

Agenda response to Ministry of Justice consultation: Strengthening probation, building confidence

July 2018

Introduction

1. Agenda, the alliance for women and girls at risk, welcomes the opportunity to respond to this consultation. Women in the criminal justice system face considerable disadvantage with backgrounds of mental ill health, addiction and experiences of domestic and sexual abuse. We very much welcome the Female Offender Strategy's emphasis on community support, which is far more effective at helping women address these issues than custody, and hope that this review of the probation system allows for an opportunity to set out a clear road map for delivering on the ambitions the Strategy sets out. It is vital that women's specific needs are considered and the role of women's community services are made central through this consultation process, in order to address some of the existing challenges that the Transforming Rehabilitation (TR) programme has presented.

Recommendations

1. The role of the women's voluntary and community sector must be core to the future delivery of probation services, to ensure their knowledge and skills are properly utilised, with their voices and expertise properly listened to and taken account of as meaningful partners.
2. We would like to see a clear proportion of the overall probation budget going to the women's voluntary sector, with significant improvements in transparency, and greater clarity about supply chains and the support being provided for women.
3. The Ministry of Justice has a key role to play in ensuring that the vision set out in the Female Offender Strategy is realised, and more must be done centrally to monitor and hold the probation service to account for meeting the needs of women in the criminal justice system.
4. The proposed role of HMPPS senior leader, supported by the proposed Senior Probation Officers with responsibility for women set out in the Female Offenders Strategy, must have specific responsibility for ensuring the needs of women are met and that the women's voluntary sector is part of a landscape of joined-up partnership working.
5. Services should be designed and commissioned around the outcomes that make a difference to women's lives, and address issues where there are significant gaps, including around mental health, domestic abuse and the impact of trauma, and to ensure sufficient delivery across geographical areas. Where services are not currently available to meet this need, funders and commissioners should work to address these.
6. Commissioning frameworks should recognise the need for services which can respond to women's needs holistically, and commissioners must work together to ensure dedicated women-only services for women with complex needs are available in every probation area.
7. Probation staff should receive training about the realities of women's lives, including the likelihood of histories of abuse and violence, the impact of trauma, and the role that caring responsibilities and identities play in women's lives.
8. Cross-Government leadership and stronger co-operation between central and local government is essential to delivering effective community support for women in contact with the criminal justice system and at risk of involvement with it.

Question 8: How can we ensure that the particular needs and vulnerabilities of different cohorts of offenders are better met by probation?

Women in the criminal justice system

2. It is well established that women involved in the criminal justice system face considerable disadvantage, with backgrounds of mental ill health, poverty, addiction and experiences of

abuse and trauma across their lives. A third of female offenders were in care as children, so for many, their complex needs go back to childhood.¹ Many women are the victims of violent crimes like sexual and domestic abuse and the perpetrators of non-violent ones like handling stolen goods and shoplifting. Over half (57%) of women in prison report having suffered domestic violence,² and 53% report having experienced emotional, physical or sexual abuse during childhood;³ both of these figures are likely to be significant underestimates.

3. Prison can be hugely damaging both for women and their families and children, with 95% of children who are separated from their mother by imprisonment have to leave the family home to go into care or live with relatives.⁴ Women in the criminal justice system often have very poor mental health, with women accounting for 16% of self-harm incidents in prison despite making up only 5% of the prison population.⁵ This underpins the need for a gender-specific and trauma-informed approach to working with women throughout the criminal justice system.
4. Probation supervision and support must take into account the particular needs and experiences of Black, Asian and minority ethnic women (BAME) and foreign national women, who are disproportionately represented throughout the criminal justice system. Within this, some groups of women are particularly overrepresented, most notably Black or Black British⁶ women who make up 8.8% of female prisoners, compared to 3.3% of the general population.⁷
5. Agenda and Women in Prison's report, *Double Disadvantage*, explores how gender and ethnicity combine to shape experiences of discrimination felt by BAME women in the system.⁸ Culturally and religiously sensitive support should be available to meet the emotional and practical needs of BAME women, including recognising the barriers and stigma a woman may face in reintegrating into her community.

