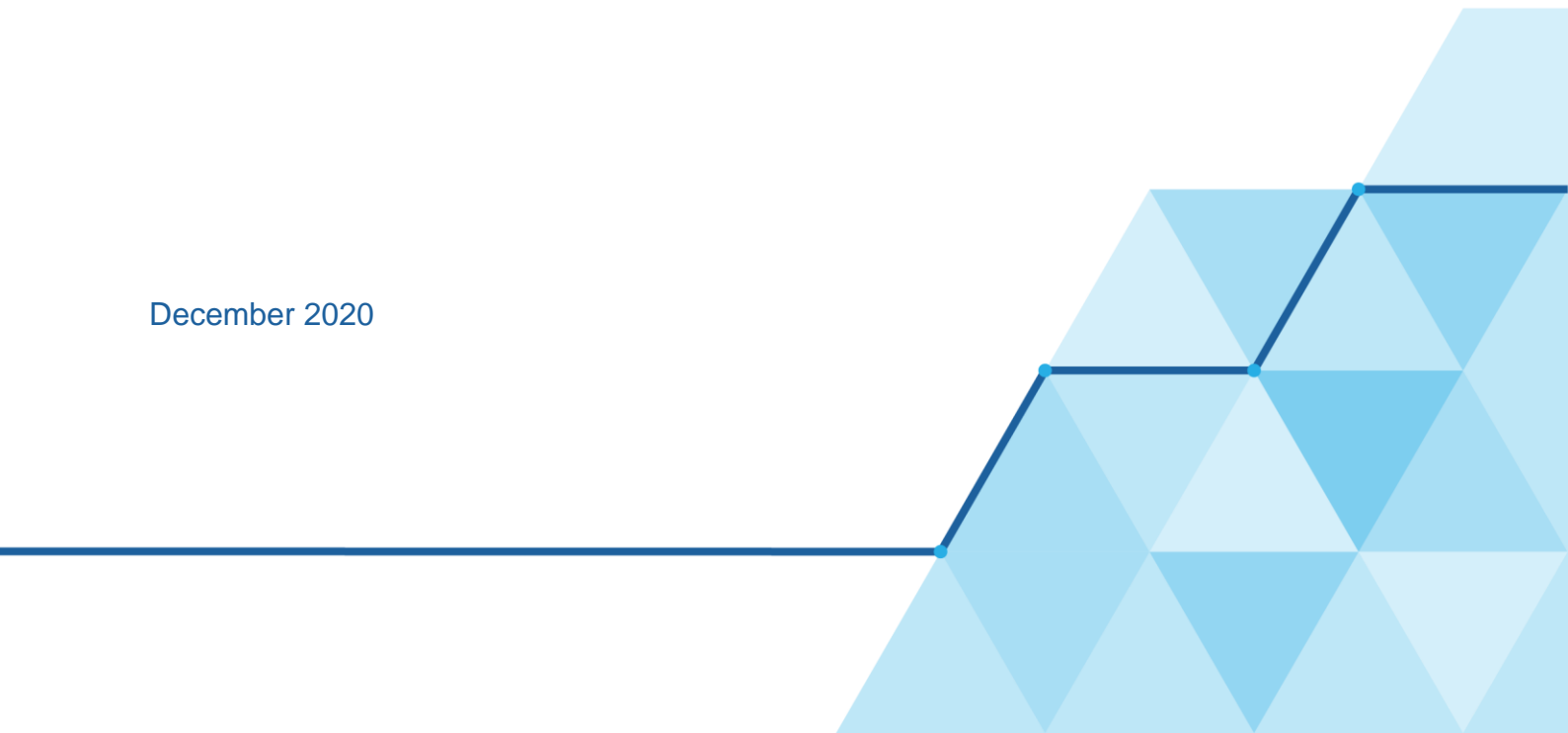




Ministry
of Justice

The Concordat on Women in or at risk of contact with the Criminal Justice System

December 2020



Contents

1. Our Joint Commitment	3
Scope	4
2. Achieving Positive Outcomes with the Concordat	5
Outcomes	5
Actions	5
3. Achieving Positive Outcomes in Wales	10
4. The Case for a Concordat	12
What are complex needs?	13
Protected Characteristics	14
A Different Approach to Complex Needs	15
Children, Families and Significant Others	16
5. Achieving Positive Outcomes Locally	18
What is a Whole System Approach?	18
The Case for a Whole System Approach	19
6. How to Establish a Whole System Approach	21
What are the key essentials in a successful Whole System Approach?	21
What are the first steps in establishing a Whole System Approach?	23
Who should lead?	23
Who should be included?	24
How do you establish and sustain engagement of these partners?	25
What are the benefits of shared objectives between different partners?	25
How do you encourage and promote shared objectives where they don't formally exist?	26
Are there any existing structures that make establishing a Whole System Approach easier?	26
Funding a Whole System Approach: Willowdene (West Mercia) Case Study	27
Sources of Further Information	28

Annex A. The Co-signatories to the Concordat	29
Ministry of Justice	29
Her Majesty’s Prison and Probation Service	29
Her Majesty’s Prison Service	30
National Probation Service	31
Her Majesty’s Courts and Tribunals Service	31
Cabinet Office	32
Department for Education	32
Department for Work and Pensions (DWP)	32
Department of Health and Social Care	33
National Health Service England & Improvement	33
Public Health England	34
HM Treasury	35
Home Office	35
Ministry of Housing, Communities and Local Government	36
Annex B. Metrics of Success for Concordat Outcomes	37
Annex C. Considering the Specific Needs of those with Protected Characteristics and other Vulnerable Cohorts	38
Older Women	38
Transgender	39
Pregnancy and Maternity	40
Disability and Health (including Physical and Mental Health)	42
Race, Ethnicity and Nationality	44
Religion	47
Other Vulnerable Cohorts	48

1. Our Joint Commitment

In the Female Offender Strategy, published in June 2018¹, the Government identified the importance of effective partnerships in addressing the multiple and complex needs of women in contact with the criminal justice system, or at risk of doing so (hereafter referred to as ‘women’). The Strategy committed Government to develop a Concordat across England and Wales, which would set out how Government and other partners should work together at national and local levels to identify and respond to the needs of women. To develop such a document, the Ministry of Justice (MOJ) has worked closely with other Government departments and agencies, along with external stakeholders. We have agreed on a cross-government commitment to support women and have agreed on a set of actions and desired outcomes designed to ensure established partnerships deliver on this commitment.

Co-signatories to the Concordat² agree to the following commitment:

“We commit to work together to improve outcomes for women who have already encountered the criminal justice system or are at risk of doing so. These women, often with multiple and complex needs specific to their sex, include some of the most vulnerable in our society. We will work together, both nationally and locally, to address the needs of these women, preventing crises from happening or dealing with them effectively if they have happened already. We will give our joint support in effective early intervention and prevention of crime, allowing women to turn their lives around for the benefit of their victims, their families, wider society, and for the women themselves.

We will strive to make sure that all relevant public services and wider delivery partners, including the voluntary sector, work together to support women. We will do the things in our power – according to each organisation’s appropriate remit and scope – to promote the delivery of the strategic priorities of the Female Offender Strategy, which should result in:

- **fewer women coming into the criminal justice system and reoffending;**
- **fewer women in custody (especially on short-term sentences) and a greater proportion of women managed in the community successfully; and**
- **better conditions for those who are in custody.**

¹ Ministry of Justice (2018). Female Offender Strategy. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719819/female-offender-strategy.pdf

² See Annex A for a list of co-signatories with a description of their roles and responsibilities.

Jointly, we hold ourselves accountable for enabling this commitment to be delivered across England and Wales.

We will produce a report a year after publication on how we have delivered on this commitment.”

Scope

The Concordat aims to encourage partnerships at both the national and local level, and between the two. It is not intended to replace current arrangements, where working well, but rather to build on these to improve existing support to women.

The Concordat considers the needs of adult women and does not include the youth justice system unless explicitly stated.

The Concordat applies to England and Wales. Wales has its own legislative and policy landscape in areas such as health, social care, substance misuse, housing and accommodation, education and skills, violence against women, domestic abuse and sexual violence (see Chapter 3).

The focus of the Concordat is not solely on the criminal justice system, as a joined-up response to the needs of women will only be effective if it includes organisations with responsibility for issues such as health, social care, education, employment, welfare and housing. All need to be involved to deliver tangible improvements (see Chapter 4, which sets out the case for the Concordat).

Evidence shows that it is local agencies and organisations, with local expertise and understanding, which can truly drive change. The Concordat is designed to support the development of local partnerships by offering evidence, advice and best practice examples (see Chapters 5 and 6). Local areas are encouraged to draw on these resources as appropriate to develop local solutions tailored to and responsive to local needs.

2. Achieving Positive Outcomes with the Concordat

Our joint commitment sets out how we, as co-signatories, will address the multiple and complex needs of women. This section sets out the outcomes such a commitment aims to achieve and the detailed actions we believe are needed to succeed.

Outcomes

At a high-level, we aim to support the delivery of outcomes in the Female Offender Strategy, referred to in the joint commitment. In Annex B, we set out metrics to measure progress for each of these outcomes. In most cases, these metrics are disaggregated by sex, and where possible disaggregated by protected characteristics and to a local level. Alongside the Concordat, we have published a [local area data tool](#) on Tableau, summarising metrics available at the local level. We hope the tool will enable local organisations to better understand outcomes for women in their area and tailor their work accordingly. For example, local organisations could interrogate arrest and prosecution data for their cohort, identify the type of crime occurring in their area, and then design specific interventions around this information. We hope local areas continue to track changes in these metrics, monitoring whether interventions have been successful. All metrics, including those not available at a local level, will also be monitored at a national level by the MOJ, who will report results to other co-signatories and the Advisory Board on Female Offenders

Actions

To give effect to the joint commitment and bring about the vision of the Female Offender Strategy, at a national level we commit to the action plan below. To hold co-signatories to account, we must be clear on who is responsible for what, allowing internal and external stakeholders to identify when co-signatories are failing to fulfil their responsibilities. Details of the roles and responsibilities of the Government departments and agencies that are co-signatories of the Concordat can be found in Annex A.

Action	What will be delivered?	Who's responsible?	What's the timescale?	How will it be reported?
<p>1. Review the Government's response to vulnerable women: Use the MOJ-led Female Offender Delivery Board, set up following the publication of the Female Offender Strategy, as the</p>	<p>Representatives of each co-signatory (at Deputy Director level, or an appropriate alternative) to attend the Delivery Board.</p> <p>A report on work currently underway to improve outcomes for women in</p>	<p>All co-signatories to report to and work with Delivery Board. MOJ to log the minutes and actions of each Delivery Board.</p>	<p>Use of the Delivery Board is ongoing.</p> <p>Report on work currently underway to be published within 4 months of</p>	<p>Action-based minutes of Delivery Board to be published online, as soon as</p>

Action	What will be delivered?	Who's responsible?	What's the timescale?	How will it be reported?
<p>main forum for delivery of our shared commitment and to report progress against agreed outcomes.</p> <p>A representative of each co-signatory is to attend the Board, which will meet regularly.</p> <p>The Board will publish a report, examining work already underway and will assess the current cross-government response to women, specifically by:</p> <ul style="list-style-type: none"> • examining whether barriers to effective service delivery exist, including by seeking examples from the front line • reviewing current needs and provision to identify opportunities for effective intervention at the earliest point in a women's criminal justice system journey. <p>If necessary, the Delivery Board will commission further work, either on its own or in co-operation with wider government, to ensure that the requirements of women with multiple and complex needs are taken fully into account in all areas of national policy making.</p>	<p>the criminal justice system to be published.</p> <p>Progress on achieving our shared commitment and our agreed outcomes to be reported at Delivery Board and in the "One Year On" report.</p>	<p>MOJ to commission a report on work currently underway from all co-signatories.</p> <p>Delivery Board to consider MOJ report and decide whether further work is required, either on its own or in co-operation with wider government, regarding women or whether their needs can be addressed as part of the existing work.</p>	<p>Concordat publication.</p> <p>Report to be considered at the Delivery Board concurrently to its publication.</p>	<p>possible after each meeting.</p> <p>Report on work underway to be published online.</p> <p>Work completed based on this report to be presented online in "One Year On" report.</p>
<p>2. Respond to emerging issues: Respond quickly and substantively to systemic/generic issues raised by external stakeholders, ensuring the specific needs of women are understood and taken fully into account.</p>	<p>External stakeholders wanting to raise generic issues³ within scope of the Strategy and/or the Concordat to contact MOJ (on cjwst@Justice.gov.uk).</p> <p>MOJ to acknowledge the issue and advise whether MOJ or another co-</p>	<p>MOJ to monitor and report on issues raised to the relevant co-signatories.</p> <p>Co-signatories to respond accordingly to issues raised and report actions to the Delivery Board.</p>	<p>Response to be provided within a month of receipt.</p>	<p>Issues raised and actions taken as a result to be presented in online "One Year On" report.</p>

³ Please note: this channel of communication is intended to be used to raise generic or systemic issues concerning women already in or at risk of entering the criminal justice system and not to raise personal or individual cases, which should continue to be pursued using normal contact points.

