

CORSTON+10

THE CORSTON REPORT 10 YEARS ON

How far have we come on the road
to reform for women affected by the
criminal justice system?

Produced by Women in Prison and supported by Barrow Cadbury Trust



ABOUT WOMEN IN PRISON

Women in Prison (WIP) provides gender-specialist support to women affected by the criminal justice system. We work in prisons, in the community and “through the gate”, supporting women leaving prison. We run three women’s centres (in Manchester, Woking and Lambeth, London) that all incorporate liaison and diversion schemes for women involved in the criminal justice system. Our combined services provide women with support around advocacy, complex needs, domestic and sexual violence, education, training and employment, housing, mental health, parenting and substance misuse.

Our frontline services inform our policy and campaigns work. The experience and knowledge of staff working directly with women affected by the criminal justice system enable us to see first-hand how well policy is implemented in practice.

ABOUT THIS REPORT

This report is in recognition of the ten year anniversary of Baroness Jean Corston’s landmark review into women in the criminal justice system <http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>



The year 2017 marks a decade since the publication of the **Corston report - A review of women with particular vulnerabilities in the Criminal Justice System.**

The 43 recommendations in the Corston report provided a roadmap for women-specific criminal justice reform. They gained cross-party support and were broadly accepted by three successive governments. Here, we aim to give an overview of what progress has been made to date in the implementation of the Corston recommendations.

Considering each of the recommendations of the Corston report in isolation does not suffice to appreciate the overall vision and ethos embedded in Baroness Corston's report. Her overarching aim was that of systems change, of **"a distinct, radically different, visibly-led, strategic, proportionate, holistic, woman-centred, integrated approach"**¹. It is important, therefore, that we ask ourselves to what extent there has been fundamental systems change for women affected by the criminal justice system and what major barriers still impede its implementation.

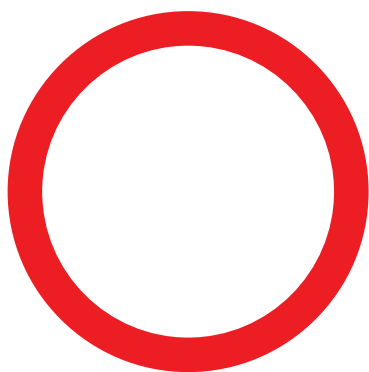
We would like to highlight as a continued priority for government the following five, interlinked, key areas for systemic change:

- Expansion of and sustained funding for **women's centres** in the community as **"one-stop-shops"** to prevent women entering or returning to the criminal justice system (recommendations number 29, 30, 32 and 33).
- **Liaison and diversion** schemes to be extended and rolled out nationally to divert women away from custody into support (recommendations number 33 and 36).
- Specialist **community support**, including **mental health** support (recommendations number 36, 37, 39 and 40) and **accommodation** for women affected by the criminal justice system (recommendations number 16 and 21).
- **Sentencing reform** with greater use of **alternatives to custody** and **women's community support** services (recommendations number 18, 19, 20, 22, 23 and 24).
- **Coordinated, joined-up working** between all agencies involved in the lives of women affected by the criminal justice system (recommendations number 1, 7, 8, 9 and 39).

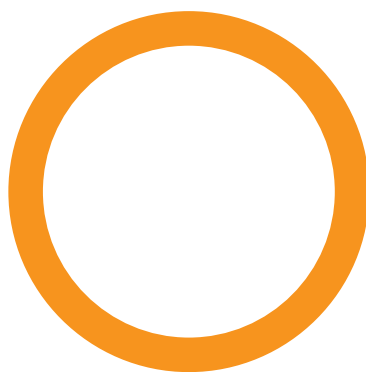
In order to achieve true systems change for women affected by the criminal justice system, it is vital for policy makers to recognise that criminal justice solutions alone are not sufficient to deal with offending. Nor is the Ministry of Justice, in isolation, able to implement the changes needed to reduce (re)offending. What is required is a joined-up approach that takes into account the root causes of women's offending. This approach must encompass an understanding of the compelling opportunities for change that appropriate housing, mental health support and gender-specific women's community support services can offer.

TRAFFIC LIGHT REPORT

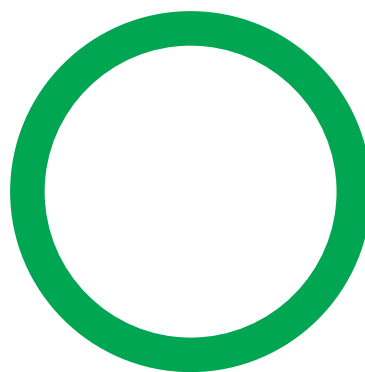
Traffic light codes:



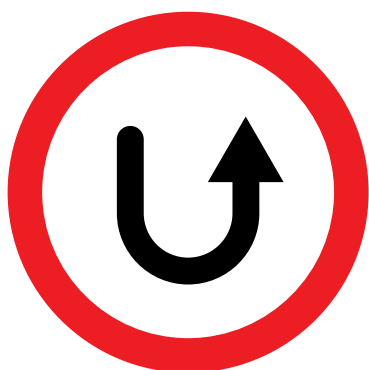
RED
No progress



AMBER
Some progress



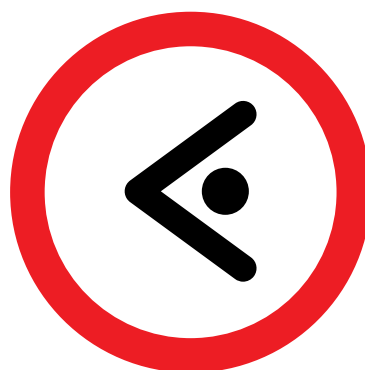
GREEN
Implementation



U-TURN
Progress was being made but
is now being rolled back



WARNING
Imminent problems
are foreseen



VIEWPOINT
Positive developments are
on the horizon

NOTE: At the time of publication of the Corston report, the Ministry of Justice had not been established in its current role; therefore most references to the Home Office should be read as the Ministry of Justice.

01

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



As outlined in our Corston+5 report², published five years after the Corston report, progress has been made by several agencies within the criminal justice sector.

