



Ministry of  
**JUSTICE**

National Offender  
Management Service

**A Distinct Approach:  
A guide to working with women offenders**

**March 2012  
NOMS Women and Equalities Group**

# Contents

Acknowledgements	3
Introduction	4
<b>Chapter One: Women in the Criminal Justice System</b>	5
Women in the criminal justice system: some facts	
Responses to custody	7
Foreign national prisoners	
Victims	
Impact on children and intergenerational issues	
Financial cost	8
Equality	
Women with particular 'protected characteristics': women with disabilities	9
Women from BAME backgrounds,	
Younger women, older women	10
Gender reassignment	
Gender awareness training	
Two key issues affecting many women in the criminal justice system:	11
Women affected by violence	
Women who self-harm	
<b>Chapter Two: Pre Sentence</b>	13
Before the Court Appearance	
Bail	
Bail and approved premises	14
Consideration of health/ substance abuse issues	
Assessment	15
Pre-sentence reports	
Report type	16
Proposals	
Proportionality	17
Punishment: Community Orders	
Suspended Sentence Orders	18
Supervision Orders	
Attendance Centre Orders	
Curfews	
Drug Rehabilitation Requirements	19
Exclusion Requirements	
Specified Activity Requirements	
Specified Activity Requirements – Accredited programmes/ Interventions	20
Prohibited Activity Orders	
Residence Requirements	
Treatment Requirements	
PAYBACK	
Quality Assurance	21
Professional Judgement	
Influencing Demand	
<b>Chapter Three: Managing the Community Order</b>	22
General Issues	
Sentence Planning	23
Induction	
Engagement	24
Assessment	

Risk of self-harm	25
Desistance	
Readiness to change	
Interventions/ programmes	26
Some interventions/ programmes currently available in the community	
Sequencing	
<b>Chapter Four: Progression- Managing the Custodial Sentence Pre and Post release</b>	27
Contact	
Managing women in prison	
Programmes/ interventions available in prisons	
Custodial sentences of less than 12 months	29
Integrated Offender Management	
Sentence planning	
Parole reports	
Release plans	30
Post release supervision	
Recall	
<b>Chapter Five: Enforcement</b>	31
Day-to-day management	
Management of failures to comply	
Other reasons for breach	
Action before breach	32
Breach reports	
After the breach	33
Offenders posing high risk of serious harm and sex offenders	
<b>Chapter Six: Ending the sentence</b>	34
Natural termination	
Preparation for endings and onward planning	
Liaison with agencies and community resources	
<b>Annex A: Issues that may contribute to a woman's offending and affect progression</b>	35
<i>General</i>	
<i>Accommodation</i>	
<i>Education, training and employment</i>	36
<i>Financial management and income</i>	
<i>Relationships</i>	37
<i>Lifestyle and associates</i>	
<i>Drug misuse</i>	
<i>Alcohol misuse</i>	38
<i>Thinking and behaviour</i>	
<i>Attitudes</i>	
<i>Health and emotional well-being</i>	
<i>Women with severe personality disorders</i>	39
<i>Women who have been involved in prostitution</i>	
<b>Annex B: List of top tips for practitioners</b>	41
<b>Annex C: List of recommended key actions for Probation Trusts</b>	43
<b>Annex D: Further reading material</b>	45
<b>Annex E: Glossary</b>	47
<b>Annex F: References</b>	48

## Acknowledgements

This Guide has benefited from consultations with:

Practitioners and managers from probation trusts, prisons and women's community services

MoJ Women's Strategy Team

NOMS Specification, Benchmarking and Costing Team

NOMS Offender Management and Public Protection Group

NOMS Interventions Team

Probation Chiefs Association

Their advice and insights have been gratefully received and are incorporated into the final product.

## Introduction

This guide replaces the 'Offender Management Guide to Working with Women Offenders' published by the Ministry of Justice in 2008. This new guide aims to provide suggestions for good practice when working with women in the criminal justice system (CJS). It is aimed at a wide audience of practitioners in both the statutory and voluntary sector. We are aware that some parts may seem too 'basic' for some users whilst other parts may seem too 'technical' for other users. We hope however, that every reader will find something useful in this guidance to assist them in their practice.

We provide a number of 'top tips' for practitioners and 'recommended key actions' which we recommend Probation Trusts take. 'Top tips' and 'Recommended key actions' are summarised in Annexes B and C.

There are references to other sources of information, publications, guides and websites that can provide more specialist information when this is required.

The guide sets the context, then follows chapter by chapter the stages of the woman offender's journey through the CJS starting from pre-sentence, through sentence (community or custody), including interventions, enforcement of the sentence and termination of the sentence. In line with the government's proposals for reforming sentencing and rehabilitation, this guidance highlights implications for women in four key areas:

### **Punishment**

Strengthening punishments so they are robust and demanding – aiming to ensure women offenders confront the consequences of their crimes.

### **Payback**

Making women offenders pay back to their victims and society for the harm they have caused – both directly and indirectly.

### **Progression**

Assisting women offenders to stop misusing drugs and alcohol, address mental health problems, work through relationship issues and get into work.

### **Protection**

Ensuring that the risk of reoffending, and the risk of harm to the public, is appropriately assessed, addressed and actions undertaken to minimise the risks identified.

**NOMS Women and Equalities Group  
March 2012**

## Chapter One: Women in the Criminal Justice System

### Women offenders – an introduction

A woman's journey through the CJS, and her needs and experiences throughout the process, may be significantly different to those of the majority of male offenders. Although women and men may share many similar characteristics, the impact of a conviction/sentence on a woman may be very different to the impact on a man. It is also essential to bear in mind that women are not a homogenous group – there will be cultural, social and other issues pertinent to the individual woman's situation. Practitioners will thus need to tailor their help to her individual needs and circumstances. There is no one-size-fits-all solution.

Baroness Corston's report '*Review of Women with Particular Vulnerabilities in the Criminal Justice System*' (Home Office 2007) highlighted the need for a radically new approach to working with women within a system designed primarily to meet the needs of male offenders. The Government broadly accepts most of the report's recommendations. Many of these recommendations are now embedded in daily practice.

Women offenders constitute a tenth of the offender population supervised in the community, and the CJS has primarily developed to address the risks posed by male offenders. Women's specific needs and motivations have often been overlooked in the past. Baroness Corston highlighted that the multiple, complex needs of women offenders, require a multi-agency, woman-centred and holistic approach, if their offending is to be reduced.

### Women in the criminal justice system: some facts

- Of those sentenced at all courts in 2010 whose gender was known, 77% (1,013,770) were male and 23% (305,094) were female. There has been a slight increase in the proportion of females sentenced at all courts over the five year period from 20% in 2006 to 23% in 2009 and 2010
- Theft and handling stolen goods was the most common indictable offence group for which both males (32%) and females (51%) were sentenced in 2010. This was also the most common indictable offence group for which both males and females were sentenced in each of the last five years.<sup>1</sup>
- 25% of all offenders cautioned were women. Of those cautioned for indictable offences, 26% were female.<sup>2</sup>
- A higher proportion of all women than all men sentenced received a fine (76% of women and 61% of men) and a lower proportion received a community sentence (10% of women and 16% of men) and immediate custody (3% of women compared with 9% of men).<sup>3</sup>
- In 2010, lower proportions of women sentenced for indictable offences received a fine and immediate custody than men sentenced for these offences. 14% of women

<sup>1</sup> Ministry of Justice (2011). Criminal Justice Statistics England and Wales 2010 (Sentencing Tables A5.5). London: Ministry of Justice.

<sup>2</sup> Ministry of Justice (2011). Criminal Justice Statistics England and Wales 2010 (Out of Court Disposals Tables A2.3)

<sup>3</sup> Ministry of Justice (2011). Criminal Justice Statistics England and Wales 2010 (Sentencing Tables A5.4)

sentenced for indictable offences received a fine compared to 18% of men, and 14% received immediate custody compared to 26% of men.<sup>4</sup>

- The only offence group for which females have consistently received a higher average custodial sentence length than males, since 2003, is criminal damage (23.7 months compared with 17.6 months for men in 2010).<sup>5</sup>
- The average custodial sentence length for females for indictable offences was 10.4 months in 2010 (compared to 16.7 months for men).<sup>6</sup>
- In 2010, 16% of women sentenced for indictable offences had no previous convictions or cautions (compared to 10% men)<sup>7</sup>
- Of the 161,687 commencing court orders in 2010, 16% (25,125) were women and 84% (136,562) men. Women consistently accounted for 15-16% of those commencing court orders in each of the last five years.<sup>7</sup>
- As at 30 June 2010, the prison population stood at 85,002. Women comprised 4,267 (5%) of this total and men 80,735 (95%). Women have consistently accounted for 5% of the prison population since 2007,<sup>8</sup> and also accounted for this proportion as at 30 September 2011.<sup>9</sup>
- In 2010, women were serving proportionately shorter sentences than men both in the community and in prison. For example, the average length of a community order for females in 2010 was 11.8 months compared to 12.9 months for males.<sup>10</sup> Of all those in prison under sentence in 2010<sup>11</sup>, 21% of women were serving a sentence of less than 12 months compared with 10% of males.<sup>12</sup> Traditionally, offenders completing a custodial sentence of less than 12 months have not received specific statutory support upon release, which may have implications for these individuals.
- The new proven reoffending measure published by the MoJ in October 2011 showed that just under 160,000 male offenders were proven to have committed a proven re-offence within a year - a proven re-offending rate of 28.3%, compared to around 26,000 females – a proven re-offending rate of 18.3%.<sup>13</sup>
- In 2010/11, of those offenders in the community assessed using OASys, 3.0% of women were assessed as presenting high/very high risk of harm compared to 11.8% of men.<sup>14</sup>

<sup>4</sup> Ministry of Justice (2011). Criminal Justice Statistics, England and Wales 2010 (Sentencing Tables A5.41, A5.19 and A5.4 ).

<sup>5</sup> Ministry of Justice (2011). Criminal Justice Statistics Quarterly Update to December 2010. (Table A5.20). London: Ministry of Justice

<sup>6</sup> Ministry of Justice (2011). Criminal Justice Statistics Quarterly Update to December 2010. (Table A5.20). London: Ministry of Justice.

<sup>7</sup> Ministry of Justice (2011). Offender Management Caseload Statistics 2010 Tables (Probation A4.1). London: Ministry of Justice.

<sup>8</sup> Ministry of Justice (2011). Offender Management Caseload Statistics 2010 Tables (Population A1.1).

<sup>9</sup> Ministry of Justice (2011). Offender Management Statistics Quarterly April to June 2011. (Prison Population Tables 1.1a and 1.1c).

<sup>10</sup> Ministry of Justice (2011). Offender Management Caseload Statistics 2010 Tables (Probation A4.2). London: Ministry of Justice.

<sup>11</sup> Please note that this includes fine defaulters, those sentenced for less than or equal to 6 months, those sentenced for greater than 6 months to less than 12 months, 12 months to less than 4 years, 4 years or more (excluding indeterminate sentences), indeterminate sentences and recalls.

<sup>12</sup> Ministry of Justice (2011). Offender Management Caseload Statistics 2010 Tables (Population A1.20). London: Ministry of Justice.

<sup>13</sup> Ministry of Justice (2011). Proven Reoffending Statistics Quarterly Bulletin January to December 2009, England and Wales, p.17. London: Ministry of Justice.

<sup>14</sup> O-DEAT (2011). OASys Regional Risk Needs Profiles Probation 2010-11. Unpublished.

## Responses to custody

- In 2009, the rate of adjudications (punishment for disciplinary offences) in prison was 150 adjudications per 100 prisoners for women and 124 adjudications per 100 prisoners for men. However, trend data indicate that the 2009 rate for both female and male prisoners represented a five-year low.
- In 2010, rates of self-harm were four times higher among female prisoners than male prisoners (29% of female prisoners self-harmed compared with 7% of male prisoners).<sup>15</sup>
- However, a male self-harm incident was six times more likely than a female self-harm incident to result in attendance at an external hospital. In 2010, 8% of male self harm incidents required hospital attendance compared to 1% of female incidents.<sup>16</sup>

## Foreign national prisoners

- In 2009, a higher proportion of foreign national women were in prison for drug offences (48%) and fraud and forgery (24%) than British national women.
- The offence profile for foreign national women had changed over time. The proportion of foreign national women in prison for drug offences decreased between 2005 and 2009 (from 68% to 48%), while the number of foreign national women in prison for fraud and forgery increased over the same period (from 11% to 24%, with a peak of 28% in 2008).