Specialist women's services

6. Specialist women's services have a proven track-record of providing effective therapeutic and practical help and interventions that support rehabilitation and help women turn their lives around, often by tackling the disadvantage which frequently lies behind women's crimes.⁹ Economic modelling suggests that investing £18m per year in women's centres could save almost £1 billion over 5 years¹⁰, and Ministry of Justice's own analysis also shows a statistically significant reduction in re-offending rates for those who receive support from women's centres.¹¹
7. Community provision for women, however, is under resourced and faces ongoing cuts. In recent years funding pressures have meant many services, including some of Agenda's member organisations, have struggled to maintain support. Some have closed completely. Sustainability and continuity of existing Women's Centres 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. Sentencers will only have confidence in community alternatives to custody if they know these are sustainable and durable, if sufficient referrals are made to prove the value of gender-specific community alternatives, and if staff within women's centres have capacity to raise awareness of their positive impact.
8. Research from Agenda and AVA, *Mapping the Maze*, found patchy provision of services for women in contact with the criminal justice system, as well as those facing addiction, homelessness, and mental ill health, with a woman's ability to access services being dependent on where she lives.¹² There appear to be considerable gaps in the gender specific probation support being provided to female offenders; 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.¹³ There are additional barriers to access, for example for women in rural areas where there is no outreach.
9. While Agenda welcomed the general direction of the Female Offender Strategy and its emphasis on community support, we remain concerned that without adequate investment in the vital services needed to deliver it, this will represent a missed opportunity. The £3 million of new funding allocated through the strategy will simply not realise its ambitions. For the Female Offender Strategy to be effective, modelling suggests that an investment of at least £20m in community services is required.¹⁴ We believe that the £50m handed back to the Treasury, that was previously earmarked new prisons for women, should be reinvested in this strategy.

Central leadership and accountability for women

10. The Ministry of Justice has a key role to play in ensuring that the vision set out in the Female Offender Strategy is realised, and that the probation system deliver high quality services for women. Clear direction from central government and an expectation of the types of services being funded, including the importance of gender-specific and trauma-informed services, would help ensure parity of services and improve quality.
11. More must be done centrally to monitor and hold the probation service to account for meeting the needs of women in the criminal justice system. Far greater transparency about the levels of funding for women's services and the types of services being commissioned for women through Community Rehabilitation Companies (CRCs) is needed, alongside monitoring and accountability structures that allow for steps to be taken should the necessary support not be provided for women.
12. The proposed role of HMPPS senior leader, who will be responsible for overseeing the probation services in a region, must have specific responsibility for ensuring the needs of women are met, and that the women's voluntary sector is part of the landscape of integrated, locally-tailored services and joined-up partnership working alongside other local services and commissioners. They could provide a senior leadership role that would be supported by the proposed Senior Probation Officers with responsibility for women, as set out in the Female Offenders Strategy, to ensure delivery realises ambition on the ground.

Cross-departmental responsibility for women: local and national

13. Many women end up in custody because of a lack of support outside the prison gates so many of the solutions to reducing women's offending lie outside the criminal justice system. 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. As has been recognised through the Whole Systems Approach and the work being done in Greater Manchester, addressing the challenges facing women through a complex needs rather than a justice lens is likely to be more appropriate and effective and that this could shape intervention points, pathways and types of support needed.
14. Agenda believes 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. Estimates are that female offenders currently cost the government £1.7bn so investment from across government in preventing offending and reoffending could yield significant savings.¹⁵ Cross-Government leadership and stronger co-operation between central and local government is essential to delivering effective community support for women in contact with the criminal justice system and at risk of involvement with it.

Question 10: Which skills, training or competencies do you think are essential for responsible officers authorised to deliver probation services, and how do you think these differ depending on the types of offenders staff are working with?