Action	What will be delivered?	Who's responsible?	What's the timescale?	How will it be reported?
	<p>signatory will be providing a response.</p> <p>Designated co-signatories to respond substantively to the stakeholder and report back to the Delivery Board.</p>			
<p>3. Champion local achievement: Promote work by local agencies and delivery organisations, including encouraging them to try new and innovative interventions to achieve desired outcomes.</p>	<p>Co-signatories to share examples of best practice or innovation at the local level with the Delivery Board, allowing effective approaches to be adopted more widely.</p> <p>Co-signatories to assist local organisations (within their area of responsibility) with work to improve outcomes for women, by promoting best practice shared at Delivery Board.</p>	<p>All co-signatories to regularly identify examples of best practice and new approaches, and to then share at Delivery Board.</p> <p>MOJ to document examples of best practice and new approaches shared at Delivery Board.</p> <p>Where appropriate, all co-signatories to share best practice examples with their local agencies and delivery partners.</p>	<p>Ongoing.</p>	<p>Information and associated work to be presented in online Delivery Board minutes and "One Year On" report.</p>
<p>4. Gender- and Trauma-informed and -responsive: Recognise that any response to addressing the needs of women will only be truly effective if it is both trauma- and gender-informed and -responsive (defined in Section 4).</p> <p>Identify the need for gender- and trauma-informed and responsive training in frontline workforces and seek to deliver such training, if appropriate. Where that responsibility sits with local agencies, co-signatories commit to champion the importance of taking such an approach, providing evidence to explain the effectiveness of this approach and encourage its delivery to all staff that</p>	<p>Co-signatories to identify the workforces in their respective areas of responsibility that have contact with women already in or at risk of entering the criminal justice system.</p> <p>If a training need is identified, co-signatories to establish an action plan to address this need.</p> <p>Where appropriate, this may include using national representative bodies for workforces as the channel of communication and for delivery of training.</p> <p>All co-signatories who have front line services that work with vulnerable women to report to MOJ on how this commitment has been met.</p>	<p>MOJ to identify training resources and circulate to all co-signatories.</p> <p>Co-signatories to take appropriate action to disseminate information and training resources to those responsible for delivering services locally.</p> <p>Co-signatories to report actions taken to Delivery Board.</p>	<p>Relevant actions to be started within 12 months of Concordat publication.</p>	<p>Actions taken to be presented in online "One Year On" report.</p>

Action	What will be delivered?	Who's responsible?	What's the timescale?	How will it be reported?
are supporting vulnerable women.				
Data				
<p>5. National Data Collecting: Examine how co-signatories could collect data that broadens our understanding of women's experience in the criminal justice system, while satisfying the legislative framework and requirements governing the privacy of data.</p> <p>Disaggregate data collected by sex and other protected characteristics or clarify why this is not possible. Make data available at a local level (e.g. Police Force Area, NPS area, prison) to improve its usefulness for local organisations, or again clarify why this is not possible.</p>	<p>Delivery Board to commission survey of all current data collection relevant to this cohort of women.</p> <p>In response, co-signatories to report to Delivery Board regarding data they collect and how it is disaggregated.</p> <p>Delivery Board to challenge co-signatories, identify possible areas of where further collection and disaggregation is needed, where appropriate.</p>	<p>Co-signatories to respond to Delivery Board's survey, with a comprehensive overview of the data they collect.</p> <p>MOJ to lead on collating information on data collected.</p> <p>Co-signatories to respond to actions arising from the Delivery Board survey.</p>	<p>Survey to be completed and results to be considered within 6 months of the publication of the Concordat.</p> <p>Recommendations to be acted on in the 6 months following survey publication.</p>	<p>Actions undertaken based on findings from the survey to be presented in online "One Year On" report.</p>
<p>6. Local Data-Sharing: Work with local agencies and delivery organisations to develop local data sharing agreements with local partners, where appropriate and in line with the legislative framework and requirements governing the privacy of data.</p>	<p>Delivery Board to produce and distribute a best practice guide.</p> <p>Co-signatories to contribute to best practice guide, regarding the collecting and sharing of relevant data.</p> <p>Co-signatories to share this guide with their local agencies and delivery organisations.</p>	<p>MOJ to lead on collating information for best practice guide.</p> <p>Co-signatories to contribute to and share best practice guide.</p>	<p>Best practice guide to be published within 6 months of Concordat publication, then shared widely.</p>	<p>Best practice guide to be published online.</p> <p>Promotion activity to be presented in online "One Year On" report.</p>
<p>7. Local Area Data Tool: Contribute to the publication of a data tool, alongside the Concordat, that enables local organisations to better understand the needs of the women in their area and tailor their work accordingly.</p>	<p>MOJ to publish data tool with metrics available at the local level.</p> <p>Delivery Board to assess value and use of the tool, and take action accordingly.</p>	<p>Where appropriate, co-signatories to share relevant data collected at the local level.</p> <p>MOJ to collate relevant data from co-signatories and publish tool.</p> <p>Co-signatories to survey local agencies and</p>	<p>Local area data tool to be published with the Concordat.</p> <p>Data tool to be assessed within one year of Concordat publication.</p>	<p>Data tool to be published on Tableau.</p> <p>Assessment of data tool to be published in online "One Year On" report.</p>

Action	What will be delivered?	Who's responsible?	What's the timescale?	How will it be reported?
		delivery organisations regarding the tool.		
Funding				
8. National Investment: Develop strong relationships across Government and look for more innovative ways to join up activity, including on joint work streams and joint funding opportunities, in line with the Concordat's joint commitment and outcomes.	Delivery Board to arrange an engagement event with representatives of all co-signatories, voluntary sector organisations, service users and other stakeholders, focusing on issues of value for money, collaborative working, breaking down silos and improving outcomes for women.	MOJ to organise event, with co-signatories to support organisation where necessary. Co-signatories to attend event and participate alongside stakeholders.	The event is to be conducted within 9 months of Concordat publication.	Outcomes of event to be presented in online "One Year On" report.
9. Local Investment: Encourage local agencies and delivery organisations to invest as appropriate in local partnership working.	Where appropriate, co-signatories to collate and share learning from existing Whole System Approaches to illustrate the benefits of pooled funding at a local level.	All co-signatories to collate and share learning, especially the MOJ, as they are the lead on Whole System Approaches for Female Offenders.	Learning to be shared from the publication of the Concordat onwards.	Actions taken and impact to be presented in online "One Year On" report.
Monitoring				
10. Progress Report: Publish a report one year after the publication of the Concordat detailing actions taken and clarifying the impact of such actions on the stated outcomes.	Publication of "One Year On" report online.	MOJ to co-ordinate production of report, with contributions from all co-signatories.	Report to be published a year after the Concordat is published.	Published online, on the MOJ section of the gov.uk website.

3. Achieving Positive Outcomes in Wales

Justice services in Wales are delivered by a range of local, regional and national agencies working together. While the UK Government retains responsibility for justice and policing, most services related to the wellbeing and resilience of women in Wales have been devolved to the Welsh Government. The implication of this is that whilst offender management in the community and custody is the responsibility of UK Government, supporting services including education, housing, substance misuse, health, social services and the needs of looked after children are all devolved to Welsh Ministers.

The national strategy of the Welsh Government – ‘Prosperity for All’⁴ sets out the key priorities and identifies five priority areas (early years, housing, social care, mental health and skills), which have the potential to make the greatest contribution to long-term prosperity and well-being for people in Wales. These are areas where it has been shown that earlier intervention and more responsive services can make a real difference to people’s lives.

The commitment to these priorities, the devolved nature of key policy areas and the different legislative and delivery landscape supports the need to develop a distinct and discrete approach to justice services in Wales which:

1. serves both adults and young people within, or at risk of entering the criminal justice system and in the wider community;
2. adheres to Wales’s ambition to enhance the well-being and longer-term prosperity of citizens and communities; and
3. supports the delivery of better public services across Wales.

The implication of this is that women in the criminal justice system in Wales are dealt with through a complex system of devolved and non-devolved services:

- The NPS in Wales has responsibility for all offender management services, including those assessed as low, medium and high-risk. Wales Probation Services, part of Kent, Surrey and Sussex Community Rehabilitation Company (KSS CRC), has responsibility for providing people on probation with rehabilitative services (Accredited Programmes, Unpaid Work, and support for those who have been in prison to resettle in the community).
- Women serving custodial sentences are based in prisons in England as there is no women’s prison in Wales. In most cases this is at HMP and YOIs Eastwood Park or Styal where special provision for Welsh female prisoners is made, including

⁴ Welsh Government (2019). Prosperity for All: economic action plan. Available at: <https://gov.wales/prosperity-all-economic-action-plan>

resettlement services delivered by Safer Wales (a voluntary sector provider) on behalf of Wales CRC.

- Devolved services including health, education, social service and housing are delivered through a mixture of Local Authorities and Health Boards.
- Some specialist services are commissioned by individual bodies including Local Authorities, Police and Crime Commissioners and partnerships such as Regional Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) Boards. These include services for diversion, victim support, family support services, domestic abuse and sexual violence and are primarily delivered by a diverse range of voluntary sector providers, who also generate funding through charitable grants to support service delivery.

Multi-agency delivery with dual lines of accountability contributes to a complex and challenging delivery landscape. Applying reserved policy in a devolved context adds complexity, especially where legislation is different in Wales.

The complexity of the landscape in Wales means that Justice in Wales must be delivered as a partnership between devolved and non-devolved organisations. To support this the UK and Welsh Governments have developed the Blueprint for Female Offending⁵, which was published on 21st May 2019, and endorses and supports the need for partnership working. The Blueprint outlines a vision that will enable devolved and non-devolved services to work together to deliver efficient and effective services that will deliver positive outcomes for both individuals and the community and builds on the sector leading work already in train in Wales.

In light of this joint work, which aligns with the principles of this Concordat, progress in Wales will be delivered and reported against the framework of the blueprint rather than this document.

The Female Offending Blueprint for Wales is available here:

https://gov.wales/sites/default/files/publications/2019-05/female-offending-blueprint_3.pdf

⁵ Ministry of Justice and Welsh Government (2019). Female Offending Blueprint for Wales. Available at: <https://gov.wales/supporting-female-offenders>

4. The Case for a Concordat

The Female Offender Strategy set out why a different approach is needed to address the multiple and complex needs of women⁶. Compared to men in the criminal justice system, women on average commit less serious offences and often pose a lower risk of serious harm to the public^{6,7}. They are also, more often than men, primary carers when entering the criminal justice system, meaning the criminalisation of women is likely to have a greater impact on families and children⁸.

Whilst the reoffending rate among women is lower than among men^{9,10,11}, the average number of reoffences per reoffender is higher^{9,10,12}, suggesting there is a cohort of women committing low-level, but persistent offences, such as shop theft. Furthermore, women with multiple and complex needs may have chaotic lifestyles that require repeated use of services. For both these reasons, the management of women in contact with the criminal justice system is costly - in 2015/16, the cost to the Government of managing this cohort was approximately £1.7bn, including estimated police costs of around £1bn¹³. This cost excludes wider social costs, such as the cost of intergenerational offending, which may be significant.

The “Case for Change” in the Female Offender Strategy identified that:

- Criminalising vulnerable individuals has broader negative social impacts, as women in contact with the criminal justice system may find it difficult to meet their needs and escape their chaotic lifestyles.