## Victims

- The British Crime Survey 2009-10 showed that men were at greater risk of personal crime and violence than women were. Women were at higher risk of theft from the person and intimate violence.

## Impact on children and intergenerational issues

- Over half of prisoners (54 per cent) had dependent children under the age of 18 when they entered custody (MoJ, 2010). This was similar for both male and female prisoners.
- A higher proportion of female prisoners reported having lived alone with dependent children prior to imprisonment (14% of women compared to 1% of men) which has implications for the care of the child whilst the mother is in custody (Dodd and Hunter, 1992).
- Over ninety per cent of male prisoners' children were cared for by either their partner or the child's mother (Dodd and Hunter, 1992; Murray, 2007). This compared to just 23 per cent of the children of female prisoners who were cared for by their partners (Dodd and Hunter, 1992). Research suggests when a mother is imprisoned the primary caregiver is often the grandparents or other female relatives (Caddle & Crisp, 1997; Sharp *et al*, 1997; Mumola, 2000, Dallaire, 2007).
- Data from the Offender Assessment System (OASys) suggests that 59% of women offenders and 39% of male offenders have problems with their relationships, including poor childhood experiences, poor close family relationships and abuse. (MoJ (2009)

<sup>15</sup> Ministry of Justice (2010). Safety in Custody 2010. Statistics bulletin (Table 1). London: Ministry of Justice.

<sup>16</sup> Ministry of Justice (2011). Safety in Custody 2010. Statistics bulletin (Table 1). London: Ministry of Justice.

*Compendium of research and analysis on the Offender Assessment System (OASys) 2006-2009. Research Series 16/09. London: Ministry of Justice.*

- 24% of young men and 49% of young women in custody reported being in care at some point. (Tye, D (2009) *HM inspectorate of Prisons, Youth Justice Board: Children and Young People in Custody 2008-2009: An analysis of the experiences of 15 – 18 year olds in prison.* London, HM Inspectorate of Prisons.
- Children of prisoners have three times the risk of anti-social/delinquent behaviour compared to their peers. They are a vulnerable group, which is in need of targeted support. (Murray, J. and Farrington, D. P. (2008). *Effects of Parental Imprisonment on Children.* In Tonry, M. (ed.) *Crime and Justice: A Review of Research.* Chicago: University of Chicago Press.

## Financial cost

Aside from the impact on individuals and families, the business case for working effectively with women in the CJS is also considerable:

- The Cost per prison place in 2009/10 was £39,719 male and £56,415 female (*Hansard Written Answers 4 April 2011 Col 642W*)
- The approximate cost for an offender on a Community Order (not differentiated by gender) is £2,800.
- The estimated projected cost of providing a woman with standalone holistic community based services through a Women's Community Service averages at £1,360 per annum (*estimated unpublished projected spend from the Ministry of Justice*)

The NOMS Agency has developed specifications for delivering services within custody and community, the majority of which are now published. ([www.justice.gov.uk/about/noms/noms-directory-of-services-and-specifications.htm](http://www.justice.gov.uk/about/noms/noms-directory-of-services-and-specifications.htm))

Some of the outcomes mandated in these specifications are specific to women. These will be referenced in the appropriate sections below.

## Equality

The new Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all, and meet different people's needs. The Equality Duty helps public bodies to deliver the Government's overall objectives for public services. The Equality Duty has three aims, and it requires public bodies to have due regard to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **foster good relations** between people who share a protected characteristic.

Under the previous public sector equality duties (for race, disability and gender), public bodies occasionally took unnecessary, disproportionate or even counter-productive action in the name of equality. However, with the new Equality Duty this approach has changed so that the focus is on performance and outcomes, not process. For example:

**The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment** but compliance with the Equality Duty involves consciously thinking about the three aims of the Duty as part of the decision-making process. Keeping a record of how decisions were reached will help public bodies show how they have considered the Duty. Considering the impact on equality after a decision has been reached will not achieve compliance with the Equality Duty.

**The Equality Duty does not require public bodies to treat everyone the same;** Rather, it requires public bodies to think about people's different needs and how these can be met. So the Duty does not necessarily prevent public bodies providing women or men-only services. An example would be for female or male victims of sexual or domestic violence. Such services may be necessary in order to ensure men and women have access to the specific services they need.

### **Women with particular 'protected characteristics'**

Women of course are not a homogenous group and may have different needs.

#### **Women with disabilities**

There are a significant number of women offenders with disabilities. Some women will be reluctant to disclose a disability, at least at first.

Learning disability is often undiagnosed. An NHS Survey at HM Prison Styal in 2007 revealed 8.3% of the population with an IQ below 70, and a further 31.7% classed as having a borderline Learning Disability. The national average for all prisoners is 6%. (*Positive Practice Positive Outcomes CSIP 2007*).

If it is identified that because of her disability a woman is not able to access a programme or service that it would otherwise be appropriate for her to access, "reasonable adjustments" to enable participation must be made.

Women offenders with disabilities are at least as likely as women without disabilities, to have experienced domestic and sexual violence, and will if so need appropriate support.

#### **Women from black and minority ethnic (BAME) backgrounds**

Women from black and minority ethnic groups face the same sort of problems as other women offenders however, they can face additional discrimination based on race.

For women from some BAME groups, attitudes to offending within families and communities, arising from cultural or religious beliefs, may result in an additional stigma being attached to offending. BAME prisoner and family support groups can be involved in supporting prisoners to resettle as well as offenders on community sentences. Further details of services can be found at [www.clinks.org.uk](http://www.clinks.org.uk)

Services and programmes provided should take into account the needs of BAME women and should reflect any different cultural needs.

Special attention needs to be paid to the needs of BAME women with mental health problems. Studies conducted by the Revolving Doors agency suggests that there is a lack of understanding concerning the interaction of race, ethnicity and culture with offending behaviour and links with psychiatric symptoms. See [www.revolving-doors.org.uk](http://www.revolving-doors.org.uk)

BAME women are more likely to experience isolation when in prison leading to increased levels of depression but may be less likely to seek help from health care staff. (Oxford University 06 *The Health of Women in Prison*)

### **Younger women.**

Particular concerns relating to the raised vulnerability of this age-group are: levels of self-harm, mental health needs and victimisation from their peer group.

Ofsted have highlighted that the level of education, training and employment achievements by this group is very low. Many young women will have been excluded from school so their last memories of education may not be positive. The 'building blocks' of learning may not be there and they may have limited capacity to learn until these skills are developed.

Young women are likely to need: violence/abuse counselling, help to raise self-esteem, help to resist peer pressure, offending behaviour work around acquisitive crime, and substance misuse support. Younger women may need particular encouragement to use their spare time constructively and to avoid boredom.

### **Older women**

Some older women in particular, may have mental health problems such as depression and other needs such as special diets, dental care, eye care, physiotherapy, help with personal care or long term medical care.

Some older women in particular, may be less likely to be interested in new vocational skills. Some that do want to improve literacy or IT skills may see it as a way of improving their relationships with grandchildren. Some older women may wish to learn in small groups perhaps with their peers. Older women may be less likely to see employment as a realistic option for the future and will probably expect and may experience, barriers in getting jobs. (*Prison Service Order 4800 women prisoners*)

### **Gender reassignment**

Organisations providing separate or single-sex services for women or men, or those providing services differently for women and men, should note that people who have legally acquired a new gender through successfully obtaining a gender recognition certificate (GRC) MUST be treated in all circumstances as their acquired gender. People who are going /have gone through the transition process but not acquired a GRC, should normally be treated according to their presenting gender. Further advice is available from NOMS Women and Equalities group. Further advice for prison staff on gender reassignment is available in Prison Service Instruction 7/2011 'The care and management of transsexual prisoners'.

### **Gender awareness training**

Not all practitioners will be aware of the specific issues pertinent to women's offending or understand how this deviates from the average male profile. They will thus not appreciate why their response to women might in some cases, need be different. Practitioners should receive gender awareness training and this is particularly important for front line court staff. The NOMS Women and Equalities Group has compiled a directory of training providers. This is available to all Trusts. NOMS Women and Equalities Group's training programmes: Women Awareness Staff Programme (WASP), Women Awareness Staff Program in the Community (WASP ITC) and Sex Workers in Custody and Community (SWICC) are available free to CJS practitioners (*excluding travel and subsistence costs of participants*).

### **Top Tip**

Take advantage of any gender-specific training available in your area or contact NOMS Women and Equalities Group for further advice.

### Recommended key action

Trusts should, ensure that all staff working with women offenders receive gender awareness training. This is particularly important for probation front line court staff.

## Two key issues affecting many women in the criminal justice system

### Women affected by violence

A good source reference for practitioners working with women who have experienced violence in relationships, is the new NOMS framework, *Supporting Women Offenders who have experienced domestic or sexual violence* (available through Epic and the NOMS Intranet or [www.womensaid.org.uk](http://www.womensaid.org.uk)). Women's Aid consulted female survivors of abuse as well as those assessed as at risk of offending due to their experience of abuse. The framework is designed for practitioners working in custodial settings and in the community. The framework provides background information, practical guidance, strategic recommendations and sources of support. It details measures already in place as well as exploring opportunities to improve risk assessment and enhance support services.

The framework advocates the need for a safe, female-only environment in which a woman can disclose abuse and receive support and advice whilst staff can take appropriate action in regard to any assessed vulnerability and safeguarding issues.

Equality law recommends the targeting of services to particular groups when such services are intrinsically connected to the group's welfare, dignity and privacy.

Alcohol misuse is strongly associated with domestic violence. For partners who are abusive and violent, confronting the drinking will not be sufficient to adequately address the full range of behaviours that encompass domestic violence. This is important in terms of women's safety. For many women the period when their partner is going through detoxification or drug treatment can be a very dangerous time for them. They may remain in a relationship because they think their partner's abuse will stop when their drinking stops. However, research tells us that women who report that their partners are violent and abusive when drunk also report that their partners are violent and abusive when sober.

The Accredited Programmes specification in relation to male perpetrator programmes has a requirement to take action to protect the victim. The safety plan is part of the work of the 'woman's safety worker'.

See also Annex A '*Relationships*' and '*Alcohol Misuse*'

### Women who self-harm

Many women struggling to cope with a wide range of difficult issues including drug misuse, a history of abuse, mental health problems and family background problems, may be at risk of self-harm. Self-harm may be a deliberate attempt to commit suicide, or it may be a new or longstanding 'coping mechanism'. Some women may fatally injure themselves by mistake. Women who have been abused often say that it is through self-harming that they can deal with their pain and feel 'alive'.

Women can be signposted to appropriate support via health services and/or other agencies. Women can be encouraged to seek help from their GP (and may need to be helped to register with a GP if they are not registered already). Their GP may recommend a range of support. Counselling, by appropriately trained individuals, can be useful particularly, as can psychological therapies such as Dialectical Behavioural Therapy. Specialist self-harm reduction groups may be run by Health services in the community and in prisons by a range of staff. Interventions may include advice on harm-minimisation.

Constructive distraction activity can be very helpful to help women cope. Women can be encouraged to try activities like creative writing, art and simple craft-based activities, physical exercise or animal care. A sympathetic listener when the woman wants to talk, a welcoming environment, and involvement in social activities can be very helpful; and women can be encouraged to contact the Samaritans who are always available to listen, in confidence. Some women who self-harm find other pain inducing but harmless measures can be helpful as a substitute i.e. holding crushed ice cubes in your hand, or flicking an elastic band on your wrist.

Those working with women prisoners should receive training to understand why women may self-harm and how best to respond, including how to act in the event of a serious incident of self-harm. Practitioners may themselves need support as they deal with this often upsetting and very difficult area of work.

Women who self-harm should not automatically be excluded from Offending Behaviour or other Programmes. These can often assist with coping strategies.

## Chapter Two: Pre-sentence

This chapter addresses the period between arrest and sentence, the period during which the practitioner will be assessing risk and need, including appropriate punishment, payback and opportunities for progression.

