

Agenda's response to Ministry of Justice's Transforming Rehabilitation Inquiry

November 2017

Introduction

Agenda, the alliance for women and girls at risk, welcomes the opportunity to contribute to this inquiry. Ten years on from the Corston Review, and with a strategy for female offenders due imminently, it is essential that this inquiry into the Transforming Rehabilitation Programme has the needs of female offenders at its heart.

Women in the criminal justice system are particularly vulnerable, with high rates of complex needs including histories of abuse, mental ill health, addiction and homelessness. Prison can be hugely damaging both for women and their families and children, with 95% of children separated from their mother by imprisonment having to leave the family home to go into care or live with relatives.¹

Women can be more effectively rehabilitated outside the criminal justice system, yet respected community services with a track record of working effectively with women are being put under financial strain or not being contracted by CRCs at all. We believe women's services are likely to have been particularly adversely affected given that women make up a smaller proportion of the cohort CRCs are responsible for meaning there is less incentive to address their gender specific needs.

Some specialist services no longer feel able to deliver support under Transforming Rehabilitation due to the contractual complexities and constraints, with many concerned they may not be able to make up the funding gaps they face from elsewhere.

We want to see significant improvements in transparency, with clarity about supply chains and the support being provided for different cohorts of offenders, including women.

We are concerned at the extension of probation supervision to offenders serving sentences of less than 12 months. Female offenders are more likely to be serving short-term sentences and so have been particularly impacted by this change, with a significant increase in the number of women being recalled to prison as a result.

Given the relatively small numbers of women in the criminal justice system but the considerable negative impact TR has had on them and their families, we believe consideration should be given to removing women from the Transforming Rehabilitation programme altogether and considering alternatives to delivering probation support, including a renewed role for the National Probation Service.

Women and multiple disadvantage

It is well established that women in contact with the criminal justice system face considerable disadvantage, with backgrounds of mental ill health, poverty, addiction and experiences of abuse and trauma across their lives. They tend to be the victims of violent crimes like sexual and domestic abuse and the perpetrators of non-violent ones like handling stolen goods and shoplifting.

Many women end up in custody because of a lack of support outside the prison gates. Improvements in mental health provision, treatment for addictions and social care in the community to help women address their needs earlier would reduce the number of women coming into contact with the criminal justice system in the first place. However, community based services such as mental health,

¹ Caddle, D and Crisp, D. (1997) Mothers in Prison HO Research and Statistics Directorate Findings No.38
London: TSO

substance misuse and domestic abuse are under pressure and specialist services for women are few and far between.

We believe the starting point of an inquiry into the Transforming Rehabilitation Programme should be the recognition that women in contact with the criminal justice system are likely to face multiple disadvantage and will need holistic, trauma informed support to address the issues they face and to tackle the underlying causes of their offending.

BAME Women in the Criminal Justice System

We believe this should include a focus on the particular needs of BAME and foreign national women. 18% of female prisoners are BAME², compared to 14% of the general population.³ Within this, some groups of women are particularly overrepresented, most notably Black or Black British⁴ women who make up 8.8% of female prisoners, compared to 3.3% of the general population⁵. Agenda and Women in Prison's recent report, Double Disadvantage⁶, explores how gender and ethnicity combine to shape the experiences of BAME women in the system. Probation supervision and support must take into account their particular needs and experiences.

Culturally and religiously sensitive support should be available to meet the emotional and practical needs of BAME women, including in preparing for resettlement and understanding the barriers a woman may face in reintegrating into her community. The particular needs and experiences of foreign national women should also be addressed and information and advice must be available to help women understand and challenge decisions over their right to remain in this country. This is particularly important for women who have caring responsibilities to children or other relatives.

Specialist women's services

Women's services including women's centres have a proven track-record of providing effective therapeutic and practical help and interventions that support rehabilitation and help women turn their lives around. Specialist women's services have been shown to be highly effective in both preventing women entering prison and in rehabilitating those who do. Women's centres can help tackle the disadvantage which often lies behind women's crimes,⁷ and Ministry of Justice's own analysis shows a statistically significant reduction in re-offending rates for those who receive support from women's centres.⁸ Modelling⁹ suggests that investing £18m per year in women's centres could save almost £1billion over 5 years.

The effect of Transforming Rehabilitation on community services for women

Women's centres tend to be small or medium sized and the protracted negotiations and financial uncertainty that have accompanied the Transforming Rehabilitation reforms are putting many under great strain. Many of Agenda's members, who are women's voluntary sector organisations, report that reaching contractual agreements with Community Rehabilitation Companies (CRCs) has been particularly demanding with a large degree of risk having to be shouldered by them as small organisations.

We are also concerned that CRCs are not commissioning the services that we know work but instead are modelling services around signposting and group work with CRC staff being used as key workers. Some specialist services are not being contracted at all and others are being offered a reduced payment for their services.