Gender and trauma-informed

15. Women's services report that some probation officers do not understand the specific needs of women, or the complex issues they may face, so any plans for improving the skills and competencies of those delivering probation services must address this knowledge gap. Good working relationships between the voluntary sector and probation staff often relies on existing good relationships, or experiences of working closely together such as through co-location. A focus on probation staff training could also be used as an opportunity for raising awareness of the importance of gender-specific approaches and the value that working in meaningful partnership with the women's voluntary sector can bring.
16. Women in the criminal justice system have often experienced high levels of trauma across their lives. To realise the vision of gender-informed probation service set out in the Female Offender Strategy, greater efforts should be made to recruit staff in probation who have an understanding of and empathy with women's experiences, including the specific experiences of women from a range of backgrounds. All probation staff should receive training about the realities of

women's lives, including the likelihood of histories of abuse and violence, the impact of trauma, and the role that caring responsibilities and identities can play in their lives. This training should be developed in partnership with the women's sector, and Agenda would be happy to work with Ministry of Justice to support the development of gender informed materials to support this.

Question 14: How can we better engage voluntary sector providers in the design and delivery of rehabilitation and resettlement services for offenders in the community?

Women's services and Transforming Rehabilitation

17. It is welcome that the Ministry of Justice have recognised the valuable contribution the voluntary and community sector makes to reducing reoffending within the consultation. In order to help realise this in practice, the role of the women's voluntary and community sector must be core to the future delivery of probation services. Their knowledge and skills should be fully utilised, with their voices and expertise properly listened to and taken account of as meaningful partners.
18. The Transforming Rehabilitation (TR) process has been particularly damaging to women's services. The protracted negotiations and financial uncertainty that have accompanied the TR reforms have put many under great strain, with extended periods of uncertainty in reaching contractual agreements with CRCs and a large degree of risk having to be shouldered by what are primarily small or medium sized organisations. Some specialist services no longer felt able to deliver support under TR due to the contractual complexities and constraints, with many having to make up the funding gaps they faced from elsewhere.
19. Throughout the process Agenda has been concerned that CRCs have not been commissioning the services that evidence shows to work, but instead have been modelling support for women around signposting and group work. This has not allowed for sufficient funding for longer term support for women that would more effectively address the root causes of their offending. Some specialist women's organisations have been offered a reduced payment for their services that means they have had to subsidise the work they do with women in the criminal justice system from elsewhere. Some have reported deteriorating relationships with their CRC, with local arrangements lacking in transparency, and collaboration decreasing over time. Others have not been contracted and so are not part of the local delivery landscape at all.
20. Clinks' Track TR project similarly found that women's community services in the voluntary sector have been particularly adversely affected, facing problems including: poorer relationships with CRC owners, compared with the voluntary sector as a whole; being more likely to have to subsidise CRC services, both with their own reserves or with other funding sources; being more sceptical about sustainability, and more likely to report that the funding agreement with the CRC is at risk of failure before the end of the contract period; and being less confident about CRC contract management.¹⁶
21. There have been few incentives to address women's gender-specific needs, and a lack of transparency and accountability as to how services to meet them have been commissioned. We would like to see a clear proportion of overall CRCs budget going to women's voluntary sector, with significant improvements in transparency, and greater clarity about supply chains and the support being provided for women.
22. There are real concerns about the timescale for this refreshed consultation process. While ambitious in what it is trying to achieve, there is a risk that there is insufficient time to be able to redesign the system effectively to be of the greatest benefit to women's community services. There is a risk that the procurement process may be rushed and that mistakes made in original negotiations may be replicated.

Question 17: What should our key measures of success be for probation providers, and how can we effectively encourage the right focus on those outcomes and on the quality of services?