### Before the court appearance

- If you are a community worker, your involvement may start with a Women's Specific Conditional Caution (WSCC) or when a referral to a Women's Community Service (WCS) has been made.
- Probation's involvement will start at a bail application stage, or when the court requests a report. For the former stage this may include consideration of a referral to the Bail Accommodation Support Scheme (BASS) or when the court requests that the woman be supported in her own home, or is to be considered for approved premises
- If you are a community worker, you may have worked with the woman in the past and it is important that you liaise with probation staff so that they are aware of any risks and concerns you have identified
- Likewise, it is important that probation staff liaise with services in the community, police, safeguarding services, etc from the outset, as these services may hold relevant information that could be critical to assessments

### Bail

In 2010, 51 per cent of women remanded into custody went on to receive a sentence of immediate custody. Thus a high number of women remanded into custody do not ultimately receive a custodial sentence but may lose much (i.e. housing) and be released with no support – both of which may increase the risk of reoffending (and self-harm).

The Bail Act 1976 (Section 4), supports a presumption in favour of bail. Bail is a general right unless the prosecution can evidence a risk of absconding, risk of reoffending, risk of harm to others or to the self. There is a risk that some women may be penalised by the latter clause with some sentencers perceiving remand as a means of protecting the woman or accessing support for her, particularly in relation to mental health provision. Probation risk assessment skills will be key here in gauging the level and seriousness of risk involved and what measures (if any) could be imposed to minimise the identified risk.

The Bail Act emphasises the acceptability of a home address unless there are indicators to suggest a risk of risk to self, others or the presence of domestic abuse. For a woman a referral to a hostel may have a disproportionate impact, if available hostels are situated far from her home area, especially if this involves separating her from children or other dependents or isolating her from the support of family and friends.

Wherever appropriate, a package of support within the home address, reinforced by appropriate conditions if required, should be considered. The likely impact on any dependents, and the significance of community ties, should be assessed, and presented in the report.

Robust bail reports are key in securing judicial confidence and reducing the risk of remand into custody, which, in turn, reduces the possibility of a custodial sentence being imposed. As with

all reports the assessed risk and need should be linked to the proposal and, where appropriate bail conditions can be crafted to include exclusion zones, prohibited activities, curfews etc.

The Ministry of Justice has commissioned Stonham, a Registered Social Landlord, to provide Bail Accommodation and Support Services (BASS) and 'BASS4Women'. The scheme provides accommodation and/or support to defendants on bail and offenders eligible for release on Home Detention Curfew (HDC) who would otherwise remain in custody because they do not have a suitable address for HDC. Both supported accommodation and 'standalone' support services at the person's home, are available. Dependent children can be accommodated with a single parent, when appropriate, in accommodation for sole family use. Practitioners should consider ways of helping the woman to remain in her own home if this is feasible and desirable by utilising such support and considering the range of bail conditions available. 'Standalone' support may be particularly helpful for women who have accommodation but need extra support to ensure that they comply with bail conditions.

BASS support can help to:

- maintain bail conditions and Home Detention Curfew
- find 'move-on' accommodation
- access benefits and medical services
- apply for jobs, education or training
- rebuild family contacts
- manage appointments

Some courts have a BASS worker attached to them, who will assess the woman's suitability. If a court does not have a BASS worker then the scheme can be contacted on its referral hotline number – 0300 555 0264.

### **Bail and approved premises**

Practitioners should consider recommending bail to an approved premise when:

- The woman has been assessed as posing high risk of harm to others or to be a medium risk with high levels of need
- The practitioner is considering making an approved premise residence requirement part of their proposal (see page 20)

#### **Recommended key action**

Trusts should ensure that their staff, the judiciary and court staff have accurate and up to date information on bail provision and support specifically identified as suitable for women offenders.

### **Consideration of health/ substance abuse issues**

Women should be screened for mental health problems. Many police areas and courts have mental health liaison schemes already and a full roll out of these services should be embedded by 2014. Such schemes have the benefits of ensuring women have access to specialist services.

### Recommended key action

Trusts should ensure that they work with other agencies, including Strategic Community Partnerships (SCP) to promote the provision for mental health assessment to divert women from custody and align them to specialist services best suited to their needs.

### Recommended key action

Probation Trusts should ensure that women are screened for substance misuse issues. Trusts should work with community organisations and local health partners who can provide help to women with substance misuse problems.

A woman may well have both mental health problems and drug or alcohol addiction problems too. Practitioners should make sure they are aware of any services available locally that can support women with complex needs on bail.

The safety and well-being of any children is paramount and any risk to a child associated with a woman's substance abuse must be accurately described at every stage and referral made where appropriate, to child protection agencies.

### Assessment

The practitioner's assessment will help decide what needs they should address, and which risks need managing. Practitioners should ensure that they have all relevant information available at this key stage in the offender's journey. At this pre-sentence stage, the practitioner will benefit from being able to access a directory of local resources. This directory should include resources specific to meeting the needs of women, including particular groups of women e.g. BAME, Lesbian Gay Bisexual Transgender (LGBT) women. If no such directory exists, it is recommended that the practitioner raise this with their line manager

Offender managers should discourage the use of remand or short custodial sentences as a means for detoxification or engagement with drug treatment or mental health services. Instead, women should be referred to local community based services, if custody is not otherwise appropriate.

#### WHAT MAKES A GOOD ASSESSMENT?

Assessments should be

Reliable  
Valid  
Sensitive  
Objective  
Meaningful  
Have predictive ability

NOMS RSG June 2011

### Recommended key action

Trusts should compile a directory of local services for women and ensure that all staff are aware of it and know how to use it creatively, from report writing to the termination of an order

### Pre-sentence reports

The NOMS specification on 'Assessment and Reports Pre-Sentence' contains two mandatory outputs, which are directly relevant to working with women offenders:

*"Where possible, offer women offenders the option of being interviewed by a female report writer", and*

*“Where possible, women offenders are offered the option of being interviewed in a women only environment”*

Trusts should take steps to minimise the risks of harassment and intimidation by groups of men in areas such as waiting rooms or common spaces. Some men may have committed violent or sexual offences against women and others may have as yet, unidentified or un-convicted behaviour that poses a risk to women. Probation waiting rooms are not suitable places for children. Practitioners will need to consider the safety of the woman when deciding where and when she is required to report. Trusts should consider the use of WCS buildings or other community resources for women as possible ‘reporting centres’.

#### **Recommended key action**

In areas where there is no WCS, or other appropriate women’s community resource, the Probation Trust should consider designating specific office times as a reporting facility for women.

#### **Report type**

When deciding on whether an oral or written report should be presented to the court, the risk of serious harm and safeguarding will be amongst the primary considerations. If either of these two issues are factors, then the case will generally require a more considered assessment than available through an oral report or written report prepared within five days.

#### **Recommended key action**

Trusts should ensure women offenders are given the option of having a woman report writer or offender manager at the PSR stage.

#### **Proposals**

When they are developing proposals, practitioners need to consider: punishment, payback, progression, and protection, and how these might work for the individual woman.

The practitioner can recommend a custodial sentence, a community order or a non-probation disposal such as a fine or conditional discharge. There are circumstances in which only custody or community supervision are appropriate, but there may be scope for using non-probation disposals. For some women convicted of less serious offences, statutory supervision may not be appropriate or necessary. A conditional discharge can provide punishment, if need be, combined with signposting services to provide support. A conditional discharge can be a powerful tool acting as both a deterrent to the offender while still allowing the court to retain control should the woman re-offend. The practitioner will however, need to put forward a credible case to the court, for whatever they propose.

#### **Top tip**

Consider making a robust proposal for a conditional discharge: they can be a powerful vehicle for change while still being a credible option for sentencers as the court is still able to retain oversight and control.

When making proposals, practitioners should consider whether the woman:

- Is a primary carer
- Has experienced and/or is at current risk of violence or victimisation herself
- Presents a risk of self harming
- Has serious problems with alcohol and/or drugs and any possible underlying reasons for this dependency
- Has any mental health issues
- Has any physical needs

#### Top tip

Consider the full range of options. Is your proposal justified by the severity of the offence and the circumstances of the offender? Your proposal should not be made simply in order that the woman can access programmes or interventions. Where the woman has such a need, consider additional support from volunteers or peer mentors and a package of voluntary activities designed to enhance awareness, confidence and employability.

Practitioners also have to consider the woman's availability to undertake various sentencing options, her current motivation to change, and any other potential barriers to compliance. For example, the available OASys data suggests that women are six times more likely to be carers than men are, and are twice as likely to live in a house with dependant children as men are. This may render them unsuitable for placements in unpaid work without access to appropriate childcare. It is good practice for Probation Trusts to help with childcare costs in such cases. See page 24 for more on OASys.

#### Top tip

In your report, ensure that the likely impact on children, or other dependants, of your proposal is highlighted.

### Proportionality

Women tend to have complex multiple needs. When preparing a report, it is important that practitioners do not overemphasise these difficulties where it may lead to the imposition of an overtly punitive sentence. Women should not receive a more stringent or demanding sentence simply as a means of accessing support. Proposals should be consistent with the principle that the sentence is commensurate with the seriousness of the offence, that resources should follow risk, and that the principles of punishment, payback, progression and protection have been considered.

A balance between support and punishment could enhance the woman's engagement with the order and promote long-term reduction in re-offending.

## PUNISHMENT

### Community Orders

There are twelve requirements that can be attached to community and suspended sentence orders (SSOs) These requirements are designed to tackle the issues underpinning offending and thus reduce the risk of re-offending. Through their mandatory remit, and associated loss of liberty however, they also constitute *punishment*.

## Suspended Sentence Orders

Suspended sentences are custodial sentences where imprisonment is not immediately imposed. All SSOs have at least one requirement and breach of any one requirement will lead to breach and potential imprisonment. Clearly the greater the number of requirements, the greater is the potential for breach to occur. If the SSO is breached, the court will require the most compelling evidence as to why the custodial element should not be immediately activated.

OASys and sentencing data show that women sentence have been increasingly sentenced to suspended sentence orders. An SSO is a custodial sentence and should be reserved for serious offences. An SSO with multiple requirements is a complex, onerous order with which, some women will find it difficult to comply. Breach of the SSO, for these women, could well be a fast track into custody. Where there are already multiple requirements in place, the offender manager could also struggle to provide, for a breach report, an additional punitive element.

### Top tip

Consider whether an alternative sentence, to a SSO, perhaps with specified activity requirements, would be a more appropriate proposal for the court.

## Supervision Orders

Community orders are non-custodial sentences imposed by the court to be served in the community and must have at least one requirement. Supervision is one of the requirements that can be imposed, but it is not mandatory that it is included. It is a flexible tool to provide the opportunity to work one-to-one with higher risk offenders on their particular issues, for example with women sexual offenders using the NOMS Framework for Assessing and Working with Women Sexual Offenders (see page 28). The supervision order requirement is an effective intervention in its own right and can be used creatively by the offender manager according to the woman's needs and progress already made. Supervision Orders are an onerous and resource intensive requirement and offender managers must be sure that one is necessary to secure compliance and to overcome barriers to change. Women can also be empowered to effect change by the imposition of a specified activity or other disposal, which can provide appropriate support in its own right.

## Attendance Centre Orders

Attendance Centre Orders can be proposed for less serious offences. These are underutilised for women offenders, probably because they traditionally involve sporting activities run by male staff for young men. London Probation Trust however, is currently operating senior attendance centres within the Camden Women's Centre and Lewisham. Further details are available on the Trust's website.

## Curfews

Curfews can be an effective means for reducing offending and can be used creatively to manage risk in certain circumstances. For example, a curfew during shop opening hours for women convicted of shop theft, or in the evening where compliance has been an issue because the woman has been going out drinking excessively on the night before she is due to undertake community payback. **Curfews should be considered as part of any proposals for the punishment element of the sentence.** Care must be taken to ensure that a curfew order will not place a woman offender or her children at risk of domestic violence or other

abuse. The requirement for curfew will also need to take into account any childcare responsibilities/other dependents that a woman may have.

### **Drug Rehabilitation Requirements**

Whilst women with substance misuse problems exhibit the same complexities of need as the generic woman offender, they may also have other problems often associated with the substance misuse such as prostitution, violence at the hands of other substance misusers (including pimps) and serious health issues. Many women are also polysubstance users and many demonstrate self-destructive behaviour. Many will have histories of physical and sexual abuse.