The desired outcome of the 2008 Prison Service Order 4800 was that “Women prisoners are held in conditions and within regimes that meet their gender specific needs and which facilitate their successful resettlement”³. The 2011 Thematic report “Equal but different”, A Joint Inspection by HMI Probation, HMCPSI and HMI Prisons, looked at the use of alternatives to custody for women.⁴ “A distinct approach: a guide to working with women offenders”, published by NOMS Women and Equalities group in 2012, aimed to provide suggestions for good practice when working with women in the criminal justice system.⁵ A women-specific ‘Expectations’ document based on the UN Bangkok Rules, was published in 2014 by HM Inspectorate of Prisons.⁶

Many probation offices have women-only reporting days or co-location with women’s centres, although this is inconsistent. New contracts for Community Rehabilitation Companies (CRCs) to deliver services in the new Transforming Rehabilitation (TR) arrangements involve specific requirements for women, “where practicable”, including the offer of a probation officer of the same gender and appointments in a women-only space.

In addition to statutory work, there are numerous examples of gender-specific front-line service delivery by the voluntary sector, in prisons as well as in the community but these tend to be funded by charitable trusts or other non-statutory funders.

Despite the above steps in the right direction, there has not been any radical transformation for women within prison settings or in sentencing. The closure of HMP Holloway in 2016 – the only women’s prison in London – also raises serious issues in terms of the disproportionate impact this policy decision is having on women.

Moreover, in order to enact the gender equality duty, agencies must be able to report performance data disaggregated by gender. However, as highlighted by the latest HM Inspectorate of Probation report, although NOMS can monitor these gender-specific requirements, no nationally collated management information is available yet on either compliance or take-up⁷.

02

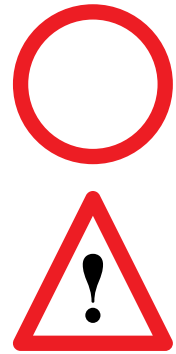
The government should announce within six months a clear strategy to replace existing women's prisons with suitable, geographically dispersed, small, multi-functional, custodial centres within 10 years.

Baroness Corston's recommendation to establish small custodial units was not accepted by the government of the time. As a result, no government strategy was announced within the six months following the publication of the report.

In recent years, there have been some developments in this area, with small units being established outside HMP Styal and HMP Drake Hall. However, these units form part of, and have not replaced, existing prisons; nor are they geographically dispersed.

The Prison Safety and Reform White Paper⁸, published in November 2016, speaks of the creation of five "new community prisons for women" built on adjacent land to existing sites in order to facilitate women being closer to home. It is unclear at the time of writing exactly what this will entail: we are not aware of any strategic or financial analysis behind this announcement, or of the practical or operational details. In particular, there is no information about how these units might replace existing prisons.

Crucially, Baroness Corston's recommendation for custodial centres was in the context of prison being reserved for a very small number of high-risk women. We are concerned that the planned community prisons will be built in addition to the existing estate and will, as such, serve to increase prison places. We also object to - and are very concerned about - female units being built on land for male prisons, a plan that runs counter to the gender-specific strategy advocated by Baroness Corston. Despite some movement on this point, we still do not see any small custodial units as envisaged in the Corston report and there is a risk of this recommendation being misappropriated to enlarge the existing custodial estate.



03

Meanwhile, where women are imprisoned, the conditions available to them must be clean and hygienic with improvements to sanitation arrangements addressed as a matter of urgency.

These issues have been addressed, especially where new units have been built. However, when HMP Downview re-opened as a women's prison there were examples of some very concerning room plans involving unscreened toilets without lids next to beds and in full view of door hatches used by male prison officers. Since the closure of HMP Holloway, overcrowding should also be reviewed in the women's estate.



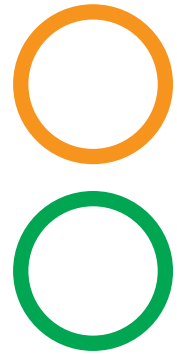
04

Strip-searching in women's prisons should be reduced to the absolute minimum compatible with security; and the Prison Service should pilot scan machines in women's prisons as a replacement for strip-searching women for drugs.

Routine strip-searching, or full-searching, came to an end in 2009, after the publication of the Corston report. Strip-searching now needs to be intelligence-led.

However, a Freedom of Information request by Women in Prison in 2012 revealed that there is no centrally held record of the number of full searches carried out, nor of the percentage of these that yield positive findings of contraband goods, thus prompting questions of how effectively this system is really working.

The majority of UK prisons now have scanners known as Body Orifice Security Scanners (Boss), chairs that can detect mobile phones, drugs, weapons and other metal items in a non-intrusive manner. Boss chairs exist also in the women's estate.



05

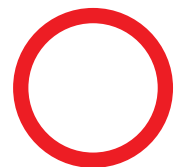
The work underway in respect of foreign national offenders should take account of the views expressed in my report. The strategy being developed should include measures designed to prevent prison becoming a serious option.

A total of 11% of women in prison are foreign nationals⁹, some of whom are known to have been coerced or trafficked into offending. Approximately 31% of foreign national women are in prison for drugs offences¹⁰. Many women report being coerced into drugs importation or committing such crimes due to poverty and the need to support their families.

Since the publication of the Corston report, a foreign national hub with specific support services for foreign national women has been established in HMP Peterborough. However, all women's prisons hold foreign national residents and there is still no estate-wide coordinated approach. The Justice Select Committee expressed concern around the lack of a Foreign National Strategy in 2013.¹¹

There are some examples of good practice across the estate, such as information in multiple languages being available on the wings and recognised translators of a wide variety of languages. This, however, is a mixed picture; many women are unable to access information or communicate with others in prison, including on matters such as healthcare.

Many foreign national women are held beyond their sentence in waiting for deportation, sometimes for many months, either in prison or in immigration



05

removal centres. This is despite the fact that many of these women end up not being deported.

Since the introduction of TR, the lack of consistency across the women's estate has caused confusion amongst CRCs regarding the scope of expected provision and responsibilities for foreign national women. The Post Sentence Supervision (PSS) requirements under TR are not workable for many foreign nationals, most notably those with no recourse to public funds.

06

Public funding must be provided for bereaved families for proper legal representation at timely inquests relating to deaths in state custody that engage the state's obligations under Article 2 of the European Convention on Human Rights. Funding should not be means tested and any financial eligibility test should be removed whenever Article 2 is engaged. Funding should also cover reasonable travel, accommodation and subsistence costs of families' attendance at inquests.

There have been inquests where families have been legally represented, ensuring proper public scrutiny of any failings in care and highlighting what action needs to be taken to prevent future deaths.

