

Commission on Women Offenders

Response by Scotland's Community Justice Authorities

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What are the key challenges in dealing with women offenders in the criminal justice system and how might these be overcome?

The rising female prison population is a well known problem but the involvement of women in all aspects of the criminal justice system poses challenges for all. From the recent Scottish government review of 'what works' we know that effective interventions are similar for men and women. However we also know that women involved in offending have some of the most complex needs and also different needs particularly around histories of trauma, drug and alcohol misuse, family and parental relationships. These do apply to men too but it would appear that these are not as concentrated in the male population.

The challenges in dealing with women are then the same as dealing with men but with added complexity and a requirement that practitioners are aware of similarities and differences. Some particular examples:

- A holistic individualised approach needs to be taken to be effective, but the system mainly deals with processing cases, implementing standard type disposals (including custody) and measuring success in the same way for all.
- The system is not designed to offer effective early intervention to prevent offending, which is shown to be more efficient and effective.
- Sentencing independence means that the ability for other agencies to influence decisions is limited, as is the understanding of the reasons behind decisions made. Better understanding may lead to better dialogue on what can be offered to support offenders at earlier stages, e.g. alternatives to custody.
- Access to basic mainstream services is limited for all offenders (and other marginalised groups). Housing, health, learning, employment, family support and social opportunities are often of poor quality or simply unavailable. Without basic supportive factors in place, work on desistance is difficult. Acknowledging and guaranteeing some level of access to service, particularly housing, would significantly support work with offenders. This requires stronger links between criminal justice agencies and wider community planning partners.

How effective are the existing structural and funding arrangements in delivering positive outcomes for women offenders?

The recent [Audit Scotland Justice Overview](#) report highlighted the complex nature of the criminal justice system and highlighted where inefficiency, and a focus on process throughout the system (rather than outcomes such as rehabilitation and community integration), may hinder efforts to reduce re-offending.

A particular issue is the lack of responsibility for – and consistent funding of – throughcare for women leaving prison from short term prison sentences (under 4 years) or from remand. This is not

limited to women, but a lack of joined-up services means that despite a large number of organisations working in this field we see little evidence that this is reducing the prison 'churn'.

There is no clear joined-up approach to supporting women leaving prison from remand and short sentences. Projects may have funding criteria that limits them to work with particular age groups, sentences or postcode areas. The lack of a structured approach to service funding and provision means that often the same women receive multiple offers of support while others fall through the gaps.

For all offenders, in custody and the community, access to mainstream services remains an issue. For example accommodation issues are a particular challenge. The lack of adequate funding for accommodation support (as well as physical lack of accommodation in places) means the most vulnerable, chaotic women can have difficulty maintaining stability in the community. This makes compliance with bail and community-based orders problematic. This level of vulnerability and chaos – often linked to women's own experiences as victims of crime and/ or circumstances – is a key driver for unnecessary use of remand and custodial sentences. On release women often have no option but a presentation to homelessness services, meaning high levels of uncertainty about their immediate prospects post-custody.

What is currently available to divert women out of the criminal justice system and how effective is it? What more could be done?

The use of diversion from prosecution has waxed and waned over the past decade, and varies significantly both between and within CJA areas. Recent efforts have increased the use of diversion, but evidence suggests this is mainly down to the efforts of local partners with Procurators Fiscal (PFs) rather than co-ordinated implementation of policy. Schemes vary across the country and both statutory and third sector organisations are involved.

The quality of information available to PFs' decision making is crucial, and this involves partners working together to identify how to best provide this. In Glasgow recent discussions have highlighted the crucial role of the police report in identifying information that might lead to an assessment for diversion. More comprehensive information about needs and potential interventions provided as part of this report might offer scope to increase the number of cases considered for diversion. Glasgow CJA, the Scottish Government and other partners are currently scoping out ways to achieve this.

PFs' difficulties in accessing relevant information are exacerbated where offenders are appearing direct from custody, which again limits consideration of diversion, supervised bail or other alternatives to custody.