Women may also have childcare and maternity issues. The National Treatment Agency report *Women in Drug Treatment: what the latest figures reveal* (2010) found most women who enter treatment are mothers (61%) and half of those live with their children. Childcare arrangements will need to be borne in mind by providers of an intervention. Practitioners will also want to consider the needs of pregnant women. Development of a network of referral services can provide the practitioner with access to other essential related support services so that the woman's needs can be addressed holistically.

Individual relapse prevention plans that help to identify triggers to drug use are helpful. Identifying support networks will be crucial to preventing relapse. An intervention could involve the family and the community organisations, if appropriate, in order to reduce the risk of relapse.

The provision of opioid substitution treatment, may be necessary for some women i.e. those who have been dependent on heroin. It is essential that this is provided in the context of other components of comprehensive care, i.e. psychosocial support. Pregnant women should be given priority access to opioid substitution treatment. However, substitution treatment will not be appropriate for all. The use of heroin can reduce psychotic symptoms that may appear when the woman stops use. Drugs are also used by many people to 'self-medicate' against memories of abuse. If the woman stops misusing drugs without appropriate support, memories of abuse may reappear and may increase someone's risk of self-harm. At this stage practitioners should consider whether they can provide extra support. See also Annex A '*Drugs Misuse*'

### **Exclusion Requirements**

An exclusion requirement can be a powerful tool in gaining the sentencer's confidence where there are particularly area-based offending factors (it can also be used as part of bail conditions). An offender convicted of shoplifting, for example, could be excluded from a shopping centre. You can also use an exclusion requirement as a punitive addition to an order in breach cases and again this can be tailored to meet the specific factors of the case.

### **Specified Activity Requirements (SARS)**

SARs are non-accredited programmes or individual packages operated by some Probation Trusts. These can operate in conjunction with local women's services. There are many examples of specific women's activity requirements, as well as financial activity requirements, accommodation activity requirements and employment activity requirements in use across the country. They can comprise up to 60 days in length and can be standalone, or, if the SAR cannot address complex needs, the proposal can include, for example, a supervision requirement or community payback

## **Specified Activity Requirements – Accredited programmes/ Interventions**

Accredited offending behaviour programmes are accredited by the Correctional Services Accreditation Panel (CSAP) and the woman has to be assessed as suitable for a particular programme. There is no necessity for a supervision requirement to be imposed at the same time unless there are specific needs not addressed by the programme or other requirements in the order. For further information on programmes see pages 26.

## **Prohibited Activity Orders**

A prohibited activity order has a similar weight and utility as the exclusion requirement. For example, a prohibited activity requirement can be used to prevent the offender from contacting witnesses, working with children, consuming alcohol in public places, or contacting named individuals.

## **Residence Requirements**

Residence requirements are a useful way of helping the offender establish a stable and secure home environment or can be used in cases where there is a risk of her absconding. Before proposing this requirement, practitioners will need to ensure that there are no domestic abuse or childcare issues, which need to be addressed. In cases where the woman presents a high risk of harm, a residence requirement at approved premises could be effective in imposing structure, curfew and relevant support/ monitoring. Residence requirements can be part of bail, a community or suspended sentence order or on breach where it is necessary to provide this element of oversight.

## **Treatment Requirements**

Treatment Requirements can be recommended to address mental health/ alcohol problems. The offender has to consent to the treatment, and there has to be an identified practitioner who has agreed to undertake the work. The practitioner will thus need extra time for specialist assessment before they can propose this option. See also Annex A '*Alcohol Misuse*'.

## **PAYBACK**

Community Payback orders can work well if set within a WCS or as an appropriate individual placement. There can be a higher rate of non-compliance for women placed in male dominated work placements. Such work may also be insufficiently flexible to accommodate some women's recurring commitments. That said, unpaid work as a sentence can be a means of empowering the woman - it can provide a work structure and new skills sets. The 20% employment training and education facility part of the requirement can be particularly appropriate for women. See Annex A '*Education, Training and Employment*' for further guidance here.

In all cases where a woman is subject to an unpaid work requirement, it is important that you consider her safety. If the times and location of her unpaid work become known by men undergoing the same requirement or to a violent ex-partner she may be at risk.

### **Top tip**

In relation to Payback, consider individualised placements where appropriate and available, including individual programmes that could be arranged at local women's community services.

Of course, for women who pose a high risk of serious harm or pose a specific risk to children, some individual placements may not be suitable as safeguarding and public protection issues will take precedence over individual needs.

### Quality assurance

Currently there are no bespoke quality assurance processes for 'women-specific' reports. Most Trusts however, have systems in place to assess the quality of reports and work with women offenders. It is recommended that Trusts collate examples of good practice and use them to inform continuous professional development in team meetings and in-house training. Trusts can use these examples, along with any information extracted from sentencer surveys, to increase sentencers' confidence in reports.

#### Recommended key action

Trusts should ensure that, as a minimum, all reports on women offenders are quality assured by peers or middle managers. Trusts need to use the results of quality assurance to improve sentencers' confidence in proposals.

### Professional judgement

In addition to undergoing gender-awareness training, staff should exercise their professional judgement to create specific report packages that divert women from custody as well as recommending options such as conditional discharge or early termination of requirements.

### Influencing demand

Report writers have a chance to influence the sentences being imposed. They should look at the full range of options including non-probation and non-custodial disposals. During a study Nottinghamshire Probation Trust found that report writers were not making sufficient use of fines and conditional discharges. The following contain further guidance on influencing demand: *Other Way Out: The Nottinghamshire Demand Management Project*, Surrey and Sussex Probation Trust's Professional Judgement pilot and NOMS Women and Equalities Group's briefing document on '*Judicial Engagement*' .

## Chapter Three: Managing the Community Order

This chapter looks at ways of enhancing the supervision of women in the community. It will address:

- Induction
- Engagement
- Assessment
- Desistance
- Readiness
- Interventions

### General issues

Women's communication styles and learning patterns tend to be different as are their self-identified needs. For example, women tend to rate emotional needs and relationship problems as areas they wish to address more than men do. Practitioners will need to consider all this when planning what work to do with women.

Many of the women with whom practitioners will work are currently, or have been, subject to physical or sexual abuse. It is possible that they will not have accessed victim support services. This may have had a significant impact on their self-esteem and confidence. Women offenders may well have difficulties in accessing services, and may feel isolated from community support because of their personal and social problems. Sign-posting services alone are unlikely to work without providing other support. Third sector organisations can play an important role in helping women to access services and providing mentoring and other support.

Many women offenders will have been victims of abuse by men. For some women, this may make it difficult to work with a male offender manager. To overcome this, Trusts should offer women offenders the choice of having a woman offender manager from the outset. The woman may feel more able to disclose abuse and how it has affected her behaviour, physical health and mental health. Some women, from particular cultural and religious backgrounds, may find difficulties in being alone with a man. On the other hand, some women may find it beneficial to have positive and safe contact with male practitioners. This decision will need to form part of the practitioner's initial assessment.

There are many services available within the community that can help women offenders address their offending behaviour. Many of these services will be available to all (not just women, and not just offenders), so practitioners will need to consider the suitability of individual services carefully before referring someone. These services include support for offenders with substance misuse problems; health and social care; children's services (and the universal parenting support being developed through children's centres and extended schools); learning and skills, and housing and debt advice.

Practitioners can access useful websites such as Women's Breakout and CLINKS. Women's Breakout is the representative body for a national network of women's community services ([www.womensbreakout.org.uk](http://www.womensbreakout.org.uk)). Clinks supports the Voluntary and Community Sector working with offenders in England and Wales ([www.clinks.org](http://www.clinks.org))

## Sentence Planning

In planning the community sentence the practitioner will lay emphasis on regular reviews, sequencing according to assessed priorities and re-evaluating/ adapting in accordance with significant events/changes in circumstances.

## Induction

Induction is a process rather than a single event. It is the practitioner's opportunity to maximise the woman's engagement and to build a positive supportive relationship. Building relationships will enhance a woman's willingness (referred to as "readiness" see page 25) to embrace the opportunities open to her.

Practitioners should:

- Ensure the woman understands the sentence (including any penalties for failing to fulfil the conditions)
- Make sure the woman knows the complaints procedure
- Set out expectations: both what is expected from her and what she can expect in return and she will sign an Offender Compact
- Arrange meetings around her responsibilities wherever possible
- Find out whether she would prefer a women-only environment and, if so, use women's reporting times or space (where available) or use facilities at a WCS
- Exercise professional discretion in gaining her commitment; and promoting her compliance
- Identify potential barriers – including drugs and alcohol – and think of ways to help her overcome them
- Explore relationship status. It is important to know whether her partner or other relatives are supportive of the objectives of supervision and change
- Ensure that women who do not speak English, or where English is their second language, can communicate with their supervisors (by using an interpreter if necessary).

The Managing the Community Order/Suspended Sentence Order specification sets out the following mandatory outcomes with regard to induction for women offenders: *"Practitioners should offer women offenders the option of being allocated a woman offender manager."*

### Top tip

Avoid making assumptions about the woman, or labelling her, but still aim to ensure that she is able to confront the consequences of crime. Focus on her strengths and her achievements. Show her you have confidence in her ability to change and take control of her life.

During induction, practitioners will need to identify potential barriers to compliance such as childcare responsibilities; mental health problems; emotional well being or being in an abusive relationship.

### Top tip

Consider ways to overcome any problems with transport, travel, child-care or other domestic care duties, family or finance. This may include scheduling a balance of office and home visits, if resources allow, or a sensitively designed pattern of appointments.

## Engagement

Practitioners should be aiming to promote compliance by identifying possible barriers to engagement and working to address these. The practitioner's professional judgement is critical to ensuring the effective discharge of the sentence and achieving long-term positive outcomes for the offender. The practitioner should make sure that compliance with any requirements does not expose the offender to any risk. Different considerations of risk are likely to apply to male and female offenders.

Many women's lives are complex and chaotic due to their substance misuse, which in turn makes it very difficult for many women to comply with community penalties.

How the offender manager deals with failures to comply with the requirements of the order is particularly important. Offender Managers will use their professional judgement when deciding whether the reason given for failing to comply is acceptable (the Criminal Justice Act 2003 uses the term "reasonable excuse" where it refers to community orders and suspended sentence supervision orders but not licences). When deciding whether an excuse is acceptable practitioners should consider not only the direct circumstances of the failure but also the wider circumstances of the woman. Offender managers may give weight to any or all of the following when considering whether an excuse is acceptable:

- Travel and transportation difficulties
- Childcare or other domestic responsibilities
- Financial hardship
- Employment, religious or cultural commitments

## Assessment

The main tool for assessment of needs and the identification, management and reduction of risk in both the prison and probation services is the Offender Assessment System (OASys). OASys is also the means for communicating those needs between custody and community. For detailed guidance, see the OASys manual.

The assessment and planning stages will be most effective if the woman is actively engaged in planning and owning the objectives. It is also vital that the comments and views from any staff and providers of interventions are sought when planning the sentence and during reviews, throughout the order. The woman needs to be actively involved throughout the order in ongoing planning for the successful outcome.

The NOMS Risk of Harm Guidance and Training Resource identifies that, in addition to being offence focused, risk management plans for women will need to take account of:

- The woman's life history, including experience of abuse
- Inappropriate relationships
- Substance misuse
- Health and emotional needs

The practitioner should fully identify the woman's needs (which if unaddressed may lead to her offending again) and risk of harm. Where the woman poses a high risk of harm, Multi Agency

Public Protection Arrangements (MAPPA) guidance and procedures must be given priority, although work on identifying and meeting her needs should continue in order to reduce the likelihood of her re-offending.

Practitioners should be sensitive to confidentiality issues, especially when considering engaging with small groups or communities. Care will need to be taken when selecting interventions or services (i.e. interpreter services) as an injudicious choice may in certain circumstances, lead to the woman being stigmatised by the wider community, or even lead to further victimisation.

Practitioners should recognise the opportunities for changes in circumstances that are likely to help the woman to stop re-offending. For example, gaining employment is a major factor in preventing offending. But women may also need help to address other problems that might prevent her from gaining or retaining a job.

