



Make Justice Work

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Make Justice Work response to the House of Commons Justice Select Committee Inquiry on Women Offenders – September 2012

About Make Justice Work - MJW was established by the Director, Roma Hooper in 2009 and is a campaign to boost public support for a change in how Britain deals with non-violent offenders – a switch from expensive and ineffective short prison sentences terms to intensive and effective sanctions delivered in the community.

It aims to raise public awareness of the ineffectiveness and expense of locking up lower-level offenders, only for them to re-offend again following their release. Crucially, the campaign identifies the community alternatives to custody that are the most effective both at reducing re-offending and cutting costs. MJW is also a member of the Corston Independent Funders Coalition (CIFC).

Introduction

1. Make Justice Work welcomes this opportunity to submit written evidence to the Commons Justice Select Committee inquiry into women offenders. MJW hopes the Committee's final report will help contribute to government thinking in this important area of public policy.
2. It is important to recognise that often women offenders will be vulnerable people themselves. As vulnerable people women offenders are likely to lead chaotic and unstructured lives and be victims of crime also - such as sexual abuse, violence and trauma. Women offenders are also more likely to commit lower level offences to supplement the needs of their children. Many women offenders will have complex and multiple problems with experience of drug, alcohol and mental health issues and need to access help and support which is unavailable to them while serving a short term prison sentence. For example women offenders account for just 5% of the overall prison population, but 36% of all incidents of self-harm. Community sentences are better placed to tackle the triggers of their criminal behaviour, reduce the likelihood of reoffending and offer better value to the taxpayer.

The Corston Report:

3. Make Justice Work supports the findings of the Corston Report which was published following the deaths of six women prisoners at Styal prison. The previous Government asked Baroness Corston to undertake a review of vulnerable women in the criminal justice system. The review was published in March 2007 and made some 43 recommendations to improve the criminal justice system for women in prison or at risk of offending.¹ However MJW is disappointed at the lack of progress made in making any significant reduction in the number of women in custody and believes there is an urgent need for the Government to produce a cross-departmental strategy to achieve this aim.

¹ <http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf/>

4. Chapter five of the Corston report focussed on alternatives to custody for women offenders and states that “Problems that lead to offending - drug addiction, unemployment, unsuitable accommodation, debt - are all far more likely to be resolved through casework, support and treatment than by being incarcerated in prison.”
5. “The vast majority of women offenders are not dangerous. Because most women do not commit crime there is no deterrence value and the cost to society is enormous, not simply the cost of keeping women in prison (each prison place represents a capital investment of about £77k annually) but also the indirect cost of family disruption, damage to children and substitute care, lost employment and subsequent mental health problems. The continued use of prison for women appears to offer no advantages at huge financial and social cost.”²
6. As previously stated MJW deeply regrets the lack of progress made since 2007 to significantly reduce the overall number of women in prison - the female prison population has fallen by just over 200 in the last five years. It is for this reason that the Government should produce a cross-departmental strategy with the aim of reducing the number of women in prison and prioritising community sentences as an alternative. MJW believes effective, robust and demanding community sentences should be used more widely by sentencers when dealing with women offenders who have committed lower level and non-violent offences.
7. The upcoming elections of Police and Crime Commissioners in November 2012 is an opportunity to ensure that those elected to office are aware as to the specific needs of women offenders and the value of effective community sentences to reduce rates of reoffending. As the commissioning landscape evolves in the future, PCCs will need to be fully engaged and key partners in this part of the criminal justice arena.
8. The case has been made – so why, when the evidence supports that community sentences for women would have a major impact on reducing prison numbers, save money and reduce offending, as well as reducing the likelihood of the children of these women committing crimes, do we persist in imprisoning over 11,000 women a year?

9. Make Justice Work would like to see:

- The greater use of robust and demanding community sentences as an alternative to short term prison sentences for lower level offences committed by women offenders.
- A government strategy to co-ordinate across different departments – not just the Ministry of Justice – with clear ministerial responsibility, accountability and a timetable to reduce the number of women in custody.
- A greater level of awareness and understanding among the judiciary – including Magistrates - about the specific needs of women offenders, including those with a learning disability/difficulty and the valuable role of effective community sentences as an alternative to custody.
- Assurances from government that safeguards will be put in place to ensure the introduction of the principles of Payment by Results (PbR) by 2015 in community sentences will not lead to unintended consequences, whereby the specific needs of women offenders are at risk of being ignored.