23. Agenda believes there is potential for a clearer split in responsibility between the support provided for women by the voluntary sector and the supervision role that the statutory sector holds. Whilst the two functions are interconnected, the line between the two could be made clearer, particularly if the Ministry of Justice enables the voluntary sector to play a greater role in future with more clearly defined parameters.
24. The voluntary sector is highly skilled in developing trusting relationships with people, enabling

them to provide the support needed to enable effective rehabilitation. This role and relationship of trust can be eroded when the line between support and supervision is unclear. This has also made it challenging for some services to win funding from other sources that have been reluctant to fund work that performs what is seen to be a statutory function in this way.

25. The primary focus on reducing reoffending rates fails to take account of the wider outcomes that are meaningful to women.¹⁷ Services should be designed and commissioned around the outcomes that make a difference to women's lives, and address issues where there are significant gaps, including around mental health and domestic abuse. Probation areas should develop needs assessments that reflect current levels of need and anticipates future trends. These should be informed by data that can be broken down by both gender and ethnicity, as well as other characteristics that allows for an understanding of disadvantage in their area.
26. Commissioning frameworks should recognise the need for services which can respond to women's needs holistically, and commissioners must work together to ensure services that meet these are available at a local and regional level. Dedicated women-only services for women with complex needs should be available in every area to provide a safe, therapeutic space for women to address their needs, and to open up about their experiences. Where services are not currently available to meet this need, funders and commissioning should work to address these.

Conclusion

27. Specialist women's services which provide holistic, trauma-informed and gender-specific support have been shown to be highly effective in both preventing women entering the criminal justice system and in rehabilitating those who do. We would like to see a national network of women's centres adequately funded and commissioned open to all women who need it, including female offenders and those at risk of offending. Revised probation arrangements should be guided by a clear set of principles for women that are designed around meaningful outcomes, that go beyond reoffending rates, with a clear proportion of the budget being allocated to women, and commissioning taking place through women's community services. The Ministry of Justice should have central oversight of this strategic priority, with considerably improved levels of transparency and accountability throughout the system to ensure that the ambitions of the Female Offender Strategy be realised.

About Agenda

[Agenda](http://www.weareagenda.org) is a national alliance of over 80 organisations who have come together to campaign for change for women and girls at risk. We are working to build a society where women and girls are able to live their lives free from inequality, poverty and violence. We campaign for women and girls facing abuse, poverty, poor mental health, addiction and homelessness to get the support and protection they need. We work to get systems and services transformed, to raise awareness across sectors and to promote public and political understanding of the lives of women and girls facing multiple disadvantage. www.weareagenda.org

For further information, please contact: Jess Southgate, Policy Manager
jessica@weareagenda.org / 0208 8821 2857

¹ Ministry of Justice (2012) [Prisoners' childhood and family backgrounds](#)

² Prison Reform Trust (2018) ["There's a reason we're in trouble"](#): Domestic abuse as a driver to women's offending

³ Ministry of Justice (2012) [Prisoners' childhood and family backgrounds](#)

⁴ Caddle, D and Crisp, D. (1997) Mothers in Prison HO Research and Statistics Directorate Findings No.38 London: TSO

⁵ Ministry of Justice (2017) [Safety in Custody statistics](#)

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

⁷ Office of National Statistics (2011) [Ethnicity and National Identity in England and Wales: 2011](#)

⁸ Agenda and Women in Prison (2017) [Double Disadvantage](#)

⁹ Anawim (2014) [Custody Pilot Project](#)

¹⁰ Revolving Doors (2011) [Counting the Cost](#)

¹¹ Ministry of Justice(2015) [Re-offending Analysis: Women's Centres throughout England](#)

¹² Agenda and AVA (2017) [Mapping the Maze](#)

¹³ Ibid.

¹⁴ <https://weareagenda.org/open-letter-to-justice-secretary/>

¹⁵ Ministry of Justice (2018) [Female Offender Strategy](#)

¹⁶ Clinks (2018) [Under represented, under pressure, under resourced](#): The voluntary sector in Transforming Rehabilitation.

¹⁷ National Offender Management Services (2015) [Better outcomes for women offenders](#)