### **Risk of self-harm**

Women may be at risk of self-harm as they consider their offending behaviour and potential risk of failure (see page 11 '*Women who self-harm*')

### **Desistance**

Shadd Maruna's work *Understanding Desistance from Crime*, although generic in its approach, provides insights and strategies that are highly pertinent when working with women offenders. Women tend to respond best to, and gain confidence from, "strong and meaningful relationships" - the therapeutic power of the professional relationship between the offender and practitioner can provide motive and ability to change. The focus of messages should include positives – achievements made, strengths demonstrated and the practitioner's belief in the individual's ability to create change. There is also a need to refrain from assumptions and labelling. Although this is germane to all offenders it is particularly useful to bear this in mind when working with women offenders – a group who tend to have multiple, complex needs and self-score highly in needs relating to emotional wellbeing. Other research into women offenders' backgrounds demonstrates how they have often journeyed through "deeply deprived and dysfunctional life histories into offending". This again underlines the need for a holistic, multi-pronged approach to address complex needs.

What helps people stop offending?

- Maturing
- Families and relationships
- Sobriety
- Employment
- Hope and motivation
- Having something to give
- Having a place in society
- Not being painted solely as an offender
- Being believed in

Shadd Maruna, June 2011

### **Readiness to change**

It is important to consider "Readiness" in assessing, and managing the change process, as well as specific requirements. The Multifactor Offender Readiness Model (MORM) distinguishes between motivation, responsivity and readiness and provides an assessment framework of internal and external readiness conditions that could affect suitability for interventions. In addition, the Good Lives Model is a strength-based approach that is responsive to the offender's core aspirations and interests and aims to provide them with the internal and external resources to live rewarding and offence free lives. (Whilst desistance and readiness literature is generic, there is much in the material that reinforces good practice with women offenders).

A successful outcome of any work with offenders is that it can provide a way of achieving goals and outcomes that are meaningful for the person concerned, so, it is critical that the

practitioner provides a 'bridge' between an offender's values and needs, their current circumstances and a possible future life. Hope (Day et al, Journal of Research in Personality 2010) suggests this 'bridge' can be built upon:

- Creating a sense of efficacy (capability necessary to achieve goals)
- Linking the person's past and future lives to their valued goals
- Highlighting the way treatment programmes can be helpful in securing personal goals
- Creating a context that supports treatment
- Treating the offender with respect and listening to their concerns and hopes

### **Interventions/ programmes**

Few programmes currently being delivered to women offenders are accredited specifically for use only for women. However, many programmes are accredited for use with both genders. Some accredited programmes will not be available to women because static criminogenic factors determining entry access to many programmes, will rule many women out who tend to enter the CJS at a later age and for less serious offences than men.

Practitioners should not be tempted to place a woman into an intervention because it is the only one available, if the intervention is not appropriate to her risk or needs. If this is done there is a risk that a positive relationship between a woman and the practitioner will be damaged. For the woman, failure at an inappropriate intervention can lead to unnecessary enforcement action, or to her being labelled as resistant to change or 'difficult', and it will not help to address her underlying needs. In such cases, a Specified Activity or structured one-to-one work may be more appropriate.

There are currently no accredited domestic abuse programmes for women perpetrators but such individuals will need equal opportunities to address the identified needs and risks as men. Public protection concerns and protocol should be paramount in all work undertaken.

For women sexual offenders the one-to-one NOMS Framework for Assessing and Working with Women Sexual Offenders is recommended (see page 28).

### **Some interventions/ programmes available in the community**

The Women's Programme (sometimes called the Acquisitive Crime Programme) is available in a few Trusts and only for women committing offences of an acquisitive nature. Two new programmes (expected to be accredited shortly) are suitable for women: the Generic Booster, a cognitive skills based programme and Respond.

The 'A-Z programme' is not yet, currently being delivered. This is a short non-accredited problem-solving course focussing on short-term goal attainment. If commissioned it could be a useful resource that practitioners could recommend as a specified activity.

For further information on programmes/interventions based in custodial settings, see next page.

### **Sequencing**

Sequencing interventions correctly is the key to achieving the goals set out in a sentence plan and to enhancing progression. It is critical that practitioners prioritise the woman's risks and needs in order to ensure she understands and owns the planned interventions and that there is the option of attending a women only reporting environment.

## Chapter Four: Progression - Managing the Custodial Sentence Pre & Post Release

### Contact

Early contact is desirable so the woman has a named officer to whom she can correspond. Handwritten letters (with a photocopy for the file) are often well received by women offenders as they represent a personal 'touch' and demonstrate someone's commitment to them. Early contact between the offender manager and the offender supervisor also helps to forge a good working relationship and establish future contact arrangement and systems for liaison.

### Top tip

Get in touch with the woman at the first possible opportunity. To build a rapport with her, personalise letters and if you have time, write them out longhand instead of relying on word processors

### Management of woman in prison

Prison Service Order 4800 sets out how the Prison Service aims to manage women prisoners. It covers the woman's journey from pre-custody through to resettlement and it provides advice on how the prison will try to meet the needs of different groups of women.

### Programmes/ interventions available in prisons

Each establishment provides a different mix of available programmes. Refer to the National Intervention Directory (on Quantum on the pathway [Communities > R > Rehabilitation Services Group > NOMS Intervention Directory](#) and on [EPIC](#)) for information on what is available to you in each prison. However, women serving sentences of less than 12 months are unlikely to be suitable for most accredited programmes. They will however have access to support to aid their rehabilitation such as drugs services and housing advice.

The following programmes (where currently available) are particularly suitable for women:

- *Focus on Resettlement (FOR)* – is a brief cognitive motivational resettlement intervention designed to give a kick-start to the process of change. The primary objective of the programme is to increase the motivation of prisoners to become more committed and to take active participation in setting their own agenda for change. The intervention is made up of 12 sessions over a four week period
- *Choices, Actions, Relationships and Emotions (CARE)* – is a holistic multi-agency intervention developed by the Prison Service specifically for women at high risk of reconviction. It is directed towards women who present with medium to high levels of risks and needs. The programme integrates mentoring and advocacy, narrative therapy, mindfulness training and cognitive behaviour therapy. The intervention is made up of 30 group sessions and nine narrative therapy individual sessions. Current site: HM Prison Foston Hall.
- *The Rehabilitation for Addicted Prisoners Trust (RAPT) 12 Step programme* – The model requires total abstinence from drugs and alcohol. Participants receive concentrated treatment surrounded by the support of their peers and counsellors. They

are helped to come to terms with the fact that they cannot control their substance use, to explore the effect that their using has had on them and those around them, and to begin to learn the skills that they will need if they are to avoid a return to using. Participants live together on the same unit. The intervention is a rolling programme made up of 80 sessions over 15 weeks. Current site: HM Prison Send

- *Prison Addressing Substance Related Offending (P-ASRO) for Women* is a cognitive behavioural drug treatment programme that addresses how temperament and socio-economic situations contribute to the development of problematic levels of substance use and crime in individuals over their life span. It is designed to meet the specific needs of women and developed for delivery to women aged 18 or over who are assessed as being dependent on one or more illicit substances and are at risk of re-offending, and whose substance use increases the likelihood of any type of crime. The programme is made up of 24 sessions and a Pre-Course session: sessions can be run at a minimum of three or a maximum of four times per week. Current sites: HM Prisons Foston Hall; Low Newton
- HM Prison Styal is currently piloting a programme targeting at *alcohol misuse*
- *Short Duration Programme, (SDP)* – is a cognitive behavioural drug treatment programme with a focus on Harm Minimisation designed to boost drug treatment provision for prisoners in custody for a short period. Many prisoners in custody for less than six months do not spend sufficient time in prison to benefit from longer-term intensive drug treatment programmes. There was a risk that many, without this intervention, would continue to misuse drugs and re-offend upon release. As many women tend to be in custody for only a short time, the programme was developed for women as well as adult males and young offenders. SDP consists of 20 sessions run over four weeks. Current sites: HMPs Downview; Eastwood Park; Holloway; Newhall; Peterborough; Styal
- *Building Skills for Recovery (BSR)* is a group based psychosocial programme that aims to reduce offending behaviour and problematic substance misuse with an eventual goal of recovery by exploring previous and current substance misuse and by acquiring a skill set to prevent future relapse into former patterns and behaviours – in essence the formulation of a person-centred ‘Recovery toolkit’. The programme consists of an introductory phase and a core module of 16 sessions in total. In addition to the group sessions, participants complete supplementary written work between sessions, practice skills and attend two individual one to one sessions with a programme facilitator. There are also specific modules that can be used to supplement treatment that have been designed specifically to meet individuals’ needs. As participants work through the programme, they build upon existing skills and learn and practice new skills and techniques to add to their ‘toolkit’ to assist them on the journey towards recovery. The prevention of relapsing into former patterns of behaviour is a key focus within the programme.
- *Democratic Therapeutic Community* A community based intervention where women are required to understand and change their ways of thinking, feelings and behaviour. This interventions requires a minimum stay of 18 months. Current site: HM Prison Send
- *Framework for Assessing and Working with Women Sexual Offenders (WSOs)* is due for publication shortly by NOMS. It is an individual programme for working with this offender group either in custody or in the community. The WSO Framework aims to provide practitioners with guidance and resources to ensure a consistent and comprehensive approach to the assessment and management of WSO’s. It provides a standardised, gender sensitive, approach to assessing the needs of women sexual

offenders, it will assist in the drawing up of management plans and it gives guidance about meeting treatment needs

*Note: It is planned that the P-ASRO, SDP, ASRO and OSAP programmes will be replaced by 'Building Skills for Recovery'*

### **Custodial sentences of less than 12 months**

Women serving such a sentence will not be subject to statutory supervision and thus may not have support in place for their release. These women, together with those on remand, may be particularly vulnerable to reoffending and may be at a higher risk of self-harm than other women offenders. Report authors and court duty officers should consider referring the woman to a WCS or other community services to provide support and advice for the woman upon release.

### **Integrated Offender Management (IOM)**

Relatively few women offenders are assessed as posing a high risk of serious harm to others or are classified as being prolific offenders (PPOs). However, there are some. For these women it is imperative that in addition to ensuring that MAPPA guidelines are followed, the practitioner checks what services, specialist help, and programmes are available, especially for those serving short sentences.

Relevant here is Integrated Offender Management (IOM) - a local framework bringing together local partners including the police, probation, local authorities, youth justice services, the voluntary and community sector and the private sector. IOM brings coherence to local arrangements aimed at reducing crime through providing a multi-agency approach to tackling repeat offending and is a joined up approach focussed on those offenders responsible for a high volume of crime in that particular locality.

While there are different models of IOM, the underlying principle is that some offenders pose a greater risk of serious and volume re-offending than others. By extending management of the highest risk offenders beyond statutory supervision arrangements, and utilising local knowledge and services in a coherent strategy, it is expected that a significant reduction in re-offending will occur.

### **Sentence planning**

Practitioners should ensure they regularly evaluate and update an offender's identified objectives throughout the sentence. While in custody, it is important that practitioners balance the benefits of getting an offender in custody onto an appropriate programme, with the possible negative impact that transfer to a distant establishment might have, especially if the move affects protective factors such as visits from a woman's family.

### **Parole reports**

Guidance about Pre-Sentence Reports (page 15) is also relevant here. As with PSRs, writers of parole reports must ensure that the conditions proposed are commensurate with, and proportionate to, the risks identified. Practitioners should not propose conditions simply to enable women to access services or support. These can be overly punitive and can potentially result in recall. Standard licence conditions cover the majority of aspects that will form the sentence plan. PI 13/2010 "Licence Conditions" outlines the approval process in the event of additional licence condition/s being necessary.

Women tend to accept support more readily than men so may not need the use of mandatory/onerous requirements. Practitioners should only use those requirements to address risk of

harm or reduce re-offending and not propose them as a means for addressing needs or accessing support for the woman.

#### Top tip

Only use those requirements necessary to address risk of harm or to stop re-offending. Women tend to accept support when it is offered without the use of onerous requirements

### Release plans

Practitioners should consider using WCS and other community resources specifically for women, to supplement statutory contacts. It is good practice to consider the full range of community resources available, such as “Through the Gate” support or “Meet and Greet” opportunities on the woman’s release. It is important that the woman has access to mainstream services such as health, education, employment and training. WCSs can provide support for the woman and can link her to mainstream services in her home area. There will probably be specific local community resources that can help women who have particular ‘protected characteristics’. See page 15, practitioners should have access to a directory of local resources through the Probation Trust or the WCS.