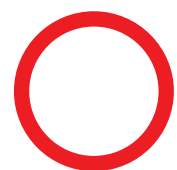
However, the above recommendation was rejected by the government and no progress has been made on this point since, despite the fact that Lord Harris made a similar recommendation in 2015 in his Report of the Independent Review into Self-inflicted Deaths in Custody of 18-24 year olds.¹² This is particularly concerning given that in 2016, 22 women died in prison.¹³ Last year the retiring Chief Coroner Peter Thornton QC also recommended exceptional funding for legal representation for the family where the state has agreed to provide separate representation for one or more interested persons.

Baroness Corston's review was a response to the tragic deaths of six women in HMP Styal and ten years on we see the highest number of deaths on record in the women's estate. INQUEST's 2013 briefing on women's deaths highlights the failures to implement the Corston report and to learn from previous inquests but makes recommendations for changes for women in the criminal justice system.¹⁴



07

I recommend the immediate establishment of an Inter-Departmental Ministerial Group for women who offend or are at risk of offending to govern a new Commission and to drive forward the Commission's agenda within their individual departments. Ministers from the Home Office, DCLG, DH, DfES, DCA, DWP and HM Treasury should sit on the group. There



07

should be close links between the new Group, the Inter-Ministerial Group for Reducing Re-offending and the Inter-Ministerial Group on Domestic Violence. The Group should be led by the Home Office Minister initially but transferred to the DCLG Minister within three years because the focus of the Group is more closely aligned to the community agenda.

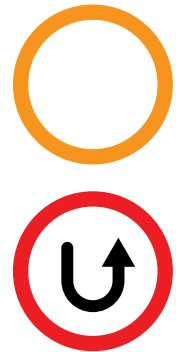


Sadly, no Inter-Departmental Ministerial Group for women who offend has yet been established. There is still no comprehensive, substantial cross-departmental joined-up approach to tackle the complex and inter-linked causes of women offending.

The Ministerial Advisory Board on Female Offenders, chaired by the Justice Minister leading on women in the criminal justice system, attempts to draw representation from some other governmental departments. However, as its title suggests, this board only holds an advisory role.

08

I recommend the immediate establishment of a Commission for women who offend or are at risk of offending, led at director level, with a remit of care and support for women who offend or are at risk of offending. This must be a cross-departmental structure, which incorporates the Women's Offending Reduction Programme; sits initially within the Home Office but transfers to DCLG within three years; and is staffed with a multi-agency team from the Home Office, DCLG, DH, DfES, DCA and DWP. Staff should also be seconded from relevant NGOs and voluntary agencies. Within three years the Commission should transfer from the Home Office to DCLG.



The Commission recommended by Baroness Corston was not established, although a cross-departmental team led by the Ministry of Justice was. However, this team was disbanded in 2010/11 after a relatively short life-span.

Overall, there has been a lack of consistent senior leadership and cross-departmental work around women's offending. Instead, such work has been almost exclusively the remit of the Ministry of Justice. Despite all support voiced for the Corston report, including NOMS claiming that the government "has since adopted many of the Report's recommendations"¹², no strategy or framework has been devised that could drive delivery or report on progress to Parliament since 2010.

Opportunities for true cross-departmental work across health, housing, community and other departments could be improved, although the Department of Health is indeed a participant in the Advisory Board on Female Offenders and the Bradley Group.

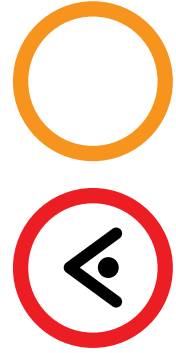
09

The Inter-Ministerial Group for Reducing Re-offending should re-examine its aims and ensure that its approaches properly address specific issues relating to women’s criminality.

The Inter-Ministerial Group for Reducing Re-offending established a sub-group on women following the Corston report, although neither is in existence today.

Examples of progress include the appointment of a NOMS Deputy Director for the Women’s Estate, the existence of Ministry of Justice women’s policy officials and plans to publish a strategy on female offenders.

The forthcoming replacement of NOMS with Her Majesty’s Prison and Probation Service (HMPPS) will introduce a Board Director with specific responsibility for women.

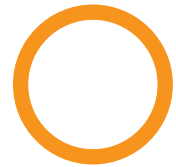


10

There should be greater visible direction in respect of women in custody and a much higher profile.

In recent years, there has been greater focus on women in the criminal justice system, including a Justice Select Committee inquiry into women offenders¹⁶, a women-specific ‘Expectations’ document based on the Bangkok Rules, drawn up by HM Inspectorate of Prisons¹⁷ and the establishment of a Ministerial Advisory Board on Female Offenders in 2013¹⁸. As Prime Minister, David Cameron called for a rethink on how mothers and babies are treated in prison¹⁹ and, as the Secretary of State for Justice, Michael Gove stated that “We need radically to reform how we treat women offenders” “to ensure fewer women are sent to prison in the first place.”²⁰

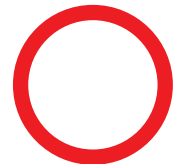
However, this profile has not yet resulted in the direction and momentum necessary to achieve a significant reduction in the number of women in custody. Moreover, a greater visibility and higher profile must coincide with greater understanding of the need for gender-specific service and practical change on the ground.



11

Systematic safeguards should be put in place so that good practice approaches like Carousel are not lost.

The re-role of HMP Cookham Wood into a male juvenile unit led to the loss of the self-harm support programme Carousel²¹. The 2009 re-categorisation of HMP Drake Hall, from semi-open to closed, led to women losing the family resettlement leave associated with semi-open conditions. With the closure of HMP Holloway, valuable community links with employers for women on Release On Temporary Licence (ROTL) were lost and some



11

women who had been eligible for ROTL were moved to other prisons where this process has been slow.

The fact that many women are held at a security category higher than is proportionate to their sentence, due to the existence of only two security categories in the female estate, means that many women are unable to take advantage of certain privileges associated with their risk e.g. home leave or childcare resettlement leave. This is a failure to comply with the equality duty.

12

I do not recommend a separate sentencing framework for women but this should be re-examined in the light of early experience of the statutory gender discrimination duty.

As outlined by the Justice Select Committee in its report “Women offenders: after the Corston report”, the existing sentencing framework is gender-neutral, but allows courts to take into account individual circumstances which may reflect gender roles or characteristics.²² Baroness Corston did, however, want to see more alternative sanctions and disposals for women and there has been some progress in this area with problem-solving justice initiatives such as police-based triage, Integrated Offender Management (IOM), restorative justice and liaison and diversion services.