Recent [guidance on diversion for young people](#) has been prepared through the Reducing Reoffending Programme, which suggests all 16 and 17 year olds should be considered for Diversion. However the new draft guidance for adult diversion from prosecution recommends that no groups should be given priority over others and all schemes should be Equality Impact Assessed. While aiming for equality of access it may be that attention to the specific needs of women is lost.

Other direct measures and fiscal fines are widely used but evidence available on the impact or longer term outcomes of these is limited and it is therefore difficult to comment on the effectiveness or use of these.

How can community sentences be more effective at reducing the likelihood of reoffending?

We know that for many offenders, failure to attend appointments and engage with services, and continued low-level offending, are a problem. This is a particular issue amongst more chaotic and vulnerable women. Concerns about women offenders' ability to complete community sentences have been raised repeatedly, and there have been questions about whether this has fed into increased levels of imprisonment. While breach rates do not appear to be significantly higher (and are indeed lower in some cases) than men's, custody as a consequence of being unable to maintain a community sentence remains an issue. South West Scotland CJA introduced a women's support and mentoring service ('Women in Focus') in recognition of this issue, and was able to see an improvement in engagement and compliance over the period of the pilot.

While there is a concern that statutory services may not have the resources or ethos to more actively seek out non-engaging clients, experience from a range of sources shows that a more proactive approach, better information-sharing and more assertive outreach by services can improve compliance and engagement. Statutory services already utilise similar approaches in relation to MAPPA, youth justice and domestic abuse and there may be scope to examine practice in relation to women offenders. Many third sector organisations are also developing supports to women in the community including SACRO's mentoring service which operates in Fife and Forth Valley and Lanarkshire CJA Areas. The Willow Project in Lothian and Borders has demonstrated how an effective partnership-based community alternative can be jointly delivered – and now mainstreamed – between statutory and third sector organisations.

How can we ensure short and longer term prisoners get more consistent support and have their needs addressed throughout their sentence and after release?

Using the provisions under the Custodial Sentences and Weapons (Scotland) Act 2007 could introduce a community portion for a sentence to introduce consistent support and supervision in transition from prison. This is resource-intensive but the current situation relies on a patchwork of voluntary organisations and voluntary participation by prisoners. Scotland already has higher thresholds for statutory throughcare than England and has higher recidivism rates from prison. This need not be delivered by a single specified agency but locally arranged through a partnership approach of providers. New models of throughcare, such as the Peterborough Prison pilot, may offer some interesting learning. Developing a model focused on women may be a way to look at the effectiveness of a statutory link to a post-release service.

Again accommodation on release is a significant barrier to desistance. Due to funding arrangements and availability of accommodation, women of no fixed abode are likely to leave prison with no identified place to stay, even though their date of liberation may have been known in advance. Discussions with the UK Government around current housing benefit arrangements and scope to 'book' properties would be helpful in opening up more suitable accommodation routes.

How can we maintain contact with families and children during prison sentences?

In terms of families and children, CJA partners and stakeholders participated in the formulation of the Scottish Prison Service standards for families, and South West Scotland CJA has endorsed its own Family Engagement Standards which have been shared with CJAs nationally. Implementing the national standards consistently across the SPS estate would go a long way towards improving family and child contact.

It is notable that anecdotal evidence suggests the majority of the most chaotic and vulnerable women returning to some areas do not have care of their children. Consideration is required not just in terms of services to support and improve child contact, but also support to help women come to terms with the loss of care of their children where this is a relevant need.

Understanding a women's position on entry to prison in relation to families and children may better aid any dialogue and support offered during incarceration. Information flows between prisons and the community and vice versa are not always effective or standardised. For example court reports which may reflect these issues are not as a matter of course sent on to receiving prisons from court. Better information-sharing more generally can support better prison and community links, for example community services being alerted to a women's imprisonment could be used to trigger a response from a relevant agency that has a supportive link already established with that woman. This may be a better option than a new range of services being offered on reception into prison.

What are the drivers behind the increase in the female prison population?