#### Top tip

Access a directory of local community services (through the Probation Trust or through the WCS).

Refer women serving sentences of less than 12 months to a community service. They will not have statutory supervision, and so will need somewhere to turn for practical help and support at the end of their sentence.

### Post-release supervision

Much of the guidance in chapter three on managing community orders, setting objectives and identifying potential barriers to engagement, is also relevant in managing post-release supervision. The aim here is to promote ‘progression’ and successful reintegration into society. Further advice on preventing and managing breaches is in chapter five – ‘Enforcement’. Women tend to be recalled more often than men for behavioural issues. There is a suggestion that women could sometimes be at risk of being penalised for breaching perceptions of “appropriate” female behaviour rather than for their actual risk of serious harm or re-offending. (*Double Invisibility: Recalled and Female – and Forgotten* Rosie Deedes, Griffins Society research 2009)

### Recall

On recall, practitioners should consider what measures should be in place to facilitate the woman’s earliest possible safe re-release. Practitioners should keep the recall period to the shortest possible length commensurate with the risks presented by the situation.

#### Top tip

When considering recall, talk to the NOMS Recall Casework Section staff to plan what you need to have in place to prepare for safe re-release.

## Chapter Five: Enforcement

Enforcement is not just about breaches of orders – it is about ensuring that the woman completes the order successfully, and thus meets her goals. The process will include building motivation, engaging her successfully and overcoming barriers to compliance. The most successful orders will be those where the woman is involved throughout the process and co-owns the identified objectives. Induction is critical to gaining cooperation and building motivation. Getting the induction process right will promote the woman's compliance with her order, and will minimise the risk of the practitioner having to take enforcement action. See page 23.

The process of breach can be, of course, an important part of enforcing an order and maintaining its integrity and credibility.

Many women in custody are there because of enforcement procedures resulting from breaches of community orders or suspended sentence orders. In some serious breach cases, this will be inevitable. Before deciding to propose a custodial sentence, practitioners should remember that the original offence might not have been serious enough to warrant custody. The seriousness of the original offence will be one of the factors to consider when judging the most appropriate penalty to propose to the court, alongside the likelihood of future compliance and reasons for the failure to comply with the current order. The full range of penalties available to the court as sanctions should be explored at this stage. The practitioner's suggested sanction to the court can encompass both 'punishment' and an opportunity for 'progression'.

### Day-to-day management

Securing compliance does not stop after induction. The woman's problems and barriers to engagement will alter as her life changes: family crises may arise, health issues may intervene, she may reveal new information about herself and her relationships as her self-awareness and her trust in those supervising her grows. The practitioner may need to reassess the relevance of the order and its requirements, the most appropriate sequencing of interventions, and the sentence plan objectives. The necessity for enforcement actions can be avoided by making sure that the order remains meaningful and relevant to the woman. By doing so the woman's commitment will be maximised and the risk of her becoming disillusioned and disengaging minimised.

### Management of failures to comply

The most common reason for breach is that the offender simply stops turning up for appointments. There may be a valid reason for absence for instance: caring commitments, health, issues (including mental health and pregnancy) or domestic abuse that prevents her from participating in interviews. The practitioner should:

- Look at ways of prompting reminders for women who find it hard to prioritise commitments, e.g. use of mentors or volunteers; increased personal contact (telephone calls, texts, letters, home visits)
- Offer additional support – mentors, volunteers, WCS for women where available
- Exercise their professional judgement when deciding if her absence merits further enforcement action

### Other reasons for breach

Although failure to comply is the main reason for breach, there are other ways an offender can breach an order/ licence i.e:

- An unworkable order has been imposed for the particular case in question
- Unacceptable behaviour (for example in probation offices)
- Non-participation

The practitioner will need to assess the reason for the potential breach. Has the problem been around from the start or did it arise during the order? If the former, the practitioner might need to start on the pre-breach actions listed below (unless there is no choice but to move directly to breach). If the second situation applies, does this signal a change in attitude or crisis that needs to be addressed (again, unless her behaviour is such that there is no choice but to breach).

### Action before breach

If the practitioner is concerned that the woman is at risk of breaching her order there are steps that can be taken to minimise the danger:

- Be flexible about appointments
- Use texts or phone calls as prompts
- Emphasise her positive achievements.

As well as encouraging the woman, the consequences to her of failing to comply should be emphasised through:

- Verbal warnings
- Warning letters
- Interviews

### Breach reports

If, in spite of their best efforts, breach proceedings need to be started, practitioners will need to:

- Ensure that all details of the order are accurate in order to secure the confidence of the court and ensure that the breach proceeds as planned. The practitioner's report is a prosecution document and any technical error could result in an adjournment or the collapse of the case. There may be concurrent or consecutive orders. In these cases, it is important that breach dates are clear and which order and/or which requirement has been breached. The practitioner must verify the circumstances of the breach. They will need to have a robust proposal, commensurate with the seriousness of the original offence and the breach, in order to retain credibility with the court. If the needs of the case contradict this norm then the proposal should be well argued: professional assessment and analysis is central to the report at all times.
- Consider the impact of custody on dependants and on employment and accommodation. The loss of these protective factors may have a disproportionate effect on the woman, an impact that may outweigh the argument for 'punishment' to the detriment of 'progression'.
- Be aware of the full range of alternative disposals – extra penalties such as fines, curfew requirements (although see page 18 above for potential risks with curfew orders), exclusion requirements, prohibited activity requirements, attendance centre requirements, residence requirements (either with or without a requirement to live at an approved premises), specified activities, etc

### Recommended key action

Trusts are encouraged to provide a template, including a drop down menu of the range of disposals available to consider in the report's conclusions, to aid good practice when breach reports are being written.

### After the breach

After breach proceedings, practitioners should look at ways of moving forward:

- Consider what enhanced motivational packages are available
- Revisit barriers to compliance again and reassess what additional support can be offered
- Ensure the woman's own priorities, are considered wherever appropriate; for example, her wanting to 'be there' for her children.

### Offenders posing high risk of serious harm and sex offenders

Few women are assessed as posing a high risk of harm to others and there are relatively few convicted female sex offenders. Practitioners should apply the usual MAPPA processes and prioritise the risk of harm over the woman's own needs in such cases.

The MAPPA Manual is available from [EPIC](#).

The NOMS Framework for *Assessing and Working with Women Sexual Offenders* is now available and representatives from both prisons and Trusts have received training in using it. This is a comprehensive assessment and management tool (see page 28).

## Chapter Six: Ending the sentence

There are three ways of ending a sentence:

- Breach
- Re-offending
- Reaching the end of the sentence

See chapter five for more on breach.

The third ending, or 'natural terminations' are foreseeable and practitioners should plan carefully for such an ending from the inauguration of the order.

### Natural termination

End of sentence can be a stressful time for women offenders as they face losing the structure and support provided by their supervisors.

There is a possibility that the offender could have become overly dependent on a supervisor and, in some cases, the supervisor may have unintentionally colluded with the woman's need. In such a situation, she is at risk of re-offending to maintain contact or dropping into the office regularly, even after the order has expired, to try and keep the relationship 'going'. Hence, it is extremely important that practitioners plan an exit strategy carefully and some guidance on managing endings is outlined below.

### Preparation for endings and onward planning

It is recommended that practitioners begin planning for the end of the sentence from the outset. At the midway stage any identified issues and needs not dealt with require particular attention. The practitioner should focus on any support still needed by the woman and consider whether this can be provided by community services and mainstream agencies. The practitioner will need to have open discussions with the woman about any fears and anxieties she has and any support she hopes to have in place before the order ends. Some women may lack confidence in, or have had poor experiences with, community and mainstream services in the past. Peer mentors, volunteers or practitioners themselves can introduce the woman to community services. This support should provide a bridge between the order ending and the next stage of her life. Such a bridge should enhance the likelihood of continuity.

Women serving sentences of less than 12 months will not be supervised in the community. It is important such women are not overlooked and that they are made aware of community services in good time.

### Liaison with agencies and community resources

Practitioner should use the directory of local community services when planning exit strategies. There should be liaison with community providers in good time so that support is available when the sentence finishes.

## Annex A: Issues that may contribute to a woman's offending and affect progression

### General

Women's motivations for offending are often different from men's. Women are more likely to offend as a way of resolving practical difficulties. Women are less likely than men to offend as a way of either gaining status or as part of a thrill-seeking lifestyle. Women are less likely to offend because of peer pressure, although there may have been coercion, manipulation or bullying by an abusive partner. Practitioners must ensure that they provide evidence to support any such contention.

Women offenders generally have fewer previous offences than men and less serious patterns of previous offending. There is often a complex set of underlying factors developing over time, that have contributed to a woman's offending. Because of victimisation and abuse, women often have complex mental health support needs and may need support through counselling to deal with a wide range of personal issues. These can include the loss of children into care, family breakdown, loss of a partner, or childhood sexual abuse. Low self-esteem is common and it is vital to address this if women are to recognise that their lives are worth changing.

There are a range of services available within the community which can be engaged, including substance misuse, health and social care, children's services (including the universal parenting support being developed through children's centres and extended schools), learning and skills, and housing and debt advice. Women offenders with low self-esteem however, may have difficulties in accessing these services, and feel isolated from community support because of their personal and social problems. It is equally likely that even if they have experienced victimisation themselves, they are failing to access victim support services.

### Accommodation

The majority of women receiving custodial sentences are subject to short sentences of six months or less, which is long enough to lose accommodation but often too short to gain another home.

37% of newly sentenced prisoners stated they would need help in finding a place to live on release, and 84% of these needed a lot of help. These needs were similar for both male and female prisoners. (*Ministry of Justice: Accommodation, homelessness and re-offending of prisoners : Results from the Surveying Prisoners Crime Reduction Survey*).

- Approximately two-thirds of women in prison have dependent children under the age of 18 years
- At least a third of mothers are lone parents before imprisonment
- Over half of women in prison have experienced domestic violence or other abuse. (*Prison Service Order 4800 Women Prisoners*)

Local authorities are required by statute to house homeless people who meet certain criteria and who are assessed as being in priority groups. These groups include:

- Pregnant women
- People with dependant children
- People who are vulnerable as a result of old age, mental illness, learning difficulties or physical disability

- People who are vulnerable because they are fleeing violence

Offender managers should ensure that they maximise use of the approved premises estate for women offenders. For those serving less than 12 months and not subject to statutory supervision, practitioners should consider referral to WCSs or other resources that offer through the gate services or Integrated Offender Management.

### Education, training and employment

Getting offenders into appropriate sustainable employment is one of the most important factors in helping to reduce re-offending. It is also important for enhancing confidence and empowering people. Employment can provide purpose and structure and enables offenders to become economically independent which is of benefit to them, their families and their communities.

Around 1 in 5 women prisoners reported being employed in the 4 weeks before custody, compared with around one-third of men and earned less in their last job (£167 per week) than male prisoners (£250 per week) (*Ministry of Justice: The pre-custody employment, training and education status of newly sentenced prisoners*)

Some of the specific issues surrounding women include low wages, low self esteem, child and dependant care. It is important to identify and address individual barriers that may block progress. Women may wish to focus on increasing employability in the short term, and plan how they will manage parenting or other caring responsibilities, with employment being a longer-term goal. A lack of previous employment and low self-esteem can mean that some women may need additional support to engage in this process.

Probation trusts in conjunction with WCSs and other community providers should develop and implement effective local arrangements that ensure women offenders are appropriately targeted, according to risk and need. The aim is for them to be able to gain access to a range of Education, Training and Employment options that recognise the different needs of women offenders and the employment opportunities in their area.

### Financial management and income

Most women enter the criminal justice system through committing acquisitive crimes and many will be in debt. Women offenders with young children may decide they are unable to consider employment until the children are older, and so will be reliant on benefits for some years. Some women are dependant on others for income, for example on a partner claiming benefit. They may be paying fines or debts that are the responsibility of a partner. Disrupted access to benefits, low funds on release from prison, low incomes and poor financial literacy all contribute to financial difficulties that can be a barrier to effective rehabilitation. In addition, women may be under pressure as parents, or from partners, to provide for their families and thus may perceive theft/ fraud or sex work as means of survival. Long-term poverty, debts and loans with high interest are the reality for many women offenders.