It is now time to re-examine this issue in the light of the statutory gender equality duty as, while the sentencing framework could be gender neutral, this can only work if outcomes of the sentencing framework are examined for differential impact by gender. This does not currently take place, and there is insufficient data collected to interrogate for differential impact.



13

I recommend the acceptance of the offer made by The Griffins to act as a central repository for information for and about women who offend or are at risk of offending and to promote its use by others.

The voluntary sector body Women’s Breakout coordinates a database on women-specific services²³ and the Women Centred Working²⁴ web resource is an initiative to encourage the design and delivery of better services for women facing multiple disadvantages. The Griffins Society publish vital research on women affected by the criminal justice system²⁵.

However, there is no central repository for information for women in the criminal justice system. This makes it difficult for women to find support services and for service providers to make onward referrals. It also means that magistrates and judges are not always aware of local sentencing options available to them which, in turn, increases custodial sentencing as a default option.



14

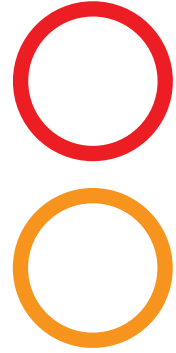
The seven pathways should be much better coordinated strategically for women and should incorporate pathways eight and nine for women, which I endorse.

The National Reducing Re-offending Delivery Plan, published by NOMS in 2005,²⁶ outlined seven pathways to reduce re-offending:

1. Accommodation
2. Education, training and employment
3. Health
4. Drugs and alcohol
5. Finance, benefit and debt
6. Children and families
7. Attitudes, thinking and behaviour

There has been no overall strategic coordination of the seven pathways to ensure a gendered perspective on each pathway.

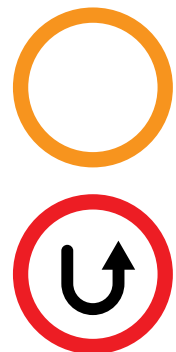
However, following the Corston report, the gender-specific pathways 8 and 9 were added to the existing seven. Pathway 8 acknowledges the special needs of women who have been victims of rape and sexual abuse. Pathway 9 was introduced to support women who have been involved in prostitution. Pathways 8 and 9 are now well established and prisons have appointed respective leads to coordinate work around these pathways. Sadly, in practice, there is a lack of provision on the ground, with some prisons completely lacking any support services for women affected by domestic or sexual violence or women involved in prostitution. In some prisons, these services are delivered by the voluntary sector, but funding comes from external sources and is often insecure. Funding for these services remains under threat in the community, with voluntary services often unable to meet high demand. In some prisons domestic and sexual violence support is provided by the CRCs, meaning it is only offered in the 12 weeks before release.



15

Work to establish regional and local pathway strategies and action plans is vital and good practice relating to women, for example, London's Resettlement Strategy, should be promoted and disseminated.

The London Resettlement Strategy aimed to return prisoners to their local prison eight weeks before their release date to facilitate a smoother reintegration into the community. This strategy is no longer in place and, due to the small number of women's establishments, many women will not reside in a prison close to their local community. The problem of distance from home for women prisoners has been further reinforced by the closure of HMP Holloway which has seen many women moved further away from their families and support networks.



15 There are many examples of good partnership work taking place across all prisons between probation, prison resettlement staff and voluntary sector agencies to ease women's transition from prison to the community. However, the lack of a fully functioning, centrally coordinated resettlement strategy means women's resettlement suffers. Moreover, there was no government strategy to limit the impact of HMP Holloway's closure on support services and many valuable services were lost in the transition. The lack of a coherent government funding strategy is also hampering any potential progress of a "whole systems approach".

16 **The accommodation pathway is the most in need of speedy, fundamental, gender-specific reform and should be reviewed urgently, taking account of the comments in my report. In particular, more supported accommodation should be provided for women on release to break the cycle of repeat offending and custody and the intentional homelessness criterion for ex-prisoners should be abolished.**

The housing situation for women leaving prison is even more desperate today than when the Corston report was published ten years ago. The Prison Reform Trust and Women in Prison briefing "Home truths: housing for women in the criminal justice system", published in 2016, outlines how local councils gate-keep their limited housing supply. This situation is compounded by the fact that women are systematically deemed "intentionally homeless" for going to prison, the scarcity of supported accommodation places and the absence of joined-up thinking to manage the human trauma and reoffending risks caused by homelessness.²⁷



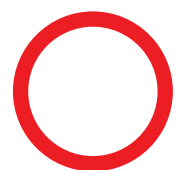
17 **Life skills should be given a much higher priority within the education, training and employment pathway and women must be individually assessed to ensure that their needs are met.**

There are some good examples of life skills training provision across the estate, with some prisons having specialist life skills education for women nearing release. However, it seems to be a mixed picture and many women are not offered any life skills assessment or training in prison.



18 **Custodial sentences for women must be reserved for serious and violent offenders who pose a threat to the public.**

This point is as pressing today as it was a decade ago. Despite a small decrease in the women's prison population, the large majority of women received into prison have committed minor, non-violent, offences and do not pose a risk to the public.



18

Most women entering prison under sentence (84%) have committed a non-violent offence. Around 42% entered custody under sentence in 2015 for theft and handling stolen goods²⁸ and the justice system still imprisons women for non-payment of council tax or TV licence.



Recent figures from the Prison Reform Trust show how the number of women recalled to prison has risen dramatically since the introduction of the PSS element of TR. Since the end of 2014 there has been a 68% increase in women being recalled to custody following their release.²⁹

19

Women unlikely to receive a custodial sentence should not be remanded in custody.

The Legal Aid Sentencing and Punishment of Offenders Act (LASPO) 2012³⁰ came into effect in 2013, establishing a presumption against remand for those charged with offences unlikely to warrant a custodial sentence.

Despite this, a large number of women are still remanded in custody. 8,818 women entered prison in 2015; 45% of them first entered prison on remand³¹. Only around 30% of women on remand go on to receive a custodial sentence.³²

Latest figures show that the overall remand population for all prisons continues to fall, with 14 per cent fewer people (equivalent to 1,528 people) on remand on 31 December 2016, compared to 2015. However, this reduction has been entirely in the male estate and the number of women remanded in this time period actually increased by 1.³³



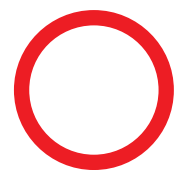
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Women must never be sent to prison for their own good, to teach them a lesson, for their own safety or to access services such as detoxification.