² Ministry of Justice statistics, March 2016 <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2015>

³ <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2016>

⁴ 371 of the 3826 female prisoners were black or black British (Prison Statistics, 31 March 2016)

⁵ Office of National Statistics, 2011:

<http://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/ethnicityandnationalidentityinenglandanddwales/2012-12-11>

⁶ Double Disadvantage, Agenda and Women in Prison <http://weareagenda.org/wp-content/uploads/2017/03/Double-disadvantage-FINAL.pdf>

⁷ Custody Pilot Project, Anawim, <http://www.anawim.co.uk/documents/Custody-Pilot-Project.pdf>

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/427388/womens-centres-report.pdf

⁹ Counting the Cost, Revolving Doors, http://www.revolving-doors.org.uk/file/1793/download?token=_uhAj6qr

There are also concerns about a move away from commissioning specific services for women to generic ones attracting non-specialist larger providers who are unlikely to be able to build up the trust and relationships needed and so are likely to be less effective in working with this group of women.

It is regrettable that community services are being put under such financial strain and that some no longer feel able to deliver specialist services under TR due to the contractual complexities and constraints, with many concerned they may not be able to make up these funding gaps from elsewhere due to cuts to local authority and other budgets and moves towards “gender neutral” commissioning. Many services are under considerable financial pressure with a risk that some may reduce the services they can provide or be unable to operate altogether.

We are concerned that much of the expertise and goodwill (including with local courts, police and prisons) built up over many years, which is key to effective outcomes for women, is now under threat in many areas. The courts will not refer women to programmes unless they are confident of their durability. Forging relationships with prisons to ensure effective through the gate provision takes time and resource.

Sustainability and continuity of these specialist services is vital if we are not to lose the expertise, relationships and goodwill that have been built up over many years and that are necessary for joined-up interventions.

Mapping the Maze, a report recently published by Agenda and AVA (Against Violence and Abuse) however, found patchy provision of services for women facing addiction, homelessness, contact with the criminal justice system, and mental ill health, with a woman’s ability to access services being dependent on where she lives.¹⁰

Our [online map](#) allows you to identify what service provision for women exists in local areas.¹¹ Services for women involved in the criminal justice system were found in just 64.2% of English local authorities and 40.9% of Welsh unitary authorities. There appear to be considerable gaps in the gender specific probation support being provided to female offenders.

Extension of probation supervision

Because they tend to commit less serious crimes, most women in prison are on remand or serving short sentences with little opportunity to address the underlying causes of their crimes and prevent their reoffending. Shorter sentences also make through the gate work more challenging.

Additionally, they mean women have been particularly impacted by the extension of probation supervision to offenders sentenced to less than 12 months. There is growing concern about the number of women being recalled to prison, which has risen by 82% since the introduction of the act.¹²

What can be done to improve the situation?

In the short term, more must be done centrally to monitor and hold Community Rehabilitation Companies to account for meeting the needs of women in the criminal justice system. We would like to see more transparency about the levels of funding for women’s services and the types of services being commissioned by CRCs. In light of s.3(6A) *Offender Management Act 2007* the Ministry of Justice has a key role to play in ensuring that the CRCs deliver high quality services for women.

We would like to see a network of properly funded Women’s Centres and CRCs encouraged to commission services through them, where appropriate, taking advantage of their longstanding skills and experience. Clear direction from central government and an expectation of the types of services being funded, including the importance of gender specific services, would help ensure parity of

¹⁰Mapping the Maze, Agenda and AVA, <http://weareagenda.org/wp-content/uploads/2017/09/Mapping-the-Maze-final-report-for-publication.pdf>

¹¹ <https://www.mappingthemaze.org.uk/>

¹² [Bromley Briefings Prison Factfile \(Autumn 2016\)](#), Prison Reform Trust

services and improve quality. There should be mechanisms in place for the government to step in if CRCs are not commissioning or providing the necessary support for women.

We believe that women's centres are a national resource which require central funding and commitment. The introduction of a central government funding pot drawn from different budgets for the core services of women's centres would be a highly effective way to increase the resilience of these organisations and to support the relatively small numbers of women in the system. The forthcoming female offender strategy is an important opportunity for Government to make clear its commitment to women's services by making funding available to support them.

Over the longer term, given the relatively small numbers of women in the criminal justice system but the high levels of vulnerability and considerable negative impact TR has had on them and their families, we believe there is a strong argument for removing women from the Transforming Rehabilitation programme altogether. Consideration should be given to alternatives to delivering probation support, including a renewed role for the National Probation Service.

We would also like to see a review of the impact on women of the extension of probation supervision and consideration given to removing this requirement.

About Agenda

Agenda is an alliance of over 80 voluntary sector organisations - we exist to ensure that women and girls at risk of abuse, poverty, poor mental health, addiction and homelessness get the support and protection they need. We campaign for systems and services to be transformed; to raise awareness across sectors; and to promote public and political understanding of the lives of women and girls facing multiple disadvantage.

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