Analysis of the most up to date information available suggests that in many areas, the use of prison is no more common for women than men (indeed the opposite) and also suggests that in many areas court report conversion rates are slightly better for women for community sentences (that is where a particular disposal is recommended sentencers more often choose this than an alternative). Prison population data also suggests a small but significant number of women are in prison for violent offences – there will be some cases where a community sentence may not be appropriate. Police and other justice policies may also impact on the options available to decision makers, for example in cases of domestic violence or knife-carrying.

Discussion with HMP&YOI Cornton Vale suggests that a significant proportion of the remand population do not receive a prison sentence, and indeed police data shows that a significant number of those kept in police custody are not remanded – partners' experience suggests that women are being incarcerated simply because of level of chaos in their lives and resulting history of non-compliance with bail conditions and the court process. Lack of appropriate accommodation and support, and drug and alcohol use are key drivers of this. In making a decision to oppose bail, the Procurator Fiscal would need detail of this history, but also of any supportive interventions that may militate against the risks involved in granting bail (such as the provision of supervised bail, which has a relatively low take up rate in many areas). Ensuring this information is available in a timely fashion for PFs to make decisions is an area worth exploring.

What is the availability and effectiveness of support available to female prisoners when they are released?

There is no consistent offer of adequate support for short term prison leavers and those leaving from remand. Lack of funding for these groups means this falls to voluntary sector providers, and the unstable nature of this funding means groups are often competing to engage with same group of women (whilst the most difficult to engage with fall through the gaps).

There is no clear and effective framework to consistently measure outcomes for women from any intervention (prison, community sentence, voluntary organisation input). As a result, information about effectiveness is largely based on low volume qualitative research with service users (the views and experiences of a handful of people) or based on staff and system perception.

Each CJA has utilised the additional funding provided by the Scottish Government in 2009/10 and 2010/11 to support women involved in the criminal justice system. A number of projects and services have been funded to support transitions, such as Circle who work with women and their children (various CJAs); a dedicated Women's Service co-ordinator for women leaving custody (Glasgow CJA); and women-specific groupwork within Criminal Justice Social Work and the aforementioned Barnardo's Women in Focus service. More detailed information is available on each CJA's use of this funding, the lessons learned, and the issues raised, if required by the Commission.

There are multiple organisations offering support on transition, but no standard or consistent offer for women across the country. While evaluations of services such as Circle and Women in Focus (Barnardo's) have been broadly positive, there is little comparable evidence to support one approach over another or to determine if different services work with different client groups.

To what extent do the issues for women offenders also apply to male offenders?

Many issues raised here apply also to men and it is important to emphasise the similar needs displayed in much of the male population and among our young offender population.

How to ensure that practitioners have the right skills and knowledge of what promotes desistance?

Discussion with our partners suggests that practitioners do have skills and knowledge to engage with clients but resource limitations, funding frameworks and structures can often work counter to good practice. Some examples include:

- There is currently no routine process for notifying relevant agencies that someone has entered police custody/ prison or is leaving it. This causes significant duplication of work (as needs assessment and support plans may be already formed and this is repeated in custody/ community), housing benefit issues (arrears and abandonment), unnecessary loss of tenancy, and lack of consistency in care.
- The nature and scope of support that can be offered by statutory services (and some others due to funding frameworks) is usually dictated by the offence (and type and length of sentence) and not by needs and risks.

- Some services share information and work together very effectively. Others do not. Organisations across the system continue to have concerns and confusion about information-sharing and again there is no consistent approach nationally. More focused joint training across organisational boundaries may help to support better joint working.

So in conclusion, how best to reduce reoffending among women?

As has been highlighted already:

- Approaches should be person-centred not process-centred.
- A multi-agency approach will be needed to meet multiple needs.
- Earlier intervention to offer supportive diversionary opportunities.
- Better information sharing and feedback to help practitioners work effectively with women who are already involved in multiple services and with multiple processes.
- Better evidence generation and analysis to further build the evidence base for what works.

The recent seminar by the Scottish Working Group on Women Offenders, proposed that a champion for women offenders be identified for each CJA area. This could be a dedicated post, or a responsibility allocated to an existing individual or a lead agency as a whole. We also believe this suggestion is worthy of further consideration by the Commission.