Unfortunately, we hear of women being sent to prison or being recalled by probation “for their own good” or “for their own safety”. Recent research indicates that prisons are being used as a place of safety for some women with complex mental health needs.³⁴

Arguably, the 14-day recall component of the PSS introduced as part of TR could be seen as a way of “teaching women a lesson” as it has no practical benefits to their rehabilitation but often interrupts opportunities for resettlement.

Some women we work with tell us they intentionally commit crimes in order to go to prison, as the reality they face on release is so bleak that they cannot cope, most notably in the case of street homelessness. It is also difficult for women to get residential rehab as an alternative to prison. Therefore, for some women, prison is the only establishment where



20

they access detoxification services. This is a tragic reflection on the lack of support, care and safety in the community available to women with complex needs.

21

More supported bail placements for women suitable to their needs must be provided.

Bail hostels are available as an option for women lacking a suitable release address from prison. Bail hostels should also help reduce the use of remand for women. However, more supported bail placements for women are needed so that women who are of no fixed abode are able to avoid remand or take advantage of early release on tag. Currently, there are only three bail hostels for women in London, each of which with small numbers of beds available. Due to the overall housing crisis, for those women who manage to get a space in a bail hostel, move-on accommodation is scarce; when their fixed term is up, many women are given one week's notice to vacate their bail hostels with nowhere to go.



22

Defendants who are primary carers of young children should be remanded in custody only after consideration of a probation report on the probable impact on the children.

Sentencing guidelines now state that the best interests of the child are to be taken into account when sentencing parents - a positive development in recent years. However, despite sentencing guidelines that include caring responsibilities as a mitigating factor, women caring for small children continue to be sentenced to prison. Not only does this have an impact on the women affected, but it carries a huge cost to the state and is life-altering for their young children. Children of a parent in prison also face a higher risk of going to prison themselves or presenting with behavioural problems.³⁵ Research by Rona Epstein found that, overall, the rights of the child were not adequately considered when their mothers were sent to prison.³⁶

Probation Inspectorate reports and other research suggest that pre-sentence reports on women do not routinely include information about dependents or impacts on children, meaning that sentencers are not always aware of dependants. Research by the Prison Reform Trust indicates that judges and magistrates are, at times, unaware of the guidance from case law about balancing seriousness of offences with separation of mothers from children and may believe that any consideration of dependents is entirely discretionary.³⁷



23

Community solutions for non-violent women offenders should be the norm.

There has been some progress in recent years in this area, most notably in the case of liaison and diversion schemes where women are diverted away from custody and towards community solutions. According to figures by the Prison Reform Trust, women make up around 15% of adults arrested by the police, and 22% of those seen by liaison and diversion services.³⁸

However, community solutions are certainly not the norm, with 84% of women serving a prison sentence having committed a non-violent offence.³⁹



24

Community sentences must be designed to take account of women's particular vulnerabilities and domestic and childcare commitments.

Initiatives such as women-only reporting times at probation offices are a welcome initiative as is co-location of probation and women's centres and partnership working between probation and women's support services. However, this has not been consistently achieved throughout the country.

The funding cuts to women's services are detrimental to community sentencing, given the key role that women's centres have played in delivering gender-informed and women-sensitive community sentences since the Corston report.

Likewise, alcohol and drugs services have suffered enormously in recent years, partly due to local authority spending cuts. Increasing resources for substance misuse support for women, including access to rehab, is crucial to tailor community sentences to women's complex needs, especially as women's substance misuse is often linked to domestic violence and/or past abuse.

HM Inspectorate of Probation has been critical of the deterioration in community sentences for women since the introduction of TR, highlighting the lack of strategic planning, inconsistent provision and scarce funding for women's services.⁴⁰

In order for community sentencing to be meaningful and realistic it needs to be designed in a gender-sensitive way and offer flexibility around childcare and other caring responsibilities.



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Sentencers must be informed about the existence and nature of those schemes that do exist and should support and visit them.



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The fragmentation of services and service providers, and the lack of transparency relating to providers' contracts make it hard to assess national community sentence options for women. Unfortunately, unless sentencers are aware of local community alternatives to custody, a custodial sentence is more likely to be the default sentencing option. Information about such alternatives is sometimes lacking, leading to valuable opportunities, such as those involving women's support services, being lost.

26

The restrictions placed on sentencers around breaches of community orders must be made more flexible.

Judges and magistrates are governed by sentencing guidelines. The Green paper "Breaking the cycle: effective punishment, rehabilitation and sentencing of offenders"⁴¹, published in 2010, aimed to make sentencing more flexible in the case of breaches of community orders.

However, under current sentencing guidelines, when a community order is breached, sentencers must make the order more onerous, or the defendant must be re-sentenced for the original offence.

At the time of writing, the Sentencing Council is reviewing guidelines for breach of community orders, which is an opportunity to remedy these restrictions in accordance with the above recommendation.



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Section 178 Criminal Justice Act 2003 [power to provide for court review of community orders] should be implemented more generally.

Research published by the Centre for Crime and Justice Studies (CCJS) has shown that, although Section 178 has been implemented since 2005, it was only used in community justice courts.⁴²

A successful example of Section 178 being implemented was the North Liverpool Community Justice Centre. This was set up in 2005 as a one-stop shop to tackle offending in the local area, bringing together a Magistrates', Youth and Crown Court with the full suite of criminal justice agencies and problem-solving services, such as drug and alcohol services. Unfortunately, it was closed in 2013, despite efforts by the local Police and Crime Commissioner (PCC) and Mayor to save it.⁴³

The government announced a planned pilot scheme of problem-solving courts in May 2016. Research from the Centre for Justice Innovation⁴⁴ shows that there is promising evidence to support the application of the key features of problem-solving courts to women with identified complex needs who are at risk of custody. Problem-solving courts would, to some extent, offer an alternative to custody for women by looking at underlying



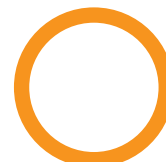
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reasons for offending and providing community solutions. An example of success is the Problem Solving Court at Manchester and Salford Magistrates Court which aims to identify and support women with multiple support issues. This problem solving court was set up following a successful pilot in 2012 at Stockport Magistrates Court, the analysis of which found that for every £1 invested, £3.47 was returned to public sector organisations.⁴⁵

28

Bail information schemes in women's prisons must be properly monitored, resourced and used.