^{2 2} <http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>

Community Sentences as an Alternative to Custody:

10. The majority of women in prison do not constitute a risk to public safety and many are serving relatively short sentences – of 12 months or less – for lower level offences. In 2011 58% of women offenders in prison were sentenced to a period of six months or less. This means there is a lack of time for and commitment by the relevant agencies to address the triggers of their criminal behaviour.
11. Community sentences are better placed to enable women to tackle the triggers of their criminal behaviour – such as substance abuse and mental health issues – while reducing the level of disruption caused to their families. This was evidenced when MJW conducted a National Enquiry ‘Community or Custody?’ and visited the Together Women Project in Bradford. Research also shows that children who have experienced the imprisonment of a parent are more likely to become offenders. Families have a vital role to play in helping women offenders rehabilitate their lives.
12. The Together Women Project (TWP) works with women offenders and is a ‘one-stop-shop’ which is designed to be holistic and needs-centred – each woman referred to it undergoes a detailed needs assessment which identifies issues such as substance misuse, mental and physical health problems, or lack of suitable accommodation. This assessment forms the basis of an individually tailored support plan.
13. Average orders at the TWP cost between £750.00 - £1000.00 per woman per year. TWP has a compliance rate of 80%, with 83% of women achieving success with one or more of their goals. It has reduced reoffending to between 5% - 10% compared to a national average of 62%.
14. Community based Women Centres not only focus on supporting women who have offended, but also those who may be at risk of offending in the future. This preventive and diversion work is highly beneficial and provides a hub of services to help tackle issues around social exclusion and marginalisation.
15. As part of the preventive and diversion agenda, appropriate resources should be put in place for the Police and criminal justice agencies to identify women offenders with a learning disability/difficulty to ensure they have equal access to fair justice. This must include provision for appropriate support within the Police, Courts, Prisons and the Probation Service. For women offenders with a learning disability/difficulty community sentences are most likely to be a more appropriate setting than custody.
16. However, despite the vitally important work of Women Centres, there are concerns about the sporadic provision of the centres nationwide and the lack of a sustainable and consistent geographical network across England and Wales.
17. It is important that the wider use of effective community sentences for a larger number of women offenders is not as a consequence of net-widening and up-tariffing. If this occurs this is likely to lead to a rise in the number of breaches and in turn will result in even more women being sent into custody. These are concerns MJW recently raised with the Ministry of Justice in response to the department’s consultation exercise on the reform of community sentences.
18. The success of community sentences is dependent on the ability of Probation Trusts to deliver on some of the commitments made and engage effectively with women

offenders. To achieve this, the Government must ensure that Probation Trusts have adequate resources and the discretion to provide innovative and creative programmes with a clear focus on rehabilitation and reform. Therefore it is important that the Probation Trusts are fully aware as to the provision of effective community sentences for women offenders, as otherwise many of the pre-sentence reports presented to the Courts may not reflect the full range of credible options available to sentencers.

Payment by Results in Community Sentences

19. In July 2012 MJW published *Just Results* a report on the government's plans to apply the principles of Payment by Results (PbR) to community sentences by 2015. In May 2012 MJW brought together 30 leading experts to explore in an open-minded and constructive spirit the challenges of applying PbR to the delivery of community sentences.
20. Participants focused on ways in which such challenges could be overcome. *Just Results* captured the outcomes of the event – facilitated by independent public service experts - and identified nine key operating principles which must be in place if PbR is to be a success. MJW have serious concerns about the use of PbR in community sentences and the haste with which the government is moving. By 2015 the Ministry of Justice intends to roll out PbR across the system, but the two community sentence pilots do not even start until 2013.
21. The use of PbR in community sentencing is a radical new departure. The success of the government's 'rehabilitation revolution' will largely depend on the outcome of this experiment. Failure to get it right would be a serious setback and could lead to more women offenders in prison, higher levels of reoffending and more victims. *Just Results* reveals serious pitfalls that must be avoided if the new system is to have any chance of success. The principles identified in *Just Results* must be applied and are not a pick 'n' mix menu from which a selection can be made. The government must review their proposed timetable and agree to adopt the principles set out in the report.
22. In light of the government's commitment to the PbR model it is vitally important that the commissioners and providers of community sentences are fully aware as to the different needs of women offenders and the value of gender specific community based programmes.

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