Some economic abuse may be a deliberate ploy by partners to keep the women dependant and or isolated. In addition, the partner may have managed the family finances, with the woman not even having a basic bank account. Having an individual financial identity may be the key to empowerment for some women. It may be an important step to address low self-esteem and to gain confidence and a stronger sense of identity as well as greater financial independence.

Trusts should make use of existing resources in the community and local partnership arrangements that offer advice and support. Women offenders with low incomes and debt can be signposted to these resources for appropriate specialist advice.

## Relationships

Around a half of women in prison have been the subject of physical or sexual abuse at some stage. A good source reference, for women who have experienced violence in relationships, is the NOMS Framework, *Supporting Women Offenders who have experienced domestic or sexual violence* (Women's Aid 2011), (see page 11).

Offending behaviour, or a perceived lack of motivation for change, may be linked to experience of abusive relationships. Evidence shows that intimate relationships are an important influence on women's offending and are likely to interact with other factors. This may mean making opportunities to focus on relationship issues, when addressing other offending related difficulties, such as drug misuse. Substance misuse may often be a symptom rather than a cause of underlying problems.

Women's relationships are also less likely to survive imprisonment than those of men. Of those prisoners living with a partner before custody, more men (63%) than women (36%) were likely to be living with a partner on release. (*Prison Service Order 4800 Women Prisoners*)

Sentence planning for women offenders should take account of not just their childcare needs, but their relationship needs as well.

A high number of women offenders are lone parents. Eighteen percent of women prisoners are single and were living with dependent children (including stepchildren), aged 17 or under before imprisonment, compared with 3.5% of men. (*Prison Service Order 4800 Women Prisoners*)

'Family' does not simply mean married and non-married partners with children, as the family can be both broader and generationally longer and can include 'carers' where a child is looked after. The word 'families' should be interpreted in the widest sense encompassing step relationships, siblings, lesbian, gay and bi-sexual and transgender partners or extended family members where appropriate. Support networks may also include friends, neighbours and faith communities, who can play a critical role in giving offenders a sense of belonging in the local community.

## Lifestyle and Associates

Generally, women offenders identify fewer problems with their lifestyle and associates than men do. Where a need is evident, practitioners should consider whether there are suitable interventions available.

One difficult lifestyle issue that some women face is the problem of finding a route out of sex work. See '*women who have been involved in prostitution*' below, for more information.

## Drug misuse

There is a very strong link for many women between repetitive acquisitive crime and their substance abuse.

Many women's lives are complex and chaotic due to their substance misuse, which in turn makes it very difficult for many women to comply with the requirements of community sentences.

Women can use drugs as self-medication. They may have a chaotic and experimental approach to drug use and/ or a binge-drinking pattern of alcohol misuse. Addressing the primary causes of drug misuse is critical in ensuring the effectiveness of any intervention.

Women are usually the main carers of children and consequently child protection issues will have more of an impact on them than on men. Practitioners should consider the impact that substance misuse can have on a child of a substance-misusing parent. Women may hide or underplay substance misuse for fear of losing their children. Practitioners will need to be sensitive to these issues, but at the same time, will need to be aware of the potential risks. Building good working relationships with local social and health services will enable better informed joint working in these cases.

Drugs are used by many, to 'self-medicate' away memories of abuse. If the woman stops misusing drugs without appropriate support, memories of abuse may reappear and may increase her risk of self-harm. At this stage practitioners should consider whether they can provide extra support. See also page 19 '*Drug Rehabilitation Requirements*' and page 20 '*Treatment Requirements*'

Further information on the management of women's health and substance misuse in prisons is available at '*Health and Prisons - A WHO Guide to the essentials of prison health*'. (2007) Chapter 13: '*Special Health Requirements for Female Prisons*'; p157: Palmer Jan

### **Alcohol misuse**

Psychological risk factors that trigger problem drinking in women include a history of drinking in the family; depression; sexual problems and poor coping responses to stressful life events e.g. adolescent development issues. Drinking can be a result or cause of separation or divorce. Low self-esteem among women, particularly young women who have experienced sexual or physical abuse, may be a trigger to heavy drinking. See also page 11 '*Women affected by violence*'

### **Thinking and behaviour**

Research findings support the link between thinking and behaviour and rates of re-offending. There is also clear evidence that thinking skills deficits tend to reduce compliance. For women the problem solving issues may centre around their self-identity and their ability to impact on their world and relationships. Cognitive behavioural work may be the key to addressing the causes of offending.

### **Attitudes**

Attitudes are not only important in highlighting different methods for attaining engagement with men and women but also differences in the ways in which men and women offend. The relatively low levels of women in the criminal justice system suggests that pro-criminal attitudes are less prevalent amongst women and that they turn to criminal solutions less often and later than their male equivalents. This may be reflected in the attitudes of women who offend. It will be important to consider these issues in deciding both the design and delivery of offence focussed work.

### **Health and emotional wellbeing**

Practitioners will need to consider whether health or any other issues are likely to affect an offender's availability and suitability for the proposed requirements. This is covered within guidance on OASys. Whilst a largely factual section, the document does require the assessor to make decisions about what is likely to constitute an obstacle in the context of an individual's particular circumstances and this requires sensitive engagement with the offender. Except in cases where there are very serious health issues, an assessor will normally be reliant upon the offender's account. It is important to be sensitive to the fact that it might be difficult for a woman to discuss physical health problems.

Mental illness may be a factor in many offences committed by women. If mental health issues are identified it will probably be necessary for practitioners to seek a more in-depth, specialist assessment. Women offenders are vulnerable to attempting suicide and harming themselves. Therefore, if mental illness issues are identified, it is important that this has been reflected in the OASys Risk of Serious Harm Screening and, where appropriate, the Full Analysis of Risk of Serious Harm. The criminal justice system can act as a gateway to health services for women who find it hard to access appropriate mainstream health and social care services. Some women may not have previously engaged with health or social services, or have only accessed services when in crisis, when it can be too late for any significant preventative health intervention, or to help prevent family breakdown.

Women offenders have higher levels of emotional problems than men do: 65% of women have problems with emotional well-being compared with 39% of men. In many cases, low self-esteem is a result of a history of victimisation, and in these cases women offenders are likely to need the help of services ranging from the personal therapeutic, such as abuse counselling, to the highly practical, such as learning and skills provision and access to help with childcare or managing their finances. In cases where they are being victimised by ex-partners, or their families and friends, women are likely to need considerable support to break away from their influence and re-build their lives. Wider, trusted, family members and community support networks can also provide support on these cases.

### **Women with severe personality disorders**

NOMS in partnership with the Department of Health have produced guidance on working with offenders (including women) with severe personality disorders.

*[A Practitioners Guide To working With Offenders With Personality Disorders.](http://www.personalitydisorder.org.uk/2011/02/a-practitioners-guide-to-working-with-offenders-with-personality-disorders/)*

<http://www.personalitydisorder.org.uk/2011/02/a-practitioners-guide-to-working-with-offenders-with-personality-disorders/>

### **Women who have been involved in prostitution**

In January 2007 a small women's training prison surveyed women prisoners. One hundred women completed questionnaires. 21% of these stated they had been involved with prostitution prior to custody, 74% of these said it was due to their drug addiction and 26% stated it was due to having been abused.

The previous government in January 2006 launched a long-term prostitution strategy. One of the strategy's five key aims was developing routes out of prostitution through providing a range of support and advocacy services.

Once an individual becomes involved in prostitution, it can be difficult to find a route out. The long-term damage, both emotionally and physically, can be significant. Integrated holistic approaches can address the multiplicity of issues that often face women who are involved in prostitution. This includes outreach work to make initial contact, and advocacy and support to enable them to address their problems, find routes out of prostitution, and ultimately move on with their lives. Suitable supported housing and access to drug treatment are crucial to establishing the kind of stability that enables many woman to leave prostitution.

Women may have children who are dependent on them, or children who have been in care of others. Women who have been involved in prostitution may not feel comfortable disclosing this as they may fear possible consequences for their children. Women's privacy should be protected and the limits to confidentiality should be made clear to everyone involved.

Women should be assisted to keep healthy and safe and may need ongoing support with parenting and family relationships. Local police may have intelligence about potentially

dangerous clients (i.e. the Ugly Mug scheme). Practitioners should be aware that abusive partners or pimps may be living with, or putting pressure on, the woman. Pimps may also visit women in prison to keep their hold on them.

Women should be given every support if they ask for help to build a new life away from prostitution including making referrals to local support projects. Many voluntary sector organisations work with statutory agencies such as the police, NHS and probation trusts. The UK Network of Sex Worker projects can identify local projects. There are also specific projects to support women who have been trafficked to and within this country.

NOMS Women and Equalities Group offers a free (*other than travel and subsistence costs to participants*) training course: *Sex Workers in Custody and the Community (SWICC)*. See also Annex A '*Lifestyle and Associates*'

## Annex B: List of top tips for practitioners

### Top Tip

Take advantage of any gender-specific training available in your area or contact NOMS Women and Equalities Group for advice.

### Top tip

Consider making a robust proposal for a conditional discharge: they can be a powerful vehicle for change while still being a credible option for sentencers as the court is still able to retain oversight and control.

### Top tip

Consider the full range of options. Is your proposal justified by the severity of the offence and the circumstances of the offender? Your proposal should not be made, simply in order that the woman can access programmes or interventions. Where the woman has such a need, consider additional support from volunteers or peer mentors and a package of voluntary activities designed to enhance awareness, confidence and employability.

### Top tip

In your report, ensure that the likely impact on children, or other dependants, of your proposal is highlighted.

### Top tip

Consider whether an alternative sentence, to a SSO, perhaps with specified activity requirements, would be a more appropriate proposal for the court.

### Top tip

In relation to Payback, consider individualised placements where appropriate and available, including individual programmes that could be arranged at local women's community services.

**Top tip**

Avoid making assumptions about the woman, or labelling her, but still aim to ensure that she is able to confront the consequences of crime. Focus on her strengths and her achievements. Show her you have confidence in her ability to change and take control of her life.

**Top tip**

Consider ways to overcome any problems with transport, travel, child-care or other domestic care duties, family or finance. This may include scheduling a balance of office and home visits, if resources allow, or a sensitively designed pattern of appointments.

**Top tip**

Get in touch with the woman at the first possible opportunity. To build a rapport with her, personalise letters and if you have time, write them out longhand instead of relying on word processors

**Top tip**

Only use those requirements necessary to address risk of harm or to stop re-offending. Women tend to accept support when it is offered without the use of onerous requirements

**Top tip**

Access a directory of local community services (through the Probation Trust or through the WCS).

Refer women serving sentences of less than 12 months to a community service. They will not have statutory supervision, and so will need somewhere to turn for practical help and support at the end of their sentence.

**Top tip**

When considering recall, talk to the NOMS Recall Casework Section staff to plan what you need to have in place to prepare for safe re-release.

## Annex C: List of recommended key actions for Probation Trusts

### Recommended key action

Trusts should, ensure that all staff working with women offenders receive gender awareness training. This is particularly important for front line court staff.

### Recommended key action

Trusts should ensure that their staff, the judiciary and court staff have accurate and up to date information on bail provision and support specifically identified as suitable for women offenders.

### Recommended key action

Trusts should ensure that they work with other agencies, including Strategic Community Partnerships (SCP) to promote the provision for mental health assessment to divert women from custody and align them to specialist services best suited to their needs.

### Recommended key action

Probation Trusts should ensure that women are screened for substance misuse issues. Trusts should work with community organisations and local health partners who can provide help to women with substance misuse problems.

### Recommended key action

Trusts should compile a directory of local services for women and ensure that all staff are aware of it and know how to use it creatively, from report writing to the termination of an order

### Recommended key action

In areas which do not have a WCS, or other appropriate women's community resource, the Probation Trust should consider designating specific office times as a reporting facility for women.

### Recommended key action

Trusts should ensure women offenders are given the option of having a woman report writer or offender manager at the PSR stage.and from then on

**Recommended key action**

Trusts should ensure that, as a minimum, all reports on women offenders are quality assured by peers or middle managers. Trusts need to use the results of quality assurance to improve sentencers' confidence in proposals.

**Recommended key action**

Trusts are encouraged to provide a template, including a drop down menu of the range of disposals available to consider in the report's conclusions, to aid good practice when breach reports are being written.