Bail information schemes are in place, but we know from our work in prisons that bail is underused and many women do not have the opportunity to take full advantage of bail, due to long waiting lists in prison. The insufficient number of bail hostel places also means that some women cannot be granted early release at all. On the other hand, it is not unusual for women to be released very suddenly once the decision to grant bail is taken, leaving them with little chance to prepare for release into the community.



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The Together Women Programme must be extended as quickly as possible and a larger network of community centres should be developed in accordance with a centrally coordinated strategic national plan drawn up by the new Commissioner for women who offend or are at risk of offending.

The Together Women Programme (TWP) was set up in December 2005 with funding of £9.1m from the Home Office, to develop and test a new gender-specific holistic woman-centred model in the community for women who have offended and women at risk of offending.

A larger network of "one-stop-shop" women's projects was established as part of the implementation of the Corston Report, with £15.6m Ministry of Justice funding in 2009-2011 and the joint Ministry of Justice and Corston Independent Funders Coalition's Women's Diversionary Fund offering an additional £2m in 2010. This funding was used to increase the capacity of existing holistic services, build the infrastructure of projects new to dealing with the criminal justice system and secure enhanced bail support services.

A network of community centres still exists across the country. However, this is neither centrally funded nor developed by government and is not comparable in size to the network of 46 projects existing in 2010 that were supported and protected by ring-fenced funding. Those centres that remained when funding was devolved to Probation Trusts now struggle to survive in order to protect the woman-centred model in an increasingly competitive and bureaucratic commissioning landscape. One practical issue is that many charitable providers of specialist women's services with small



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financial reserves find it impossible to sustain contracts that pay in arrears or rely on Payment By Results (PBR).

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Services should be provided based on the one-stop-shop approach of centres like Asha and Calderdale and must be appropriate and coordinated to meet the profiled needs of local women, including minorities such as BME women.

Women's centres provide excellent services where they exist and have a proven impact on reoffending figures⁴⁶ but there is still too little provision across the country, with many women unable to access services locally.

When funding was delegated to NOMS and devolved to Probation Trusts, there were cuts in funding resulting in some projects closing, some seeing reductions in their budget and others being required to do more work for less money.

Service provision under TR is aimed exclusively at PSS, meaning that providers under these contracts are not funded to work with women on community orders or at risk of offending.

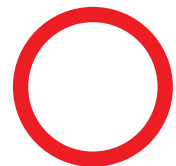
Women's services are under constant threat and some, such as Asha women centre, have been forced to close due to lack of funding. The All-Party Parliamentary Group (APPG) on Women in the Penal System have raised concerns that "there is a real risk that women's centres will be a thing of the past unless action is taken"⁴⁷



31

Regional commissioning must be fully in line with the strategic national plan.

There is no strategic national plan around commissioning; localisation and privatisation have entailed more freedom for regional commissioning. There is no ring-fenced funding for women-specific work and no centralised data available on what has been commissioned, funded and delivered for women.



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Women's centres should be used as referral centres for women who offend or are at risk of offending. Referrals should be by schools, general practitioners, probation, prisons, police, courts, CPS, self and other individuals.

Women's centres, where they exist, work in partnership with and receive referrals from a range of agencies. However, they have not been



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systematically used as referral centres by other statutory agencies such as local authorities, health, and education, and there is no evidence that this recommendation has been taken up by government. It is no surprise that women at risk of offending have slipped off the agenda as this group is not the remit of either NOMS, CRCs or the National Probation Service (NPS). It is also very difficult for service providers to offer holistic one-stop-shop services in a funding climate where projects are delivered in silo and have differing referral criteria. For example, CRC providers are not able to deliver services for women under NPS, women at risk of offending or women whose license has ended.

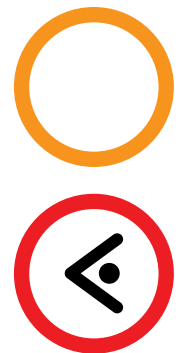
A network of specialised community women's centres exists across the country although there is no national coverage. TR has provided funding in some areas. However, the legacy of TR is under scrutiny and many women's centres did not sign contracts under TR because the required provision was inappropriate, funding was insufficient or because the approach, including focus on group work and PSS, would have damaged their model. The introduction of private and competing CRCs means that there is no centrally coordinated strategic national plan to support women.

The number of women's centres across the country is inadequate and those that exist face a restrictive and fierce funding climate, often having to compete for limited funding for services. Short-term and insecure funding also makes long-term planning and consistent service provision difficult and, as a result, impacts on staff retention.

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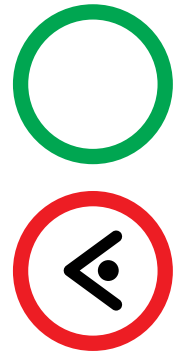
Women's centres should be used as court and police diversions; as part of a package of measures for community sentences; and for the delivery of probation and other programmes.

Each women's centre is different and tailored to suit local needs, but all of the activities above are, or have been, carried out by women's centres at some point since the publication of the Corston report. There have been some very positive developments in recent years, with women's centres being used for liaison and diversion schemes. Examples of these include schemes run by Women in Prison in partnership with other criminal justice agencies in Surrey, Lambeth and Manchester. Women's centres also focus on early intervention and other forms of diversion from custody. As with other examples of excellent local practice, provision and progress have been inconsistent nationally – with women facing a postcode lottery.



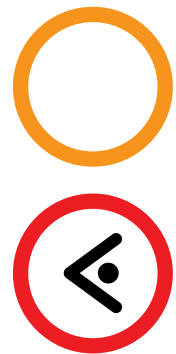
34 **I urge the regional offender managers for Wales and Eastern Region to take forward the projects outlined in my report.**

There have been some very positive developments in Wales in recent years. The proposal to build a women's wing in a new "super-prison" in Wales was abandoned and the establishment of small custodial units⁴⁸ is instead being considered, following Scotland's progressive example⁴⁹. The Wales Women's Pathfinder project, which aims to divert women from the criminal justice system, has been very successful and has expanded from the Cardiff pilot to cover all of Wales.