⁶ MOJ (2018). Female Offender Strategy, page 6. Available at:

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

⁷ MOJ (2018). Supporting data tables: Female offender strategy. Available at:

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

⁸ Lord Farmer (2019). The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime. Available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/809467/farmer-review-women.PDF

⁹ MOJ (2020). Proven reoffending statistics: January to March 2018. Available at:

<https://www.gov.uk/government/statistics/proven-reoffending-statistics-january-to-march-2018>

¹⁰ MOJ (2020). Women in the CJS: Local Data Tool. Available at:

<https://public.tableau.com/profile/ciaran3881#!/vizhome/WomenintheCJSLocalDataTool2019/WomenintheCJSLocalDataTool>

¹¹ The reoffending rate for women was 23.4% between April 2017 – March 2018, compared to a rate of 29.6% for men in the same period.

¹² The average number of reoffences per reoffender for women was 4.33 between April 2017 – March 2018, compared to an average of 3.99 for men in the same period.

¹³ Government estimates of total costs to government in 2015/16 associated with female offenders [from police through to end of sentence], drawing on a combination of different data sources and assumptions. These are high level estimates, using a number of published and unpublished data, and there is major uncertainty in several cost estimates included.

- Short custodial sentences do not deliver the best results for female offenders, with 70.7% of women reoffending in the year following a custodial sentence of less than 12 months¹⁴.
- Good community management works, with community sentences allowing women to properly engage with a wide range of services and better address their needs.

This section aims to define complex needs, how they may interact with protected characteristics, and how services can better meet such needs by taking a holistic, and gender- and trauma-informed and -responsive approach.

What are complex needs?

In 2013, as part of its inquiry into complex needs, the All Party Parliamentary Group on Complex Needs and Dual Diagnosis produced a definition of complex needs¹⁵:

- A person with 'complex needs' is someone with two or more needs affecting their physical, mental, social or financial wellbeing.
- Such needs typically interact with and exacerbate one another leading to individuals experiencing several problems simultaneously.
- These needs are often severe and/or long standing, often proving difficult to identify and support.
- Individuals with complex needs are often at, or vulnerable to reaching crisis point and experience barriers to accessing services; usually requiring support from two or more services/agencies.
- Someone described as having multiple and complex needs will experience a combination of (although not limited to) two or more of the following:
 - Mental health issues
 - Substance misuse issues
 - A dual diagnosis of mental health and substance misuse issues
 - A physical health condition
 - A learning disability
 - A history of offending behaviour
 - A physical disability
 - Employment problems
 - Homelessness or housing issues
 - Family or relationship difficulties
 - Domestic abuse
 - Social isolation

¹⁴ MOJ (2018). Supporting data tables: Female offender strategy. Available at: <https://www.gov.uk/government/publications/female-offender-strategy>

¹⁵ APPG on Complex Needs and Dual Diagnosis (2014). Factsheet 1: Complex Needs and Dual Diagnosis. Available at: https://www.turning-point.co.uk/cache_1d62/content/appg_factsheet_1_-_june_2014-5090910000019641.pdf

- Poverty
- Trauma (physical, psychological or social)

A report by Lankelly Chase, titled “Gender Matters”, identified four of these needs that most significantly disadvantage women, namely: homelessness, substance misuse, poor mental health, and violence and abuse¹⁶. The report estimates that each year around 17,000 adults in England experience all four of these primary needs, with 70% of this population being women. Women who have had contact with the criminal justice system were much more likely to report experience of each of these primary needs than men who have had contact with the criminal justice system, most notably for experience of violence and abuse. The report also highlights that these needs profile differently depending on age, ethnicity, parental status, and other protected characteristics.

Protected Characteristics

The Equality Act 2010¹⁷ protects individuals from discrimination, harassment and victimisation and promotes a fair and more equal society. It is against the law to discriminate against anyone because of:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Women with protected characteristics or in other vulnerable cohorts may experience the criminal justice system differently to other offenders and have additional barriers to accessing public services. For example, in 2017/18 black women were more than twice as likely to be arrested than white women¹⁸. Women with protected characteristics may therefore find it more difficult to address their multiple and complex needs. Annex C details barriers faced by women with certain protected characteristics, and suggests best-practice to mitigate against these, and instead to accommodate their needs.

¹⁶ Bramley et al. (2020). Gender Matters. Lankelly Chase. Available at: <https://lankellychase.org.uk/wp-content/uploads/2020/02/Gender-Matters-full-report-Feb-2020.pdf>

¹⁷ Equality Act 2010. Available at: <https://www.legislation.gov.uk/ukpga/2010/15/contents>

¹⁸ Home Office (2020). Arrests. Available at: <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/number-of-arrests/latest>

A Different Approach to Complex Needs

Women with multiple and complex needs will likely access various public services but are often not considered holistically across these services¹⁹. Women often encounter the criminal justice system having had previous interventions from other public or voluntary sector services, although these would have likely been in isolation. The delivery of services in siloes may mean a women's needs are assessed individually and no single need meets the threshold for a specific service, despite having a severe overall need²⁰. Some services, namely women's centres, support women more holistically, however the availability of such services across England and Wales is patchy and does not always match demand. It is important to ensure that when a woman encounters any public service, she can be recognised as having other gender-specific, complex needs, additional to the primary need the service addresses. At an early stage, it is important all needs are understood and then addressed, signposting women to the relevant services with a seamless handover.

The lack of effective partnership working between organisations may cause distress to already vulnerable women. For example, women presenting with traumatic past experiences may find it difficult to talk about this trauma. With siloed services, women may have to repeat their trauma to each service they access. By doing so, whether it be for mental health services, benefit support, accommodation or victim's services, women may feel disillusioned, frustrated, or even re-traumatised by the system. This experience may cause a woman to disengage with supporting services and spiral to a point of crisis, at which stage she then comes into contact with the criminal justice system. Such a crisis can also happen if a woman doesn't comfortably fit into a public service, for example, if a victim of domestic abuse cannot be accommodated in a women's refuge because she is a drug user.

However, addressing the multiple and complex needs of women requires more than better collaboration between supporting services. Each supporting service must understand that an individual's experience (e.g. physical and mental health) is likely to be gender-specific and shaped by historic trauma. The service must then use this understanding of an individual's experience before encountering the service to respond accordingly, reducing the possibilities of re-traumatisation and re-victimisation. The Concordat commits co-signatories to recognise that an effective response to the multiple and complex needs of women will be both **gender- and trauma-informed**:

- A **gender-informed approach** is one that understands that women have distinctive experiences within the criminal justice system, and in wider society. The Female

¹⁹ Baroness Jean Corston (2007). The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System.

²⁰ Making Every Adult Matter (2017). Multiple Needs. Time for Political Leadership. Available at: <https://www.clinks.org/sites/default/files/2018-10/multiple-needs-time-for-political-leadership.pdf>

Offender Strategy highlighted some of these differences and emphasised that women require different interventions to meet their specific needs. Socialisation of children into adults occurs in a gendered way and consequently the experience of girls and boys and subsequently men and women, are different. Service delivery needs to recognise these differences and produce the appropriate **gender-informed response**. For example, in considering our public sector equality duty, simply having an all-female group undertaking a programme or intervention designed for men will not meet the needs of the women the service is working with.

- A **trauma-informed approach** is one that understands that violence, abuse and historic trauma (e.g. Adverse Childhood Experiences) strongly influences a person's health, mental health and behaviour. This understanding allows a service to then develop a **trauma-informed response** for their service users, many of whom will have experienced such trauma. They may, for example, avoid triggering situations, such as loud noises or anger, and avoid re-traumatising the individual.

By embedding these approaches in public services and delivering services more holistically and sensitively, services can foster an environment that does not stigmatise women and provide a supportive space where they can disclose their needs. Only by breaking down these barriers women encounter when accessing services can the services hope to better meet multiple and complex needs, and reduce the risk of criminality.

Children, Families and Significant Others

Women are more likely than men to be primary carers when entering the criminal justice system. The criminalisation and incarceration of pregnant women and mothers has a profound and long-term impact on their family and children. Given the stark evidence that only 5% of children stay in the family home when a mother goes into custody, it is essential to recognise this impact in the approach to managing women in the criminal justice system²¹.

Supporting such women to strengthen and develop relationships is not straight forward, given that they are more likely than men to be in relationships that are abusive²² and/or lacking in support²³. In the Female Offender Strategy the Government commissioned Lord Farmer to undertake a review on the importance of family and relational ties, through the lens of women. Lord Farmer's review promotes a joined-up approach to managing women in the criminal justice system, recognising the complexity of addressing the relationship needs of both mother and child. Furthermore, it calls specifically for this Concordat to

²¹ Home Office (1997) *Imprisoned Women and Mothers*, Home Office Research Study 162, London.

²² Almost 60% of women in custody and supervised in the community have experienced domestic abuse. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719768/infographic-for-the-female-offender-strategy.pdf

²³ The July 2019 OASys report identified poor relationships as the most prevalent criminogenic need for women managed in the community and custody.

highlight the role women's centres can play in delivering whole systems approaches, to examine opportunities to bring together cross-government funding for the services they deliver and to highlight examples of good practice.

5. Achieving Positive Outcomes Locally

Having set out our commitment and desired outcomes at a national level, the rest of this document considers actions for achieving better outcomes at the local level. The following sections contain evidence, advice, and best practice examples intended to drive change for women, with a recognition that:

- all local areas are different;
- no single approach will meet the need of all areas and solutions will need to take account of local factors;
- evidence suggests that a multi-agency, Whole System Approach that offers holistic support through fully co-ordinated, joined-up local service provision is key to delivering better support and outcomes;
- the aim of a Whole System Approach for female offenders is to assess a woman's needs at her first contact with the criminal justice system, and to provide gender responsive, multi-agency support; and
- the intention is to use existing resources differently to target support more effectively, avoiding gaps and/or duplication in service provision, and supporting women to access provision successfully so that they can turn their lives around. Therefore, an effective Whole System Approach should divert women away from the criminal justice system where this is appropriate and reduce reoffending and demand on services.

What is a Whole System Approach?

Typically, a Whole System Approach has several key features:

- promotes multi-agency working involving criminal justice agencies, other statutory services (especially those related to health, including mental health and substance misuse; accommodation; domestic abuse; and employment), and voluntary sector women's services;
- builds on existing local landscape and partnership working;
- creates strong governance to embed new working practices and ensure on-going collaboration;
- takes a gender- and trauma-informed and -responsive approach, requiring an understanding of the gender-specific disadvantages faced by women using services and the impact of past violence, abuse, and trauma on these women; and
- makes a mutual commitment amongst partner agencies to avoid unnecessary duplication of work through improved communication, information sharing and related joint working.

The Case for a Whole System Approach

Available evidence supports the wider adoption of the Whole System Approach model to improve outcomes for women. Greater Manchester provides an example of the multi-agency Whole System Approach for women²⁴, becoming fully operational in January 2015. The Whole System Approach operates as a coalition of 8 women's centres across 10 authorities, with an independent Whole System Approach charity having oversight. Although it cannot be concluded that the Whole System Approach has had a direct impact, Greater Manchester has seen:

- 91% of women assessed in the Greater Manchester Whole System Approach to end March 2017 had multiple needs.
- A 57% reduction in the number of adult women arrested in Greater Manchester between 2014/15 and 2018/19, compared with a 32% reduction for England and Wales²⁵.
- A 14% reduction in the number of adult women prosecuted between 2014 and 2019, compared with a 10% reduction for England and Wales²⁶.
- A 44% reduction in the number of adult women sentenced to immediate custody between 2014 and 2019, compared with a 21% reduction for England and Wales²⁶.
- A 20% reduction in reoffending rate since 2014/15 to a rate of 15.3% in 2017/18, compared with a 5% increase in England and Wales to a rate of 23.4% in 2017/18²⁶.
- An evaluation conducted by the Greater Manchester Combined Authority on its Whole System Approach in Bury and the Women of Worth programme concluded that about £5.70 might be saved for every £1 invested in the project. Of these benefits, it was proposed that 27% of the benefits fall to the MOJ/criminal justice system agencies (excluding the police), 20% fall to Local Authorities, 28% of the benefits fall to Health and 24% of the benefits fall to the police.