## Annex D: Further reading material

Corston, Jean Review of Women with Particular Vulnerabilities in the Criminal Justice System (Home Office 2007)

[www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf](http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf)

The Government's response to the Corston report (2007)

[www.justice.gov.uk/docs/corston-review.pdf](http://www.justice.gov.uk/docs/corston-review.pdf)

Delivering the Government's response to the Corston report (2007)

[www.justice.gov.uk/publications/docs/delivering-the-government-response-to-the-corston-report-web.pdf](http://www.justice.gov.uk/publications/docs/delivering-the-government-response-to-the-corston-report-web.pdf)

Report on the Government's strategy for diverting women away from crime (2009)

[www.justice.gov.uk/publications/docs/report-women-in-criminal-justice-system.pdf](http://www.justice.gov.uk/publications/docs/report-women-in-criminal-justice-system.pdf)

Borrill, J., Maden, A., Martin, A., Weaver, T., Stimson, G., Farrell, M., & Barnes, T Differential substance misuse treatment needs of women, ethnic minorities and young offenders in prison: Prevalence of substance misuse and treatment needs. Home Office Online Report 33/03 (Home Office 2003)

Day et al, Hope uniquely predicts objective academic achievement above intelligence, personality, and previous academic achievement (Journal of Research in Personality 2010)

Deedes, Rosie Double Invisibility Recalled and Female – and Forgotten (Griffins Society 2009)

[http://www.thegriffinssociety.org/Research\\_Paper\\_2009\\_03.pdf](http://www.thegriffinssociety.org/Research_Paper_2009_03.pdf)

HMIP, Women in Prisons, a short thematic review (2010)

[http://home.hmps.noms.root/Intranet/ShowBinary?nodeId=/Repo/HQ/internal\\_communications/chief\\_inspectors\\_report/hmcip\\_thematic\\_report\\_women\\_in\\_prison\\_2010.pdf](http://home.hmps.noms.root/Intranet/ShowBinary?nodeId=/Repo/HQ/internal_communications/chief_inspectors_report/hmcip_thematic_report_women_in_prison_2010.pdf)

HMIP, Equal but different? An inspection of the use of alternatives to custody for women offenders (October 2011)

<http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmiprob/womens-thematic-alternatives-to-custody-2011.pdf>

Maruna, Shadd, Understanding Desistance from Crime (NOMS 2011)

[http://npsintranet.probaton.gsi.gov.uk/document\\_library/Documents/understanding\\_desistance.pdf](http://npsintranet.probaton.gsi.gov.uk/document_library/Documents/understanding_desistance.pdf)

MoJ, Compendium of research and analysis on the Offender Assessment System (OASys) 2006-2009. Research Series 16/09. London: Ministry of Justice.

MoJ, Women in Drug Treatment: what the latest figures reveal

[www.nta.nhs.uk/uploads/ntawomenintreatment22march2010.pdf](http://www.nta.nhs.uk/uploads/ntawomenintreatment22march2010.pdf)

Murray, J. and Farrington, D. P. (2008). Effects of Parental Imprisonment on Children. In Tonry, M. (ed.) Crime and Justice: A Review of Research. Chicago: University of Chicago Press

NOMS Offender Management Statistics

<http://www.justice.gov.uk/publications/statistics-and-data/prisons-and-probation/oms-quarterly.htm>

NOMS, Other Way Out: The Nottinghamshire Demand Management Project (NOMS 2011)  
[http://npsintranet.probaton.gsi.gov.uk/document\\_library/index/other\\_way\\_out\\_-\\_nottinghamshire\\_demand\\_management\\_project.htm](http://npsintranet.probaton.gsi.gov.uk/document_library/index/other_way_out_-_nottinghamshire_demand_management_project.htm)

NOMS, What Works in Offender Assessment/Needs (NOMS 2011)  
[http://npsintranet.probaton.gsi.gov.uk/document\\_library/Documents/what\\_works\\_-\\_offender\\_assessment\\_june\\_2011\\_.pdf](http://npsintranet.probaton.gsi.gov.uk/document_library/Documents/what_works_-_offender_assessment_june_2011_.pdf)

Ministry of Justice, Statistics on Women and the Criminal Justice System  
[www.justice.gov.uk/publications/docs/statistics-women-cjs-2010.pdf](http://www.justice.gov.uk/publications/docs/statistics-women-cjs-2010.pdf)

Prison Reform Trust, Bromley Briefings  
[www.prisonreformtrust.org.uk](http://www.prisonreformtrust.org.uk)

*A Practitioners Guide To Working With Offenders With Personality Disorders*  
[www.personalitydisorder.org.uk/2011/02/a-practitioners-guide-to-working-with-offenders-with-personality-disorders/](http://www.personalitydisorder.org.uk/2011/02/a-practitioners-guide-to-working-with-offenders-with-personality-disorders/)

Provision for Women Offenders in the Community (2007)  
[www.fawcettsociety.org.uk/documents/Provision%20for%20women%20offenders%20in%20the%20community\(1\).pdf](http://www.fawcettsociety.org.uk/documents/Provision%20for%20women%20offenders%20in%20the%20community(1).pdf)

Short study on Women Offenders (2009)  
[http://webarchive.nationalarchives.gov.uk/+http://www.cabinetoffice.gov.uk/media/209663/setf\\_shortstudy\\_womenoffenders.pdf](http://webarchive.nationalarchives.gov.uk/+http://www.cabinetoffice.gov.uk/media/209663/setf_shortstudy_womenoffenders.pdf)

The Use of Community Orders and Suspended Sentence Orders for Women (2008)  
[www.crimeandjustice.org.uk/communitysentencesforwomen.html](http://www.crimeandjustice.org.uk/communitysentencesforwomen.html)

Tye, D (2009) HM inspectorate of Prisons, Youth Justice Board: Children and Young People in Custody 2008-2009: An analysis of the experiences of 15 – 18 year olds in prison. London, HM Inspectorate of Prisons

Unlocking Value: How we all benefit from investing in alternatives to prison for women offenders (2008)  
[www.neweconomics.org/publications/unlocking-value](http://www.neweconomics.org/publications/unlocking-value)

Women's Aid, Supporting *women offenders who have experienced domestic and sexual violence* (2011) (available shortly on Epic or the NOMS Intranet or [www.womensaid.org.uk](http://www.womensaid.org.uk))

## Annex E: Glossary

AP	Approved Premises
TR	Alcohol Treatment Requirement
BASS	Bail Accommodation Support Service
BAME	Black & Minority Ethnic
CARAT	Counselling Assessment Referral Advice Throughcare
CJS	Criminal Justice System
CSAP	Correctional Services Accreditation Panel
DH	Department of Health
DRR	Drug Rehabilitation Requirement
EPIC	Electronic Probation Information Centre
ETE	Education, Training and Employment
GLM	Good Lives Model
IOM	Integrated Offender Management
LGBT	Lesbian, Gay Bisexual & Transgender
MAPPA	Multi Agency Public Protection Arrangements
MoJ	Ministry of Justice
MORM	The Multifactor Offender Readiness Model
NOMS	National Offender Management Service
NSF	National Strategy Framework
NTA	National Treatment Agencies
OASys	Offender Assessment System
OGP	OASys General re-offending Predictor
OGRS	Offender Group Reconviction Score
OM	Offender Manager
ONS	Office for National Statistics
OVP	OASys Violence Predictor
PCT	Primary Care Trusts
PIAG	Performance, Information and Assessment Group
PSR	Pre-Sentence Report
SCP	Strategy Community Partnerships
SSO	Suspended Sentence Order
SWICC	Sex Workers in Custody and the Community
WASP	Women's Awareness Staff Programme
WCS	Women's Community Service
WSCC	Women's Specific Conditional Caution

## Annex F: References

Borrill, J., Maden, A., Martin, A., Weaver, T., Stimson, G., Farrell, M., et al. (2003). Substance misuse among white and black/mixed race female prisoners. In M. Ramsay (Ed.), *Prisoners' drug use and treatment: Seven research studies* (Home Office Research Study 267) (pp. 49-70). London: Home Office Research, Development and Statistics Directorate.

Caddle, D., Crisp, D., (1997). *Imprisoned Women and Mothers*. Home Office, Research Study 162.

Dallaire, D.H., (2007). Incarcerated mothers and fathers: A comparison of risks for children and families. *Family Relations*. Volume: 56(5) pp. 440–453.

Dodd & Hunter (1992) *The national prison survey 1991*. London: Home Office.

Fazel, S., Bains, P., & Doll, H. (2006). Substance abuse and dependence in prisoners: a systematic review. *Addiction*, 101(2), 181-191.

Hamlyn, B. and Lewis, D. (2000). *Women prisoners: a survey of their work and training experiences in custody and on release*. Home Office Research Study 208. London: Home Office.

HM Inspectorate of Prisons (2010). *Alcohol services in prisons: an unmet need*. London: Ministry of Justice.

Hollin, C. R., & Palmer, E. J. (2006). Criminogenic need and women offenders: A critique of the literature. *Legal and Criminological Psychology*, 11(2), 179-195.

Home Office (2011). *Drug Misuse Declared: Findings from the 2010/11 British Crime Survey England and Wales*. HOSB: 12/11. London: Home Office.

Langan, N. P., & Pelissier, B. M. M. (2001). Gender differences among prisoners in drug treatment. *Journal of Substance Abuse*, 13(3), 291-301.

May, C., Sharma, N. and Stewart, D. (2008) *Factors linked to reoffending: a one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 and 2004*. Ministry of Justice Research Summary 5. London: Ministry of Justice.

Ministry of Justice (2009) *A compendium of research and analysis on the Offender Assessment System (OASys) 2006-2009. Research Series 16/09*. London: Ministry of Justice.

Ministry of Justice (2010) *Compendium of reoffending statistics and analysis. Statistics bulletin*. London: Ministry of Justice.

Ministry of Justice (2011). *Criminal Justice Statistics, England and Wales 2010*. London: Ministry of Justice.

Ministry of Justice (2011). *Offender Management Caseload Statistics 2010 Tables*. London: Ministry of Justice.

Ministry of Justice (2011). *Proven Reoffending Statistics Quarterly Bulletin January to December 2009, England and Wales*. London: Ministry of Justice.

Ministry of Justice (2011). *Safety in Custody 2010 England and Wales. Statistics Bulletin July 2010*. London: Ministry of Justice.

Mumola, C., (2000). *Incarcerated Parents and their Children*. Bureau of Justice Statistics; Special Report.

- Murray, J. (2007) The cycle of punishment: Social exclusion of prisoners and their children/ *Criminology and criminal justice* 7(1): 55-81.
- Niven, S. and Olagundoye, J. (2002) *Jobs and homes – a survey of prisoners near release*. Home Office Findings 173. London: Home Office.
- O-DEAT (2011). Unpublished. OASys Regional Risk Needs Profiles Probation 2010-11.
- Plugge, E., Douglas, N., and Fitzpatrick, R. (2006). *The Health of Women in Prison, Study Findings*. Oxford: University of Oxford.
- Robinson, S., Harris, H. and Dunstan, S. (2011). *Smoking and drinking among adults, 2009: A report on the 2009 General Lifestyle Survey*. London: Office for National Statistics.
- Sharp, S.F., Marcus-Mendoza, S.T., Bentley, R.G., Simpson, D.B., Love, S.R. (1997). Gender Differences in the Impact of Incarceration on the Children and Families of Drug Offenders. *Journals of Oklahoma Criminal Justice Research Consortium: Volume 4*.
- Singleton, N., Meltzer, H., Gatward, R., Coid, J., and Deasy, D. (1998) *Psychiatric Morbidity among Prisoners in England and Wales*. London: Office for National Statistics.
- Singleton, N., Farrell, M. and Meltzer, H. (1999). *Substance misuse among prisoners in England and Wales*. London: Office for National Statistics.
- Stewart, D. (2008) *The problems and needs of newly sentenced prisoners: results from a national survey*. London: Ministry of Justice.
- Singleton, N., Farrell, M., & Meltzer, H. (2003). Substance misuse among prisoners in England and Wales. *International Review of Psychiatry*, 15(1-2), 150-152.
- Social Exclusion Unit (2002) *Reducing reoffending by ex-prisoners*. Office of the Deputy Prime Minister: London.