35 **There must be a strong consistent message right from the top of government, with full reasons given, in support of its stated policy that prison is not the right place for women offenders who pose no risk to the public.**

As outlined above, there has been a shift in attitude in recent years throughout parliament and government. However, a clear, coherent strategy for reducing the women's prison population, based on a genuine understanding and explanation of why prison is not the best place for women with complex needs, is still to come. The forthcoming Strategy on Female Offenders is an opportunity for such a statement.



36 **All magistrates' courts, police stations, prisons and probation offices should have access to a court diversion/Criminal Justice Liaison and Diversion Scheme in order to access timely psychiatric assessment for women offenders suspected of having a mental disorder. These schemes should be integrated into mainstream services and have access to mental health care provision. Funding for the creation and maintenance of schemes should be ring-fenced.**

"The Bradley report: Lord Bradley's review of people with mental health problems or learning disabilities in the criminal justice system"⁵⁰, published in 2009, advocated diverting people with mental health issues away from prison.

Since then, mental health liaison and diversion schemes have been rolled out across London and in South Yorkshire in police and court settings, following successful trials by the voluntary sector agency Together in several areas. Any mental health liaison and diversion scheme for women must include specialist understanding of women's mental health and women-specific support, including the prevalence of domestic violence among women in contact with the criminal justice system. Unfortunately, not all sites have dedicated provision for women.

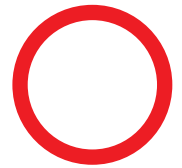


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There are several examples of liaison and diversion schemes being successfully rolled out across the country. However, not all magistrates' courts, police stations, prison or probation offices have access to these. In addition, as argued by the Prison Reform Trust, in order to work effectively, it is important that partnerships are established between liaison and diversion services and local authorities and other local services.⁵¹ It is also vital that community mental health and other services are sufficiently secure in terms of commissioning and funding to ensure they remain a real sentencing alternative.

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Sentencers must be able to access timely psychiatric reports and fail to remand in custody/sentence if not available.



The probation service (now NPS) writes pre-sentence reports, but only appropriately qualified psychiatrists or psychologists can write psychiatric reports. In most cases, the probation service will simply describe any mental health issues in the pre-sentence report and solicitors will address these in mitigation before sentence. Women's centres or other gender-specific practitioners are not involved in writing pre-sentence reports. Given that mental health services in the community are overstretched, it is very common for someone who appears before the courts not to have been in contact with mental health services or to have received support in the community. Judges or magistrates are likely to remand someone who is in the community and at risk of further offending due to their mental health issues.

Obtaining psychiatric reports is a complicated, lengthy and costly process. Defence solicitors will often (but not always) identify mental health issues, but these are frequently irrelevant to a criminal trial. In order to instruct an expert, the legal team must obtain prior authority from the Legal Aid Agency⁵², so that funds are in place to pay the expert. However, if the mental health problem is not deemed relevant to the offence, no report can be obtained prior to a conviction or guilty plea.

If an expert report is required after conviction, the defence solicitor will need to identify a likely expert, and either get legal aid or go before the court and ask the judge to order the report. This will require the case to be adjourned – and if a person is seriously mentally unwell, the remand is likely to be to custody. The person could in theory be transferred to a secure hospital if extremely unwell, but prison is by far the most frequent outcome.

It is common for the report not to be available when the case comes back to court, so that a further remand is requested. This can go on for months in some cases, particularly where the court would be asked to consider making a hospital order under section 37 of the Mental Health Act, as, for this order to be made, two reports from appropriately qualified doctors are required.

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As a result of the complicated and costly process outlined above, sentencers are rarely able to access timely psychiatric reports but sadly this does not prevent women being remanded or sentenced to custody.

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DH at the highest level should reconfirm its commitment to implement not just its own Women's Mental Health Strategy but also the action it signed up to in respect of the Women's Offending Reduction Programme (WORP). This will require senior leadership within DH.

The Women's Offending Reduction Programme (WORP) was put in place to co-ordinate work across departments and agencies to ensure gender-specific responses and tackle offending by addressing the factors that can affect the causes of women offending. The initial priority was to increase more effective work with women in the community to avoid or reduce the use of short custodial sentences and focus on mental health and substance abuse. The WORP is no longer in place.

The Department of Health and Ministry of Justice have since jointly commissioned the Offender Personality Disorder (OPD) Pathway programme which aims to provide a pathway of psychologically informed services for women with complex needs who are likely to present with a severe personality disorder and who pose a high risk of harm to others, or a high risk of reoffending in a harmful way. There are many examples of successful service delivery for women with complex needs as a result of this initiative.

Self-contained Psychologically Informed Planned Environment (PIPE) units have been piloted in HMP Send and HMP Low Newton as well as in Approved Premises in the community. The most recent report of HMP Low Newton by HM Inspectorate of Prisons⁵³ described the care provided in PIPE as "outstanding" and the PIPE unit in HMP Send as offering women an "excellent environment".⁵⁴

Despite their success, it should be noted that OPDs and PIPEs do not fit into the model of diversion away from custody that WORP sought to achieve. Baroness Corston's recommendation aimed for diversion away from custody for those in need of specialist care.

NHS commissioners are required to invest in services in prisons so that access to health services is in line with that available to people in the community. According to many Prisons Inspectorate reports this is falling short, both in access to care within prisons and in referrals out to specialist services. Access to primary care is restricted in prisons, especially at weekends, which is a major source of distress to many women. Healthcare also needs to be better coordinated on release from prison, so that the transition between prison and community includes onwards referrals, GP



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registration and ongoing specialist support in the community as well as coordination between primary care and substance misuse services.

The Rebalancing Act⁵⁵, launched in January 2017 by Revolving Doors (which follows on from the 2014 Balancing Act) was supported by Public Health England and the Home Office. The Rebalancing Act looks at the health inequalities experienced by those in contact with the criminal justice system and how partnership and collaboration should be strengthened to address these.

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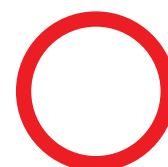
A DH minister must sit on the Inter-Departmental Ministerial Group for Women who offend or who are at risk of offending and, at official level, DH must play a key part in the Women’s Commission for this group. This must go wider than Prison Health and include policy responsibility for women’s mental health in the community.