Similarly, evidence from a University of South Wales evaluation of the Pan-Wales Women's police Diversion Scheme²⁷ (one aspect of Wales' Whole System Approach) found:

- Compared with women from areas in Wales where the Scheme was not operating, diverted women were found to have a lower proven reoffending rate (20% compared with 27%) and re-arrest rate (18% compared with 35%).

²⁴ MOJ (2018). A Whole System Approach for Female Offenders. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719771/guide-to-whole-system-approach.pdf

²⁵ MOJ (2020). Women in the CJS: Local Data Tool. Available at: <https://public.tableau.com/profile/ciaran3881#!/vizhome/WomenintheCJSLocalDataTool2019/WomenintheCJSLocalDataTool>

²⁶ MOJ (2020). Geographic data tool, April 2017 to March 2018. Available at: <https://www.gov.uk/government/statistics/proven-reoffending-statistics-january-to-march-2018>

²⁷ Holloway et al. (2017). Evaluation of the Pan-Wales Women's Triage (The Diversion Scheme). Available at: https://wccsj.ac.uk/images/docs/publications/2017/WilliamsHollowayBrayford_Womens_Pathfinder.pdf

- The diverted women were found to have made progress in addressing their criminogenic needs, they experienced improvements in their resilience and general wellbeing and they reported decreases in impulsivity and the practical problems they faced.
- Analysis of the costs and benefits of the Scheme indicated that for every £1 spent more than £2 was saved to policing costs.

6. How to Establish a Whole System Approach

What are the key essentials in a successful Whole System Approach?

There is no one-size-fits-all approach to establishing a successful Whole System Approach and specific local factors will need to be considered when designing a new Whole System Approach. The MOJ Implementation Unit and current Whole System Approach areas have identified several key principles underpinning an effective approach to partnership working:

Planning – effective ways of developing joint strategies across multiple agencies

- **Collaborate to develop a clear vision** and repeat this frequently at all levels of the partnership. The best available evidence suggests that to reduce reoffending and keep women safe, interventions should be **gender- and trauma-informed and -responsive**, addressing seven priority areas: substance misuse, mental health, emotion management, pro social identity, being in control of daily life, good family contact and resettling and building social capital.
- Develop an evidence-based **understanding of local need**. Whole System Approaches should be designed using the most recent evidence available, including that from existing Whole System Approaches. To strengthen this evidence-base for the future, it is important to consider from the outset the expected outcomes of a Whole System Approach, how its success will be evaluated, and the data needed to be collected.
- **Demonstrate the potential savings across the system** from investment in community-based provision for vulnerable women.
- Ensure there is **senior buy-in and political support** for improving outcomes for women.

Structures – structures and frameworks that embed effective partnership working

- Establish **robust local governance**, potentially using existing partnership structures, that feed into senior justice governance boards. Senior strategic support is vital in ensuring the specific needs of women are recognised, and service users are supported appropriately.
- **Separate the strategic from the operational** at partnership boards to ensure that long-term plans are not diverted by day-to-day issues.
- Take a **collaborative, whole systems approach to commissioning**, understanding partners' competing mandates and objectives. Emphasise the collective responsibility

commissioners have to invest in the infrastructure of a Whole System Approach, in order to ensure long term sustainability.

- Involve **providers and voluntary sector organisations** at each stage of the design process to maximise buy-in from a range of partners. With any Whole System Approach there will be differences in thinking or approaches between partners. However, by maintaining good channels of communication between all agencies involved and by following an agreed set process, any issues or challenges to decision-making can be more easily resolved. A key element of engagement will be creating a shared sense of responsibility for each individual woman, ensuring handovers from each service are well delivered. Linkages between services may already exist due to other partnership working arrangements; these should be utilised and built upon where possible.

Practice – key operational practices that facilitate the development of a collaborative culture

- **Create multi-disciplinary teams** and encourage flexible working across locations. Where appropriate, co-location of services can strengthen relationships and joint working, for example in a women’s centre, which then offers a “one-stop shop” for service users.
- Provide clear guidance and streamlined systems for **information sharing across organisations**, in accordance with data protection legislation. Joining up services may require sharing of personal information, either through secure email or on multi-agency sharing software. Develop sound performance measures that can be monitored and shared with Whole System Approach partners.
- Develop clear user pathways to **help users navigate the system**. In practice, this means that statutory and voluntary partners should thoroughly understand their users’ circumstances and needs, in relation to the service the partner provides and to the system as a whole. Partners should use this knowledge to work out the requirements of the Whole System Approach, ensuring its system and services are useful, usable (well-understood and readily accessed by users), and engaging. This will require effective partnership-working and shared objectives, to ensure the system works as a whole, and powerful governance structures, to hold partners to account on service delivery. West Mercia Whole System Approach has incorporated user-centred design by using a detailed care and recovery plan owned by the service user and taken with them to different services to prevent re-assessment and re-telling of personal stories in each new setting.
- Recognise best practice at the local level and **share success stories**.

What are the first steps in establishing a Whole System Approach?

Whilst there is likely to be local variation in the specific steps taken, or at least their order, in general the current Whole System Approach areas followed a similar programme to begin with. This included:

- **Choosing a project lead** – having a project team, or at minimum an officer, to encourage joined-up service provision, sharing of information and resources, and monitor project delivery.
- **Scoping and mapping** – reviewing the existing services, as well as using local evidence (e.g. local arrest and sentencing data) to identify the needs of service users in the area and where there are gaps in provision.
- **Engaging stakeholders** – carrying out awareness raising, through events, as well as direct and online communication with partners, to highlight opportunities for closer partnership working and potential for co-location of women's services.
- **Identifying governance structures** – having strong leadership, strategic oversight and overall direction to ensure Whole System Approaches deliver desired outcomes.
- **Creating a vision and core objectives** – creating a vision and objectives to be used for engaging other partners and service users.

Who should lead?

Different Whole System Approach areas have followed different models of leadership. Some have found their project lead from the statutory sector (e.g. the Police and Crime Commissioner's Office), whilst others had a project lead from the voluntary sector (e.g. a women's centre). Leadership from one sector is not inherently better than from the other, and both models have led to successful outcomes. Whole System Approach areas have acknowledged the following benefits of each model:

- Statutory sector:
 - Funding is often more reliable in the statutory sector, giving the project better resource and therefore greater resilience. Many Whole System Approach projects led by the statutory sector have received additional funding from the sector (e.g. matched PCC funding in the Sussex Whole System Approach).
 - The reputation of statutory sector lead is more easily recognised amongst different organisations, potentially giving the project more credibility, especially when holding partners to account effectively.
- Voluntary sector, specifically women's centres:
 - Women's centres are knowledge hubs when it comes to understanding evidence and delivering best practice.
 - Their services are already equipped to deliver a gender- and trauma-informed approach.

Whole System Approach areas from both leadership models agree that close partnership working between the sectors is essential, and the Whole System Approach could not function without buy-in from both the statutory and voluntary sector.

Who should be included?

Identification of partners should follow the evidence-base, considering existing services and local needs. The importance of involving all key agencies and organisations, and not just those in the criminal justice system, cannot be overstated if a Whole System Approach is going to deliver the intended benefits. Opportunities for co-location should be sought out where possible, as this is widely recommended by previous Whole System Approaches and in the Farmer Review for Women²⁸. The following is a non-exhaustive list of recommended partners from existing Whole System Approach areas:

- Criminal justice system:
 - Local Police and Crime Commissioner (PCC) and local Police Force
 - Courts (e.g. HMCTS and CPS, including establishing links to sentencers)
 - In recommendation 8iii of the Farmer Review for Women²⁹, Lord Farmer recommends Whole System Approaches work closely with the courts. The recommendation states that a lead professional is available at the pre-sentence stage, to help women prepare their children, family members and friends who might be able to support them throughout a custodial period, for the possibility of imprisonment.
 - HMPPS (incl. National Probation Service and HM Prison Service)
 - Community Rehabilitation Companies and their supply chain providers
- Wider public sector:
 - Health providers (e.g. NHS Liaison and Diversion Service, mental health services, and substance misuse services)
 - Domestic abuse services (also see recommendation 1i in the Farmer Review for Women³⁰).
 - Housing providers
 - Local Authorities (including Adult and Children's Social Care)

²⁸ Lord Farmer (2019). The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/809467/farmer-review-women.PDF

²⁹ Lord Farmer (2019). The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/809467/farmer-review-women.PDF

³⁰ Lord Farmer (2019). The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/809467/farmer-review-women.PDF

- Other government services (incl. services related to education, employment and accommodation, such as Jobcentres)
- Women's Centres and similar voluntary sector provision
- Academic institutions, and their networks

How do you establish and sustain engagement of these partners?

Established Whole System Approach areas suggest focusing on how joining up service provision will benefit specific partners (e.g. by meeting their own targets and even reducing their costs). Overall objectives should be broad to capture various partners' priorities, while remaining flexible to address emerging issues or changing priorities. Whole System Approach areas should use evidence from previous Whole System Approach, as well as evidence around gender- and trauma-informed and -responsive approaches, to encourage partners to engage. Provision of accurate and relevant evidence and data should be a continued focus of the project and regularly communicated to partners – even if overall priorities change, the evidence of how to best support women should remain consistent. Creating and maintaining a resilient governance structure from the outset ensures consistent engagement, and allows strategic, long-term priorities to be identified and followed.

What are the benefits of shared objectives between different partners?

Shared objectives between partners are important, as they facilitate closer partnership working, including sharing of resources and budgets. The core objective of a Whole System Approach focuses on improving the lives of individual service users and maximising their potential to achieve their goals. More specific objectives will focus on a specific area of need, such as alcohol or substance misuse (e.g. an objective of abstinence or harm reduction). Some Whole System Approach areas suggested breaking down objectives into more manageable sub-objectives. This relied on a thorough understanding of the problem and the specific steps needed to achieve the larger objective and overall aims of a project. Sub-dividing objectives allowed for better division of labour, for example an overall objective of ending service users' abusive relationships may require specific input from wider partners, rather than just the named domestic abuse service.

Wales provides a good example of using shared objectives to reduce the number of women in the criminal justice system. This is reflected in the joint Welsh

Government/HMPPS Framework to Support Positive Change for those at Risk of Offending in Wales (2018-2023)³¹.

How do you encourage and promote shared objectives where they don't formally exist?

Whilst this will again depend on the local situation, the established Whole System Approach areas identified these steps to promoting shared objectives:

- Provide evidence-based outcomes and case studies to each service to increase a shared understanding of the approach and its objectives.
- Understand different organisational priorities and find the common ground between partners. The core values of each service need to be preserved and supported, with conflicts between partners' values and priorities to be managed or mitigated against.
- Establish strong monitoring and communication arrangements between partners, to keep them informed of progress.
- Some Whole System Approaches suggested that co-location of services increased the sense of a shared purpose and facilitated strong relationships between partners.

Are there any existing structures that make establishing a Whole System Approach easier?

Many of the established Whole System Approach areas used governance structures that were already in place before the Whole System Approach began. These included:

- Local Criminal Justice Board
- Community Safety Partnerships
- Public Services Boards
- Health and Wellbeing Board

Some of the established Whole System Approaches recognised the importance of providing a specific focus on women in the criminal justice system, therefore creating new working groups or boards with this focus. One such example is the Women in Justice Board, established in Wales. For others, such as the Whole System Approach in West Mercia, the Whole System Approach spanned several local authority areas, meaning many boards would have to be involved. In this area, it was not practical to link into existing structures, instead the most pragmatic approach was to form an independently chaired strategic board, which was able to feed information into various boards across the area.

³¹ Welsh Government (2018). A Framework to support positive changes for those at risk of offending in Wales. Available at: <https://gov.wales/sites/default/files/publications/2019-03/framework-to-support-positive-change-for-those-at-risk-of-offending.pdf>

Funding a Whole System Approach: Willowdene (West Mercia) Case Study

West Mercia's Whole System Approach project, Local Initiatives Nurturing Change (LINC) commenced as a co-commissioned project with funding from MOJ and the OPCC. This approach enabled those within the criminal justice system to receive support and funding from the OPCC enabled diversion and early intervention which was further supported by existing agencies that LINC formed partnerships with to pool resources, financial and physical.

From the outset the LINC project was keen to secure sustainable funding beyond the initial three-year MOJ grant. An evidence based approach to secure sustainable funding was applied based on the most significant need areas evidenced by women. Education and Training was consistently rated as the highest need across all cohorts of women accessing the project, with Employability also enduring as one of the top five needs in every quarter.

Willowdene Rehabilitation, as lead organisation for LINC, worked in partnership with training provider Rite Social Enterprises to establish and maintain a pathway into qualifications delivered at the Willowdene Women's Centre site, which accessed Skills Funding Agency income. Whole System Approach staff supported women alongside trainers to overcome barriers to participation and co-ordinate holistic intervention in all relevant need areas resulting in a qualification success rate of over 98%. Separately Willowdene secured European Social Fund contracts to deliver a Building Better Opportunities Employability pathway, via initially one and latterly two dedicated Job Coaches who work with women to move them closer to the job market and ultimately to achieve employment.

Finally, Willowdene's work to engage businesses led to a locally based international company providing ongoing funding to the project as part of its Corporate Social Responsibility strategy. West Mercia's Police and Crime Commissioner has continued grant funding for the project to extend the initial three-year commitment, as part of this co-commissioned approach. In more recent months, social enterprise activities involving staff and students (on the LINC programme) have been developed that are forecast to provide 10% of the total project costs.

The funding model has resulted in a sustainable co-commissioned approach that enables a Whole System Approach delivery model where those referred can be supported and due to the mix of funding, eligibility criteria is such that irrespective of referring agency or need, the project can provide the correct support at the right time.

Sources of Further Information

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Annex A. The Co-signatories to the Concordat

The organisations listed below as co-signatories to this Concordat have each made a joint commitment to work together and to support local systems to achieve better outcomes across England and Wales for women who have already encountered the criminal justice system or who are at risk of doing so.

Ministry of Justice

The Ministry of Justice (MOJ) sets and carries out government policy for the criminal, civil and family justice systems in England and Wales. It is responsible for provision of legal aid, administration of justice through courts and tribunals, and detention and rehabilitation of offenders.

The MOJ works with several other government departments and bodies across the criminal justice system. The Ministry delivers its objectives through 33 agencies and arms-length bodies notably:

- HM Prison and Probation Service (HMPPS);
- HM Courts & Tribunals Service (HMCTS);
- The Legal Aid Agency (LAA), which provides civil and criminal legal aid and advice in England and Wales; and
- The Youth Justice Board, which oversees the youth justice system in England and Wales.

The MOJ is committed to ensure that policy across the whole range of its departmental responsibilities takes a person-centred and evidence based approach, specifically acknowledging the specific needs of women, whether they are in prison, on probation or are accessing victims'/survivor services.

<https://www.gov.uk/government/organisations/ministry-of-justice>

Her Majesty's Prison and Probation Service

Her Majesty's Prison and Probation Service (HMPPS) works with partners to carry out sentences given by the courts, either in custody or the community, and aims to reduce reoffending by rehabilitating the people in its care through education and employment.

Partners include charities, independent inspectors, local councils, as well as the courts and police. HMPPS is made up of three parts:

- Her Majesty's Prison Service is an executive agency, sponsored by the HMPPS, which keeps those sentenced to prison in custody, helping them lead law-abiding and useful lives, both while they are in prison and after they are released;
- The National Probation Service is a statutory criminal justice service that oversees probation delivery in England Wales, including through Community Rehabilitation Companies (CRCs); and
- HMPPS headquarters.

Responsibilities include rehabilitation services for people care leaving prison, making sure support is available to stop people reoffending, contract managing private sector prisons and services such as the prisoner escort service.

Although Wales does not have a women's prison, the HMPPS Executive Director for Wales and Strategy is responsible for ensuring all organisations delivering services involving people in its care in Wales work closely together. The Executive Director leads on the interface with Welsh Government on behalf of the MOJ, linking with the Welsh Government, MOJ officials and justice delivery partners (including the NPS, CRC and prisons in Wales) to ensure effective collaborative working and communication. A key objective is making sure the work follows the policies that the Welsh government creates for the people of Wales.

Her Majesty's Prison Service

HMPS keeps those sentenced to prison in custody, helping them lead law-abiding and useful lives, both while they are in prison and after they are released. HMPS works with courts, police and local councils, as well as voluntary organisations, to do this and runs 109 of the 123 prisons in England and Wales.

In addition to these prisons, there are 14³² prisons operated by private sector companies, one of which, HMP Bronzefield, is a female prison. All private prisons have a 'Controller' linking them to the HMPPS.

<https://www.gov.uk/government/organisations/hm-prison-service/about>

³² HMP Birmingham is run under contract by G4S but has been managed by the public sector as part of a 'step-in' plan to improve services since August 2018.

National Probation Service

The National Probation Service was set up on 1 June 2014, along with 21 CRCs that manage low and medium risk offenders. The NPS works in partnership with the CRCs, with the courts, police and with private and voluntary sector partners to manage offenders safely and effectively. Together, the NPS and the CRCs have replaced the former 35 probation trusts. The NPS is responsible for:

- preparing pre-sentence reports for courts, to help them select the most appropriate sentence;
- managing approved premises for offenders with a residence requirement on their sentence;
- assessing offenders in prison to prepare them for release on licence to the community, when they will come under NPS supervision;
- helping all offenders serving sentences in the community to meet the requirements ordered by the courts; and
- communicating with and prioritising the wellbeing of victims of serious sexual and violent offences, when the offender has received a prison sentence of 12 months or more, or is detained as a mental health patient.

<https://www.gov.uk/government/organisations/national-probation-service>

Her Majesty's Courts and Tribunals Service

HM Courts & Tribunals Service (HMCTS) is responsible for the administration of criminal, civil and family courts and tribunals in England and Wales. HMCTS is also responsible for non-devolved tribunals in Scotland and Northern Ireland and works with an independent judiciary to provide fair, efficient and effective justice.

As well as many different tribunals, HMCTS also administers the work of magistrates' courts and the County Court, Family Court, Crown Court, and Royal Courts of Justice. Through the courts and tribunals HMCTS gives people access to justice, including:

- victims and witnesses of crime;
- defendants accused of crimes;
- consumers in debt or with other disputes;
- people involved in the adoption or protection of children;
- individuals asserting their employment rights or challenging the decisions of government bodies; and
- people affected by relationship breakdown.

<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about>

Cabinet Office

The Cabinet Office supports the Prime Minister to ensure the effective running of government and is also the corporate headquarters for government, in partnership with HM Treasury. The Cabinet Office has responsibility for:

- supporting collective government, helping to ensure the effective development, coordination and implementation of policy;
- promoting efficiency and reform across government through innovation, better procurement and project management, and by transforming the delivery of services; and
- promoting the release of government data and making the way government works more transparent.

<https://www.gov.uk/government/organisations/cabinet-office/about>

Department for Education

The Department for Education (DfE) oversees the national legislative and policy framework for children's social care, which is delivered by local authorities. One of the key principles that underpins the UK's child protection system is that children are best looked after within their families. Where families need support from children's services, social workers will help parents to provide a safe, supportive environment for children as far as is possible. Working Together to Safeguard Children sets out legislative duties and the procedures that individuals should follow and is explicit that probation services should ask an offender at the earliest opportunity whether they live with, have caring responsibilities for, or are in regular contact with children.

Reforms under the Children and Social Work Act 2017 introduced stronger multi-agency safeguarding arrangements, replacing Local Safeguarding Children Boards, through which both prisons and probation services are specified as relevant agencies. Where part of local safeguarding arrangements, as set out by the three safeguarding partners (local authorities, police, health), these agencies are under a duty to comply

<https://www.gov.uk/government/organisations/department-for-education>

Department for Work and Pensions (DWP)

The Department for Work and Pensions (DWP) is responsible for welfare, pensions and child maintenance policy. As the UK's biggest public service department, it administers the

State Pension and a range of working age, disability and ill health benefits to around 20 million claimants and customers. DWP is responsible for:

- understanding and dealing with the causes of poverty rather than its symptoms;
- encouraging people to work and making work pay;
- encouraging disabled people and those with ill health to work and be independent;
- providing a decent income for people of pension age and promoting saving for retirement;
- providing value for money and reducing levels of fraud and error; and
- reducing work-related death and serious injury in workplaces through the Health and Safety Executive.

DWP is a ministerial department, supported by 15 agencies and public bodies.

<https://www.gov.uk/government/organisations/department-for-work-pensions>

Department of Health and Social Care

The Department of Health and Social Care (DHSC) supports ministers in leading the nation's health and social care to help people live more independent, healthier lives for longer. DHSC is responsible for:

- supporting and advising ministers to help them shape and deliver policy that delivers the government's objectives;
- setting direction: anticipating the future and leading debate to protect and improve global and domestic health;
- accountability: ensuring the department and its arm's length bodies deliver on agreed plans and commitments; and
- acting as guardians of the health and care framework: make sure the legislative, financial, administrative and policy frameworks are fit for purpose and work together.

<https://www.gov.uk/government/organisations/department-of-health-and-social-care/about>

National Health Service England & Improvement

National Health Service England & Improvement (NHSE&I) authorises the new clinical commissioning groups, which are the drivers of the new, clinically-led commissioning system introduced by the Health and Social Care Act. Prior to 1 April 2013, NHS England was known as the NHS Commissioning Board. NHS England is an executive non-departmental public body, sponsored by DHSC.

From 1 April 2019, NHS England and NHS Improvement are working together as a new single organisation to better support the NHS to deliver improved care for patients. As local health systems work more closely together, the same needs to happen at a national level. The new single operating model has been designed to support delivery of the NHS Long Term Plan.

Local health systems are supported by seven integrated regional teams who play a major leadership role in the geographies they manage. They make decisions about how best to support and assure performance in their region, as well as supporting system transformation and the development of sustainability and transformation partnerships and integrated care systems (ICS).

<https://www.england.nhs.uk/>

Public Health England

Public Health England (PHE)³³ is an executive agency of DHSC and is responsible for:

- making the public healthier and reducing differences between the health of different groups by promoting healthier lifestyles, advising government and supporting action by local government, the NHS and the public;
- protecting the nation from public health hazards;
- preparing for and responding to public health emergencies;
- improving the health of the whole population by sharing information and expertise, and identifying and preparing for future public health challenges;
- supporting local authorities and the NHS to plan and provide health and social care services such as immunisation and screening programmes, and to develop the public health system and its specialist workforce; and
- researching, collecting and analysing data to improve understanding of public health challenges, and come up with answers to public health problems.

PHE does this through world-leading science, knowledge and intelligence, advocacy, partnerships and providing specialist public health services.

<https://www.gov.uk/government/organisations/public-health-england/about>

³³ On 18 August 2020, the Government announced that The National Institute for Health Protection would start work immediately, with a single command structure to advance the country's response to the COVID-19 pandemic. It will bring together Public Health England and NHS Test and Trace, as well as the analytical capability of the Joint Biosecurity Centre (JBC) under a single leadership team. In order to minimise disruption to the vital work dealing with the pandemic, the organisation will be formalised and operating from spring 2021. The new organisation will support local directors of public health and local authorities on the frontline of the COVID-19 response.

HM Treasury

HM Treasury (HMT) is the government's economic and finance ministry, maintaining control over public spending, setting the direction of the UK's economic policy and working to achieve strong and sustainable economic growth. HMT is responsible for:

- public spending: including departmental spending, public sector pay and pension, annually managed expenditure (AME) and welfare policy, and capital investment;
- financial services policy: including banking and financial services regulation, financial stability, and ensuring competitiveness in the City;
- strategic oversight of the UK tax system: including direct, indirect, business, property, personal tax, and corporation tax;
- the delivery of infrastructure projects across the public sector and facilitating private sector investment into UK infrastructure; and
- ensuring the economy is growing sustainably.