The Department of Health sits on the Ministerial Advisory Board for Female Offenders but does not have a key role in commissioning for women in the criminal justice system. However, the current system for commissioning on the ground means that Health and Well-being Boards locally have a potential role for women at risk of offending. The Women Offenders Personality Disorder Strategy noted above encompasses community as well as in-prison interventions, with therapeutic programmes in Approved Premises.

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In recognition of the need to develop distinct approaches for women stated in the 2000 NHS Plan, the Department of Health should reinstate its commitment for the provision of a women-only day centre within every health authority and do so by 2008.



Day centres cover a range of services, with women-only day support being primarily provided by the voluntary sector, and mental health day centres being provided by the NHS and local authorities. The NHS plan made a commitment to provide women-only day-centres in every health authority by 2004. This remained a national priority for 2005/6⁵⁶. However, it was later abandoned on the grounds of excessive costs.



In terms of mental health support in the community, there is a distinct lack of resources to support women with complex needs, especially for dual diagnosis, and many women are being denied access to primary mental health care in the community because of dual diagnosis.

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There must also be an investment in more rigorous training and ongoing support and supervision for those charged with meeting the complex needs of women. This training, which should include gender awareness and how community sentences can meet the needs of female offenders, should be extended to include all staff within the criminal justice system in contact with women, particularly those who make sentencing and bail decisions.



The Women Awareness Staff Programme (WASP) is delivered to prison staff. However, this is only a two-day training course and more rigorous training is highly desirable for staff working with women with complex needs. Trauma-informed training and practice has also been rolled out across the female estate in recent years, most notably the “One Small Thing” programme devised by Dr Stephanie Covington.⁵⁷

Crucially, this recommendation stressed the importance of training for those making sentencing and bail decisions. While some voluntary sector organisations, including WIP, have offered such training, there has been no centrally coordinated gender awareness training for sentencers.

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The NHS should provide health care services to police custody suites; in busy areas this will require a 24-hour presence that, ideally, should include a registered mental health worker.



Guidelines are in place for a Forensic Medical Examiner (FME), in addition to a specialist nurse, to be available for assessment of people taken into custody. On booking into custody, questions regarding psychological history are asked. People with a history of mental ill health, physical injuries or other health issues, as well as those suffering from substance misuse, are referred to the FME or a specialist nurse. The mental health liaison and diversion schemes also fulfil this role, although 24-hour presence is not the norm.

In the case of mental health, the government’s Policing and Crime Act 2017 brought in new legislation to ensure that people experiencing a mental health crisis can only be held in a police cell in exceptional circumstances and created regulations to limit the circumstances in which police cells can be used as a place of safety for adults.⁵⁸

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The management and care of self-harming women should be led by the NHS, either in an NHS resource or shared multi-disciplinary care in prison.



Levels of self-harm by women in prison have remained extremely high and 2016 saw the highest number on record of deaths of women in prison in England. This is being investigated by the Independent Advisory Panel on Deaths in Custody.

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All staff working with women in prisons should undergo comprehensive training to fully understand and be better equipped to deal with the complexities surrounding women's self-harming. This should be extended to peer mentors and Listeners. The use of segregation units also needs to be closely monitored.

Self-harm in prison is managed through Assessment, Care in Custody and Teamwork (ACCT) reviews. All agencies working with an individual are involved in the ACCT process in ongoing multi-disciplinary reviews, although ACCT reviews are largely set up, monitored and managed by the Safer Custody teams in prison, not by the NHS.

Programmes for women who self-harm, such as the previous Carousel project, are desperately needed in order for women to develop coping strategies and get the care and support they need in prison.

CONCLUSION

Baroness Corston's seminal review served to put women's needs and circumstances firmly on the agenda and prompted a fundamental re-think about women and the criminal justice system. The Corston report sparked numerous initiatives, reports, strategies, commissions and groups that embedded an understanding about women's distinct needs. Sadly, many of these initiatives have not been sustained and it would be fair to say we have seen a stagnation and loss of momentum in fully implementing the Corston report's recommendations in recent years, even though the policy rhetoric surrounding women in the criminal justice system has remained strong.

As outlined in this report, the last ten years has seen progress in certain areas of the criminal justice sector in relation to women. The network of "one-stop-shop" women's centres established following the Corston report was a significant achievement. We have seen excellent work done by women's centres across the country. The challenge now is to keep and expand on existing provision in order to support women affected by the criminal justice system. We urge the government to think strategically by investing in women's centre support as a serious alternative to custody. Such investment would also help prevent women at risk entering the criminal justice system in the first place.

We have seen progressive steps towards the development of problem-solving justice interventions and we look forward to these being further rolled out across the country and fully established across all criminal justice agencies. However, for problem-solving justice interventions such as diversionary schemes to work, women not only need to be diverted away from custody but also need diverting toward support in the community. More investment in women's centres is therefore vital if diversion and other community options are to become serious criminal justice solutions.

More investment is desperately needed for community mental health support services to prevent women ending up in, and returning to, prison. Likewise, the time has come for housing to become a cornerstone of any serious criminal justice strategy. Homelessness and criminal justice are fundamentally interlinked and an investment in supported housing for women would have a significant impact on (re)offending levels.

Ten years on from the Corston report, the women's prison population remains stubbornly high. The core aim of the Corston report to radically reduce the use of custody for only the few women that pose a danger to others has yet to be achieved. However with the right investment, and genuine commitment to, community support, sentencing reform and diversion from custody, this reduction can be achieved.

As we celebrate the achievements by Baroness Corston and the legacy of her report ten years on, we would urge the government and all other agencies involved with women in the criminal justice system to now establish a joined-up, cross-departmental, coherent

strategy for women in order to achieve the systems change urged by Baroness Corston. This needs to build on the wealth of knowledge already in place across all agencies working with women and should follow Baroness Corston's original recommendations, all of which are as relevant today as the day they were published.

THANK YOU

We are grateful to all the WIP staff who have contributed to this briefing through their tireless work supporting women.

We would also like to thank the following people for their generous support and advice:

Eleanor Butt, Nicola Drinkwater, Jenny Earle, Alison Frater, Penelope Gibbs, Liz Hogarth, Zoey Litchfield, Lucy Perman, Jackie Russell, Katharine Sacks-Jones

Many thanks also to Laurel Townhead who created the Corston +5 report in 2012 on which this briefing is based.

This briefing was written by Sofia Gullberg, Policy and Information Coordinator at Women in Prison.

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Produced by Women in Prison and supported by Barrow Cadbury Trust
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