<https://www.gov.uk/government/organisations/hm-treasury/about>

Home Office

The Home Office is the lead government department for immigration and passports, drugs policy, crime, fire, counter-terrorism and police. It is responsible for:

- working on the problems caused by illegal drug use;
- shaping the alcohol strategy, policy and licensing conditions;
- keeping the United Kingdom safe from the threat of terrorism;
- reducing and preventing crime, and ensuring people feel safe in their homes and communities;
- securing the UK border and controlling immigration;
- considering applications to enter and stay in the UK;
- issuing passports and visas;
- supporting visible, responsible and accountable policing by empowering the public and freeing up the police to fight crime; and
- fire prevention and rescue.

<https://www.gov.uk/government/organisations/home-office/about>

Ministry of Housing, Communities and Local Government

The job of the Ministry of Housing, Communities and Local Government (MHCLG - formerly the Department for Communities and Local Government) is to create great places to live and work, and to give more power to local people to shape what happens in their area. MHCLG is responsible for

- driving up housing supply;
- increasing home ownership;
- devolving powers and budgets to boost local growth in England; and
- supporting strong communities with excellent public services.

<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government/about>

Annex B. Metrics of Success for Concordat Outcomes

Early Intervention

In the Female Offender Strategy and the Concordat shared commitment, we said we wanted to see fewer women coming into the criminal justice system and fewer reoffending. To measure progress against this aim, we will monitor:

- The criminogenic and responsivity needs of women in the community and custody
- Arrests
- Out of Court Disposals (e.g. Cautions and PNDs)
- Prosecutions and court outcomes
- Liaison and Diversion

Community Solutions

In the Female Offender Strategy and the Concordat shared commitment, we said we wanted to see fewer women in custody (especially on short-term sentences and on remand) with a greater proportion of women managed successfully in the community. To measure progress against this aim, we will monitor:

- Community Sentence Orders and Suspended Sentence Orders, and associated treatment requirements
- Pre-Sentence Reports
- Remand

Custody

In the Female Offender Strategy and the Concordat shared commitment, we said we wanted to see better conditions for those who are in custody and on their release. To measure progress against this aim, we will monitor:

- Custodial sentences, including details on length
- Prison population
- Safety in custody
- Discipline in custody
- Family ties and mothers in custody
- Resettlement
- Reoffending

Annex C. Considering the Specific Needs of those with Protected Characteristics and other Vulnerable Cohorts

As highlighted in Section 4, the Equality Act 2010 protects individuals from discrimination, harassment and victimisation and promotes a fair and more equal society. It is against the law to discriminate against anyone because of:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

In the following section, we highlight particularly vulnerable cohorts of women in the Criminal Justice System. Where possible, we lay out some of the particular issues and barriers women within a cohort face, highlight the Government response, and, if available, provide recommendations of best practice at the local level.

Older Women

There are various definitions of “old age” in use but it is generally agreed that where a person has been in prison there is a more rapid onset of physical symptoms of aging among older prisoners than in the general population³⁴. This has led to a widely accepted definition of an older prisoner as one aged 50 or over. In general, the health of older prisoners is worse than their contemporaries in the community, with some having physical health status 10 years older than their contemporaries. It is estimated that 80% of prisoners aged 50 and above have a long-standing illness or disability. There is evidence that older prisoners experience a high burden of physical and mental health problems. Research suggests up to 90% have at least one moderate or severe health condition³⁵.

³⁴ Justice Select Committee (2020). Ageing prison population. Available at: <https://publications.parliament.uk/pa/cm5801/cmselect/cmjust/304/30402.htm>

³⁵ Williams and Greifinger (2014). The older prisoner and complex chronic medical care, in Prisons and Health, L.M. Stefan Enggist, Gauden Galea and Caroline Udesen, Editor. 2014, World Health Organisation Regional Office for Europe: Copenhagen, Denmark.

Their health outcomes are likely to be worse than those of people the same age in the community and worse than those for younger prisoners.

This provides a starting point for considering the issues and barriers faced by older women in contact with the criminal justice system. Third sector organisations working with this cohort have identified two main groups of older women who benefit from their support: the first may have a long history of offending, compounded by factors such as mental illness, homelessness and substance misuse; the second, who may often be from more affluent backgrounds, have come into contact with the criminal justice system suddenly at a later point in their life, possibly after an emotionally stressful event or traumatic change in a person's life, for example divorce.

Experience also indicates that support and advice that might be appropriate for younger women may not have much relevance for older women, particularly those who are past or near to retirement age. For example, older women may show less enthusiasm for gaining new vocational skills, although it should be noted that a hidden benefit of improving literacy and IT skills may provide an avenue for improving relationships with younger family members, such as grandchildren, particularly after a long prison sentence. The importance of strengthening family ties will apply for grandmothers as well as mothers.

Older women may be less likely to see employment as a realistic option for the future and also may experience additional barriers in terms of getting jobs because of their age, possibly compounded by their relative lack of up to date knowledge and skills.

Considerations that will apply in supporting older women will include:

- accessible services in a safe environment that can provide a gateway to more specialist support;
- identifying individual needs and offering access to tailored advice and information such as how to apply for age related benefits;
- helping to develop practical skills and use systems that may be unfamiliar;
- building group identity and peer support through identified interests and signposting to ways that these can be engaged (e.g. identifying and as appropriate arranging introductions to local societies, book clubs, arts and crafts etc.);
- for those who have reached retirement age, exploring other opportunities for purposeful use of time (e.g. appropriate volunteering possibilities or peer support networks); and
- providing onward referral to support services such as community health and social care, that can respond to individual needs.

Transgender

Our objective must be to ensure that all prisoners are kept safe, that transgender prisoners have their rights respected and that we comply with our legal obligations. All decisions about the placement of transgender prisoners within the estate, as well as their

management, should take into account the welfare, rights and risks of the prisoners in receiving prisons and the rights, risks and welfare of the transgender individual; these two elements must be considered fully and balanced against each other. Specific risks to women prisoners must be thoroughly assessed wherever a transgender woman is being considered for placement in the women's prison estate.

Transgender women can be victims of unwanted attention and sexual attacks. In addition, transgender women stand to benefit from the trauma-informed practice that informs work with female offenders.

As in all areas of work with offenders, risk needs to be actively identified and managed, but this must not prevent the needs of transgender individuals being able to access services with the appropriate skills and capacity.

There are several factors that might be useful in helping to address needs at a local level:

- **Definition of Transgender Offenders:** as outlined in HMPPS' Policy Framework³⁶, the primary focus is on individuals who express a consistent desire to live permanently in the gender with which they identify, and which is opposite to the biological sex registered at birth. This includes those who wish to transition permanently, those who wish to live in the gender in which they identify, but do not seek legal recognition, and those who do.
- **Legal Recognition:** where individuals have gained legal recognition, they must be treated in accordance with their legally recognised sex in every respect (unless an exemption under the Gender Recognition Act or other legislation applies).
- **Wider Research Evidence:** in recent years, there have been numerous research reports which indicate that people who are transgender have higher rates of mental health problems, self-harm and suicide³⁷. This should therefore be considered and provided for by local services.

Pregnancy and Maternity

Maternity

Women are much more likely than men to be primary carers when they come into contact with the criminal justice system. The 2019 Farmer Review for Women, commissioned as part of the Female Offender Strategy, demonstrated that supporting women to build and maintain healthy family and significant other relationships is key to rehabilitation and reducing intergenerational crime.

³⁶ HMPPS (2020). The care and management of individuals who are transgender. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/863610/transgender-pf.pdf

³⁷ Bashford, J; Hasan, S; Marriott, C and Patel, K (2017) *Inside Gender Identity: A report on meeting the health and social care needs of transgender people in the criminal justice system*. Bradford: Community Innovations Enterprise

A core message that runs throughout the Farmer Review is for criminal justice agencies and other support services to consider the impact of decisions on a women's children and family life – impacts which are particularly disruptive if she is the primary carer of dependent children. The review calls for the information on the woman's caring responsibilities, stability of accommodation and supportive and adverse relationships to be requested and considered throughout the criminal justice system. Recommendations are made for consideration of these needs in disposal, sentence plan and resettlement decisions, as well as encouraging mother and child to be kept together where possible and in the best interest of the child.

The Government has accepted Lord Farmer's recommendations, including those which support mothers and pregnant women in the community, and is looking to take them forward. Several recommendations propose changes that will increase the visibility of primary carer responsibilities in the criminal justice system, most notably a recommendation for a Personal Circumstances File which calls for details about a woman's key relationships, accommodation, caring responsibilities and other relevant information to be available and taken into account at every stage. More specifically, we are also looking at the impact of dependants to be routinely captured, considered and shared through police Manual of Guidance forms, Bail Information Reports and Pre-Sentence Reports. We recognise the importance of centralised data monitoring on primary carers in the criminal justice system for both transparency and informing policy and are looking into how this can best be captured and monitored.

Last year, this issue was also raised by the Joint Committee on Human Rights (JCHR) in their report on Article 8 the right to family life: children whose mothers are in prison. The committee highlighted the importance of all agencies to record and acknowledge a woman's caring responsibilities, as well the need for communicating the reasons for this with the woman, given that some may feel reluctant to disclose details about their children and family for fear of social services' involvement.

Pregnancy

The negative impacts of disrupted family life and separation of mother and child are particularly acute for pregnant women and women with young children. As per the Royal College of Midwives' recommendations³⁸, inter-agency working should be directed towards keeping the mother and baby together where possible in the best interests of the child.

³⁸ The Royal College of Midwives (2019). Position Statement. Perinatal women in the criminal justice system. Available at: https://www.rcm.org.uk/media/3640/perinatal-women-in-the-criminal-justice-system_7.pdf

Disability and Health (including Physical and Mental Health)

Specific needs and barriers faced

Offenders generally experience a higher prevalence of complex physical and mental health needs than the general population. Female offenders can be amongst the most vulnerable of all, in both the prevalence and complexity of their needs. Many experience chaotic lifestyles, for example involving substance misuse, domestic abuse and homelessness, affecting their mental and physical health. The Government is committed to adopting a whole system approach to health and social care, working in partnership to improve health outcomes and tackle the root causes of offending.

Drug and alcohol dependency and mental health needs are prevalent among female offenders. A higher proportion of female prisoners reported to have an alcohol or drug problem upon arrival into prison than males. Data from 2017 shows that significantly more females had an alcohol problem when they arrived in prison (24%) than males (18%)³⁹. Similarly, Her Majesty's Inspectorate of Prisons' 2017/18 prisoner surveys showed 42% of female prisoners as compared to 28% of male prisoners reported that they had had a drug problem (including with illicit drugs or with medication not prescribed to them) when they arrived in their current prison⁴⁰. In the community, 46% of women offenders reported having a mental health condition compared to 26% of males⁴¹. In custody, the rate of self-harm per 1,000 prisoners is nearly five times as high in women's prisons than on the male estate⁴².

Women in contact with the criminal justice system may also experience learning disabilities or difficulties) or other neurological divergencies which can limit their ability to engage in rehabilitative interventions and increase their vulnerability. For example, research from The Disabilities Trust found that of 173 women within HMP/YOI Drake Hall who were screened using the Brain Injury Screening Index tool, 64% reported a history indicative of brain injury, and of those, almost all (96%) reported a history indicative of traumatic brain injury. From the women supported through the 'Linkworker' service being piloted, 62% reported they had sustained their brain injury through domestic abuse⁴³. In addition, individuals with learning disabilities or difficulties or autism often have their needs

³⁹ MOJ (2017), Statistics on Women and the Criminal Justice System 2017, Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759770/women-criminal-justice-system-2017..pdf

⁴⁰ HM Chief Inspector of Prisons for England and Wales, (2018), Annual Report 2017-18, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/761589/hmi-prisons-annual-report-2017-18-revised-web.pdf

⁴¹ MOJ (2013), Results from the Offender Management Community Cohort Study (OMCCS): Assessment and sentence planning, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/309959/results-omccs.pdf

⁴² MOJ (2020). Safety in custody quarterly: update to December 2019. Available at: <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-december-2019>

⁴³ The Disabilities Trust (2019) 'Making the Link: Female Offending and Brain Injury' Available at <https://www.thedtgroup.org/foundation/news/the-disabilities-trust-launch-making-the-link-report>

undetected, thereby reducing the opportunity for them to access the interventions they need and to potentially improve their rehabilitation outcomes. It is generally understood that in the wider community, women and girls with autism are more likely to go undiagnosed or be diagnosed later than males⁴⁴.

Addressing the health needs of female offenders

We know that addressing substance misuse and mental health needs early in the journey through the criminal justice system of all offenders, men and women, can help reduce their risk of reoffending. A 2017 MOJ and Public Health England study comparing offending behaviour before and after treatment found that 44% of offenders who successfully completed community-based treatment for substance misuse did not re-offend in a two-year period. Although the study did not have a control group so other factors may also have impacted on the reduction of re-offending, the results suggest that taking actions to address health needs may be an important component of managing justice outcomes⁴⁵.

NHSE/I commissioned Liaison and Diversion services play an essential role in ensuring women receive appropriate support to address health needs and offending behaviour. Liaison and Diversion services place clinical staff at police stations and courts to provide assessments and referrals to treatment and support. Information can then be shared with police and courts (with consent) to inform sentencing and disposal decisions. Offenders may be diverted away from the criminal justice system altogether, or away from custody. This may include diversion into a community sentence with a treatment requirement. Liaison and Diversion services are now operating across 100% of England.

Through the Community Sentence Treatment Requirement Programme, health and justice partners are working together to ensure greater use is made of mental health, alcohol and drug treatment requirements as part of community sentences, supporting efforts to reduce reoffending. The Programme is currently operating in courts across twelve areas in England, with several female specific sites, for example in Peterborough, Northampton and MOPAC London. Further sites are expected to go live in 2020.

In January 2019, NHS England & Improvement published their Long-Term Plan. This included a commitment to expand the Community Sentence Treatment Requirement Programme, particularly to include more female offenders, short-term offenders, offenders with a learning disability, and those with mental health and additional requirements. The Community Sentence Treatment Requirement Programme is identifying and working with new areas to scale up across England from 2020 onwards.

⁴⁴ See, for example, National Autistic Society website (2020) <https://www.autism.org.uk/about/what-is/gender.aspx>

⁴⁵ Ministry of Justice and Public Health England (2017) *The effect of drug and alcohol treatment on re-offending*, available at <https://www.gov.uk/government/publications/the-effect-of-drug-and-alcohol-treatment-on-re-offending>

The Government is committed to ensuring that individuals with mental health needs receive appropriate care, in the right setting, at the right time. Prisons should be places where offenders are punished and rehabilitated, not a holding pen for people whose primary issue is mental health.

The Government is also committed to meeting and protecting the needs of offenders with learning disabilities or difficulties and autism. As part of the cross-government Autism Strategy refresh, we are working to improve the way in which the justice system supports people with autism. This includes sharing good practice from prisons and probation areas awarded with Autism Accreditation by the National Autistic Society for addressing the needs of people with autism. The MOJ is also working with officials across government as part of the Cabinet Office-led National Strategy for Disabled People, which represents an opportunity to develop cross-government wide policies to support people with disabilities.

Race, Ethnicity and Nationality

Black, Asian and Minority Ethnic Women and Foreign National Women

The Government has committed to consider the particular needs of Black, Asian and Minority Ethnic women in the criminal justice system in both our response to the Lammy Review and in the Female Offenders Strategy. Work is being taken forward jointly by these policy areas, under the governance of the Race and Ethnicity Board and the Female Offender Programme Board respectively.

The Female Offender Strategy includes a wide programme of work to improve outcomes for women in the criminal justice system. The Government are taking a phased approach to delivering commitments in the Strategy and Black, Asian and Minority Ethnic female offenders will be included in the next stage of work to be taken forward. To date the Government has:

- Required recipients of community provision grant funding to demonstrate how they will take the needs of Black, Asian and Minority Ethnic women into account when delivering their services.
- Taken stock of all Black, Asian and Minority Ethnic related activity within the various workstreams in the Female Offender Programme.
- Taken steps to increase workforce diversity so staff are more representative of the women they serve.
- Through HMPPS, worked to embed equality and inclusion in the design, content and delivery of all professional development.
- Developed a revised equality and inclusion e-learning training package including additional information to build on trainers' knowledge of all protected characteristics.
- Commissioned user centred research to better understand the issues underpinning the differences in the experience of Black, Asian and Minority Ethnic and foreign national women.

- Worked closely with voluntary sector and other organisations who work with Black, Asian and Minority Ethnic and female foreign national offenders to improve their capacity to share best practice and form networks through facilitated events and more structured communication of policy developments.

The specific issues female foreign national offenders face is being considered. MoJ and HMPPS have made significant progress to ensure foreign national offenders are being prepared for release in a manner appropriate to their circumstances, including supporting return to their home countries.

The Government will continue to seek opportunities to improve the experiences of Black, Asian and Minority Ethnic and foreign national women with the criminal justice system and to better understand the unique challenges they face. Future work for this cohort will be shaped by emerging learning from wider Black, Asian and Minority Ethnic-focused and women-focused work, ensuring an evidence based approach is taken.

Gypsy, Roma and Traveller⁴⁶

Gypsy, Roma and Traveller women cover a very diverse constituency, which includes people of different racial and ethnic backgrounds, under the Gypsy, Roma and Traveller ethnic umbrella. Whilst traditionally Gypsy, Roma and Traveller people have been associated by their distinctive way of life through nomadism and their centrality of extended family, it is important to note that the term Gypsy, Roma and Traveller is one that embeds a category of variety as opposed to a categorisation of a homogenous group. Every Gypsy, Roma and Traveller person is an individual and their experiences can be very different, meaning that the experiences of Irish Traveller women, will be different from those of Romany women, for example. Despite Gypsies and Travellers and Roma being recognised under the Equality Act 2010⁴⁷, it should be noted that under-declaration of Gypsy, Roma and Traveller ethnicity data collection is a known issue.

While the issue of domestic abuse is not unique to Gypsies and Travellers and Roma, anecdotal evidence suggests that Gypsies and Travellers who are victims are predominantly female⁴⁸. While there is no evidence that domestic abuse is more prevalent in Gypsy, Roma and Traveller groups than in any other ethnic group, anecdotal evidence suggests that cultural barriers (fear of racism, isolation, concerns about seeking alternative accommodation) in leaving a violent partner are particularly strong within Gypsy and Traveller communities⁴⁹. Some Gypsy, Roma and Traveller women may also be fearful of speaking to services seen to represent 'the police' or 'the Government' as they fear not

⁴⁶ This section is informed by recent engagements with Gypsy, Roma and Traveller stakeholders and communities, including insights from the Traveller Movement 2019 policy conference.

⁴⁷ c.15 Equality Act 2010, s.9 (1) (c)

⁴⁸ Equalities and Human rights Commission: Inequalities experienced by Gypsy and Traveller communities: A review. <https://www.equalityhumanrights.com/sites/default/files/research-report-12-inequalities-experienced-by-gypsy-and-traveller-communities.pdf> p. 138

⁴⁹ Ibid p. 139.

being believed or being blamed for the crime. The notion of 'shame' that may publicly descend on them if they are seen to be informing authorities of private family disputes, may also prevent Gypsy, Roma and Traveller women from interacting with public bodies. Thus, organisations and public services should adopt a welcoming outreach approach, as some Gypsy, Roma and Traveller members may be unaware or unable to access support.

This dynamic of low reporting impacts the representation of Gypsy, Roma and Traveller in data concerning mental health. It is widely accepted that some Gypsy, Roma and Traveller women are often less likely to discuss high rates of anxiety and depression, prevalent in Gypsy, Roma and Traveller communities, as this may then be seen publicly as a hereditary affliction and their ability to raise children may be cast into doubt.

Despite the gaps in data, Nexus (2006) identified the following causes of female suicide amongst Travellers in Ireland: imprisonment, depression after social isolation and domestic abuse⁵⁰. Additionally, it has been noted that suicide risks may be higher for Gypsy, Roma and Traveller who identify with a minority sexual orientation⁵¹. Gypsy, Roma and Traveller identities are complex, and practitioners need to take all aspects of their lived realities (class, gender, sexuality, (dis)ability, race, etc.) into account when providing them with services. The Pavee Point Travellers Centre highlighted specifically that Gypsy, Roma and Traveller women and Irish Traveller communities place sanctity on the relationship between a mother and her children⁵².

The communities that are included under the umbrella of 'Gypsy, Roma and Traveller' term have different customs, religion, language and heritage. While English is spoken amongst Irish Travellers, by contrast, Romanes is the first language commonly adopted by Roma, followed by the language of their domicile of origin, which is often Eastern European. Therefore, this can mean English is the third language for many Roma people, which may create a language barrier specifically when exchanges involve complex terminology, for instance with health services. Using a mediator or an interpreter should be considered when necessary.

Roma women may experience an added layer of perceived racialisation not faced by their white Gypsy and Traveller ethnic counterparts. While some Roma often have a visibly non-white appearance and distinct linguistic differences, and they often face an added layer of racialisation, others (while descending originally from the Indian Subcontinent) have become integrated into the white racial majority of the countries they now inhabit, and many do not identify as Roma and may not be perceived as 'non-white'.

⁵⁰ Ibid p.83

⁵¹ Ibid p.83

⁵² Pavee Point: "Travellers' attitudes to sexual relationships and sex education <https://www.paveepoint.ie/wp-content/uploads/2014/01/Relationships-and-Sexuality-Attitudes.pdf>, pp. 10, 15-16

We understand there is inter-generational mistrust from Gypsy, Roma and Traveller communities towards many public services and tailored approaches must be made to slowly build the confidence of communities, including leveraging trusted individuals and Gypsy, Roma and Traveller charities. Gypsy, Roma and Traveller people(s) have stressed that gaining the trust of community leaders and respected figures can be the way for public services to establish a presence in a site or community⁵³.

Religion

Religion in prison and the role of the Chaplain is enshrined in the Prison Act 1952. The duties of the Chaplain (visiting all new receptions, visiting those in the segregation unit and health care each day, providing additional support for those who are especially vulnerable) places Chaplains in the heart of each prison.

A woman's faith can be key to assisting in her rehabilitation and reshaping of her self-understanding. HMPPS multi-faith prison chaplaincy teams provide faith services, faith studies, reflective practice and pastoral care. Chaplains are there to walk alongside each woman who chooses to do so throughout their time in prison. Additionally, Chaplains are often very involved in supporting women through bereavement and through other life changing moments such as separation from their child before adoption. Chaplaincy provision in prison extends to Through the Gate care via initiatives including the Making Connections Project, which matches women to mentors while they serve their sentence and then supports them following release. Furthermore, the Welcome Directory project operates for all women, and men, and seeks to find suitable places of worship for all faith traditions when an individual is released and support them in the community.

Following imprisonment, it is recognised that women will face feelings of guilt about being separated from their children and family; feeling they will not be accepted by their faith communities because of their actions / convictions; feeling their offences are hindering them from making a fresh start; face the prospect of returning to an abusive situation. Black, Asian and Minority Ethnic women may face additional challenges as a result of their social positioning, gender, ethnicity, faith and class. This can prevent women from such communities seeking help and as a result not having their needs met by faith, statutory and voluntary sector organisations⁵⁴.

According to the HMPPS Annual Offender Equalities Report 2018-19 (Nov 2019)⁵⁵, in England and Wales at the end of March 2019, the proportion of prisoners with a declared

⁵³ Equalities and Human rights Commission: Inequalities experienced by Gypsy and Traveller communities: A review <https://www.equalityhumanrights.com/sites/default/files/research-report-12-inequalities-experienced-by-gypsy-and-traveller-communities.pdf>, pp.173, 184, 192.

⁵⁴ Gohir, Shaista (2019). Muslim Women's Experiences of the Criminal Justice System. Available at: https://www.mwnuk.co.uk/go_files/resources/Muslim_Women_and_Criminal_Justice_FINAL.pdf

⁵⁵ Available at: <https://www.gov.uk/government/statistics/hm-prison-and-probation-service-offender-equalities-annual-report-2018-to-2019>

faith was 48% of the prison population of which the largest groups was Christian with 57% of female and 48% of male prisoners self-identifying as Christian and 16% of the male prison population and 6% of the female prison population self-identifying as Muslim.

Given that a significant proportion of the prison population identify with a religion and find faith whilst in prison, it is important that the criminal justice system recognises and meets the needs of women in respect of their faith throughout their sentence. The positive impact that faith can have on desistance is supported by research⁵⁶.

In 2018-19, the National Probation Service, recognising the gap that existed in partnership work between probation and faith communities, conducted a pilot in 12 prisons (which included a female prison) and 6 Approved Premises (one of which was for women) to strengthen the partnership arrangements between the National Probation Service and faith communities which included prison chaplains. It also sought to recognise the positive impact that faith can have on rehabilitation and desistance. The findings, gathered over 12 months, showed improved communication between probation staff and prison chaplains, chaplains being included in sentence planning meetings for prisoners where faith was assessed as a protective factor, and positive feedback from prisoners and staff about having faith included in the sentence journey. In the community, the probation staff in the Approved Premises included discussions about faith and hope in their key work sessions with residents and created links with local faith groups and chaplaincy projects. Given these positive findings, these arrangements will be rolled out to all prisons and approved premises across England and Wales.

By considering the faith/spiritual needs of women as they journey through the criminal justice system, services can provide a holistic approach to the management and care of those who have offended. The National Probation Service pilot has demonstrated that by including faith when working with those under supervision, both in prison and in the community, it can give women hope and support to avoid re-offending as they become invested in the faith communities that welcome them and through the relationships they form that can support their rehabilitation.

Other Vulnerable Cohorts

Sex Work and Prostitution

Individuals involved in prostitution and sex work may have experienced sexual and physical assault and abuse and have co-occurring mental disorders, which make it harder to access mainstream services. They may also often have a fear of stigma and a negative response when requesting help. While most of those involved in sex work will seek to

⁵⁶ Community Chaplaincy Association (2017). Available at: <https://www.ccsj.crim.cam.ac.uk/pdf/SeeingNewFuture>

access mainstream services where required, there are also specialist support services available to those who are seeking help or wish to exit.

Since 2016, the Tampon Tax Fund has provided £2,077,111 to specialist organisations supporting those involved in sex work. These include One25, Street Talk, Women at the Well, the Magdalene Group, Brighton Oasis Project, the Joanna Project, WM Consortium Sexual Violence Providers, and £1m to SACRO to support those involved in sex work operating online in Scotland. These projects involve providing services such as safety advice, exit support, drop-in advice and sexual violence and abuse protection.

In addition, through the Violence Against Women and Girls Transformation Fund, the Home Office has awarded £650,000 to the Merseyside Police and Crime Commissioner to support those involved in sex work who have been victims of crime. The project provides a victim-focused service for those who are victims, or at risk of being a victim, of domestic abuse or sexual violence, exploitation or human trafficking. In the 2018/19 financial year, the Red Umbrella Project supported nearly 250 individuals, including through providing housing support, safety advice, health assessments or through outreach.

Modern Slavery

Modern slavery encompasses human trafficking and slavery, servitude and forced or compulsory labour. For victims, exploitation can take many forms, including: sexual exploitation, forced labour, domestic servitude, forced criminality and removal of organs. Victims can be adults or children, and victims can be both UK nationals or from abroad.

The Government is committed to tackling the heinous crime of modern slavery; ensuring that victims are provided with the support they need and that those responsible are prosecuted. We introduced the Modern Slavery Act 2015 giving law enforcement agencies the tools to tackle modern slavery, including maximum life sentences for perpetrators and enhanced protection for victims.

Of the potential victims referred into the National Referral Mechanism in 2019, one-third (3,391) were female and overall, female potential victims were most commonly referred for sexual exploitation, however there were referrals for female potential victims across all exploitation types⁵⁷. Over 2,400 potential victims (all genders) were referred into the National Referral Mechanism for sexual exploitation in 2019, accounting for 23% of all National Referral Mechanism referrals in 2019.

However, it is important to recognise that sexual exploitation is not the only form of exploitation they may be subjected to.

⁵⁷ Home Office (2020). National Referral Mechanism Statistics. UK, End of Year Summary, 2019. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876646/national-referral-mechanism-statistics-uk-end-of-year-summary-2019.pdf

Many victims are beaten, raped and abused, or forced into a situation of domestic servitude⁵⁸. They may be deceived by false promises of good jobs and economic opportunities, often out of ambition to earn money and make a better life for their children or family. The forcible or deceptive recruitment of women and girls for forced prostitution or sexual exploitation is a form of gender-related violence.

In the UK, Adult Services Websites are the most significant enabler of sexual exploitation linked to trafficking. Adult Services Websites are online advertising directories that provide a platform on which those involved in sex work can advertise their services. Alongside escort agencies and adult service workers, offenders use these websites to advertise the services of victims of modern slavery.

Victims of modern slavery often have needs arising from their exploitation. The UK Government provides specialist support and advocacy services for victims of modern slavery to assist them in rebuilding their lives and reintegrating into local communities.

The National Referral Mechanism is the process by which the UK identifies and supports potential victims of modern slavery by connecting them with appropriate support, which may be delivered through the specialist Victim Care Contract, local authorities and asylum services. Adults identified in the National Referral Mechanism can receive accommodation, financial support, assistance in accessing mental and physical health care including counselling, and access to legal support.

In 2017, the Government announced a series of reforms to improve the National Referral Mechanism which were developed following extensive stakeholder consultation. These reforms focus on ensuring the National Referral Mechanism is effective in delivering what victims want: quicker and more certain decision-making that stakeholders and victims have confidence in; improved support for adult victims before, during and after the National Referral Mechanism; improved identification of victims; and improved support to child victims of modern slavery.

To improve support for adult victims before, during and after the National Referral Mechanism, the Government also published statutory guidance under Section 49 of the Modern Slavery Act 2015 in April 2020⁵⁹, providing a clear framework of support for some of the most vulnerable people in society. The guidance clarifies the roles and responsibilities of frontline staff and local stakeholders and sets out the support victims are entitled to and how this is accessed.

⁵⁸ Cooper et al. (2017). A Typology of Modern Slavery Offences in the UK. Research Report 93. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652652/typology-modern-slavery-offences-horr93.pdf

⁵⁹ Home Office (2020). Modern Slavery Act 2015 – Statutory Guidance for England and Wales. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/896033/July_2020_-_Statutory_Guidance_under_the_Modern_Slavery_Act_2015_v1.01.pdf

Recommendations and best practice:

- Victims of modern slavery have been through traumatic events and therefore any professional interaction with victims should be treated as an opportunity to help them progress towards long-term stability.
- Victims may be reluctant to, or unable to, self-identify. Some groups are more susceptible to becoming victims of modern slavery, particularly children, former victims, people who are homeless or people with drug and alcohol dependency issues.
- Victims may experience post-traumatic stress disorder and anyone interviewing a potential victim should be aware of the impact of trauma on the interviewee, for example difficulty recalling facts.
- Where a child is a potential victim, there is an increased risk they will go missing and may return to their traffickers and be re-trafficked.

Annex D of the Modern Slavery Act 2015 – Statutory Guidance for England and Wales includes further information on working with vulnerable victims, including: common barriers to disclosure, interviewing people who have experienced trauma and working with child victims.

Children in Care and Care Leavers

Whilst most children in care and care leavers do not become involved with criminal activity, looked-after children and care leavers remain over-represented compared with others in the criminal justice system⁶⁰.

HMPPS Guidance on Care Leavers in Prison and Probation⁶¹ reported that, compared to the general population, care leavers are more likely to have a criminal conviction, and may have experienced unnecessary criminalisation. Care leavers are estimated to represent between 24%⁶² and 27%⁶³ of the adult prison population. This is despite less than 1%⁶⁴ of under 18s entering local authority care each year. The guidance also goes further to suggest that risk factors linked to adverse family experiences like family conflict, domestic abuse, child abuse and neglect are some of the strongest predictors of youth crime. For females in their early teenage years, contact with the public law system links to a greater increase in likelihood of offending, and prolific and violent offending, than for males. However, young males in contact with the public law system have a higher likelihood of

⁶⁰ National Statistics (2018 – 2019): Children looked after in England including adoption [Children looked after in England including adoption: 2018 to 2019 - GOV.UK](#)

⁶¹ HMPPS (2019). Care leavers in prison and probation. Available at: <https://www.gov.uk/guidance/care-leavers-in-prison-and-probation>

⁶² MOJ (2014). Prisoners' childhood and family backgrounds. Available at: <https://www.gov.uk/government/publications/prisoners-childhood-and-family-backgrounds>

⁶³ Social Exclusion Unit (2002). Reducing re-offending by ex-prisoners. Available at: <https://www.bristol.ac.uk/poverty/downloads/keyofficialdocuments/Reducing%20Reoffending.pdf>

⁶⁴ Harker, R. & Heath, S. (2014) Children in Care in England: Statistics, SN/SG/4470, House of Commons Library.

offending than females of the same age. International research indicates that experience of out-of-home placement can be more strongly linked to offending for females.

The HMPPS Strategy for Care Experienced People⁶⁵ reports that 9 out of 16 girls in custody have previously been in care. The Care Experienced People in Custody Position Statement Summary⁶⁶ reported that of the returns received from 100 prisons, 3,686 people have been recorded as having care experience – this number is likely to be higher when the national NOMIS report is used. This is compared to 3,404 in November 2019, which was 4% of the total prison population. This was broken down into 3,126 men (3.9%) and 277 women (7.3%). The return for October 2018 gave 1,811 people being recorded as care experienced which was made up of 1,611 men and 200 women (2.17% of the population with 5.2% of the female prisoner population).

The HMPPS Strategy for Care Experience People also found that women with early-teen foster care experience have higher rates of re-imprisonment than women without foster care experience, regardless of whether they were reunited with their parents. This association is particularly strong when women also have educational and substance misuse needs. The researchers suggest that women with a history of care may need additional attention and support during their time in custody and upon their release. There is also evidence to suggest that people with experience of care, particularly women, may need support in developing both informal and formal relationships and may need access to additional emotional support.

The Care Leavers' Association have highlighted factors commonly affecting those with care experience, such as poor emotional wellbeing and mental health; underdeveloped social skills; isolation, loneliness and/or a sense of abandonment; difficulties in establishing trust or forming relationships of meaningful attachment; and low aspirations for the future. The CLA state that these factors, combined with accommodation and emotional needs, a lack of social capital, and the potential stigmatisation of having care experience, can increase the risk of reoffending.

In responding to the needs of this cohort, we must recognise that the vast majority of looked-after children enter care due to abuse and neglect, and the impact of trauma and abuse, or additional vulnerabilities on emotional and behavioural development. This can contribute to behaviours that make them particularly vulnerable to involvement in the criminal justice system. In 2018, a majority of children (63%) entering the care system experienced abuse or neglect, meaning they often have significant disadvantages and vulnerabilities. Looked-after children and care leavers can be particularly vulnerable and targeted for criminal exploitation. Any decision to charge and prosecute a young person

⁶⁵ HMPPS. Strategy for Care Experienced People [Unpublished].

⁶⁶ HMPPS. Care Experienced People in Custody Position Statement Summary – March 2020 [Unpublished].

should consider whether their actions are due to such exploitation or human trafficking or modern slavery.

Whilst never taking away from the need to take responsibility for actions and their consequences, the right approach in responding to challenging behaviour or during contact with criminal justice agencies can help avoid unnecessarily criminalising looked-after children and care leavers, and promote better outcomes for them and society. We must ensure our response to incidents does not initiate or exacerbate negative behaviour and contribute to unnecessary police involvement or criminalisation. Persistent and more serious offending can indicate that the young person has significant unmet needs and responses to offending should recognise this. Given the number of agencies and professionals involved in the lives of these children and young people strong multi-agency working oversight and support is crucial, from prevention of offending to support while in custody, and on leaving custody.

The National Care Experience Forum Action Plan outlines the Strategic Objectives and the actions being taken to support Care experienced people in the criminal justice system and includes:

- Identification of care leavers in custody
- Collaborative working with LAs and other organisations to ensure they are engaged in the planning process for those coming into prison, serving prison sentences or on release and in the community
- Wrap-around services – effectively coordinate services that enables development of reliable and trusting relationships
- Improve protective factors - assist individuals to address some of the potential disadvantages of care experience in education, employment, accommodation, mental health, social skills and relationships
- Rehabilitation – to provide opportunities for reflection, encourage hope, optimism and the development of positive social connections
- Sharing experiences – enable people with care experience to have space to safely share experience of being in care



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