



House of Commons
Justice Committee

Women offenders: follow-up

Thirteenth Report of Session 2014–15

Report, together with formal minutes

*Ordered by the House of Commons
to be printed 17 March 2015*

The Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

Current membership

[Rt Hon Sir Alan Beith](#) (*Liberal Democrat, Berwick-upon-Tweed*) (Chair)

[Steve Brine](#) (*Conservative, Winchester*)

[Rehman Chishti](#) (*Conservative, Gillingham and Rainham*)

[Christopher Chope](#) (*Conservative, Christchurch*)

[Jeremy Corbyn](#) (*Labour, Islington North*)

[John Cryer](#) (*Labour, Leyton and Wanstead*)

[Nick de Bois](#) (*Conservative, Enfield North*)

[John Howell](#) (*Conservative, Henley*)

[Rt Hon Elyn Llwyd](#) (*Plaid Cymru, Dwyfor Meirionnydd*)

[Andy McDonald](#) (*Labour, Middlesbrough*)

[John McDonnell](#) (*Labour, Hayes and Harlington*)

[Yasmin Qureshi](#) (*Labour, Bolton South East*)

The following Members were also members of the Committee during the Parliament:

[Mr Robert Buckland](#) (*Conservative, South Swindon*); [Christopher Evans](#) (*Labour/Co-operative, Islwyn*); [Mrs Helen Grant](#) (*Conservative, Maidstone and The Weald*);

[Ben Gummer](#) (*Conservative, Ipswich*); [Mrs Siân C James](#) (*Labour, Swansea East*);

[Gareth Johnson](#) (*Conservative, Dartford*); [Jessica Lee](#) (*Conservative, Erewash*);

[Seema Malhotra](#) (*Labour/Co-operative, Feltham and Heston*) [Robert Neill](#) (*Conservative, Bromley and Chislehurst*); [Claire Perry](#) (*Conservative, Devizes*); [Mrs Linda Riordan](#)

(*Labour/Co-operative, Halifax*); [Anna Soubry](#) (*Conservative, Broxtowe*); [Graham Stringer](#)

(*Labour, Blackley and Broughton*); [Elizabeth Truss](#) (*Conservative, South West Norfolk*);

[Karl Turner](#) (*Labour, Kingston upon Hull East*); and [Mike Weatherley](#) (*Conservative, Hove*).

Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publications

Committee reports are published on the Committee's website at www.parliament.uk/justicecttee and by The Stationery Office by Order of the House.

Committee staff

The current staff of the Committee are Nick Walker (Clerk), Daniel Whitford (Second Clerk), Gemma Buckland (Senior Committee Specialist), Hannah Stewart (Committee Legal Specialist), Ana Ferreira (Senior Committee Assistant), Ellen Bloss (Committee Support Assistant), Conor Johnson (Sandwich Student), and Liz Parratt (Committee Media Officer).

Contacts

Correspondence should be addressed to the Clerk of the Justice Committee, House of Commons, 14 Tothill Street, London SW1H 9NB. The telephone number for general enquiries is 020 7219 8196 and the email address is justicecom@parliament.uk

Contents

Report	<i>Page</i>
Summary	3
1 Introduction	5
Our initial inquiry	5
Trends in women’s offending and sentencing	6
2 Developments since our Report	7
Governance arrangements and the Advisory Board on Female Offenders	7
Sentencing guidelines	9
Gaps in provision for women offenders	9
Funding for women’s community services and commissioning arrangements	10
The implications for women offenders of Transforming Rehabilitation	11
Small custodial units and the female custodial estate	12
Rehabilitation in custody	13
Release on Temporary Licence	14
3 Conclusion	16
Conclusions and recommendations	17
Annex	19
Terms of reference for Committee’s initial inquiry	19
Formal Minutes	20
Witnesses	21
Published written evidence	21
List of Reports from the Committee during the current Parliament	22

Summary

In this Report we return to follow up the recommendations that were made in our Report *Women offenders: after the Corston Report*, which we published in July 2013. We have taken account of the Government Response to that report and sought to consider the impact of our recommendations on the Government's policy towards female offenders and those at risk of offending. In order to do this, we examined developments that have taken place since our initial inquiry relating to the Government's strategy towards women offenders.

In this report we focus on the governance arrangements driving the agenda, community-based service provision for women offenders, funding arrangements for women's services, the implications for women offenders of the Transforming Rehabilitation reforms, and the configuration of the female custodial estate.

We welcome the Government's progress in implementing a cross-Government approach to deal with women offenders, but we believe it remains too early to assess whether the Advisory Board on Female Offenders, established in March 2014, is the most effective way to deliver high-level cross-Government strategy. We note with concern that the high turnover of Ministers and, therefore, Advisory Board Chairs, during the Board's short existence appears to have impeded progress against the priorities set out in March 2013. We believe it is important that the greater energy with which the Government has begun to address the issue needs to be continued by the next Government.

In our initial inquiry, we found that there were large gaps in service provision for female offenders and that liaison and diversion schemes, intended to divert women into suitable mental healthcare or treatment programmes, had not developed sufficiently. The Government has since launched a trial of such schemes which, if successful, will be extended to all areas. We note that the wider availability of these schemes will be essential for strengthening community-based provision for women. We express our concern that the prospect of clearer future funding arrangements for women's community services has not improved since our initial report.

We welcomed the introduction of through-the-gate statutory support for all offenders sentenced to 12 months or less in custody, and the fact that all women's prisons have been designated as resettlement prisons under the Transforming Rehabilitation programme. However, whilst the Government has stated that the particular needs of female offenders will be specifically addressed by the new providers of probation services, we say doubt remains over whether this is sufficient to ensure appropriate provision for women, in particular to preserve specialist provision, and secure sustainable funding of women's centres.

In our initial Report we recommended a reconfiguration of the female custodial estate, advocating that it should consist principally of small custodial units designed to encourage women offenders to take greater responsibility for their lives. The Government rejected this recommendation and has instead begun to develop strategic hubs, prisons close to large population centres designed to serve the courts, hold women from the surrounding

area and provide a range of interventions. We welcome these efforts to improve the existing female prison estate, as well as the Minister's commitment to reduce the women's prison population. We remain of the view that small custodial units are best suited to women in custody and wish to see these developed, with more women being dealt with in the community, particularly once the women's prison population has successfully fallen substantially.

1 Introduction

Our initial inquiry

1. In March 2013, five years after Baroness Corston published *A review of women with particular vulnerabilities in the criminal justice system* (henceforth “the Corston Report”), we conducted an inquiry into the treatment of women offenders and those at risk of offending.¹ The purpose of that inquiry was to follow up the findings made by the Corston Report, and to evaluate the Ministry of Justice’s strategy and governance structures for dealing with women offenders.² A year after we published our Report we came back to the subject, taking account of the Government’s Response, and seeking to consider the impact of our own recommendations on Government policy towards women offenders.³ We requested a memorandum from the Ministry of Justice and took oral evidence from the Rt Hon Simon Hughes MP, Minister of State for Justice and Civil Liberties and Chair of the Advisory Board for Female Offenders; Michael Spurr, Chief Executive Officer of the National Offender Management Service (NOMS); Juliet Lyon CBE, Director of the Prison Reform Trust; and Rachel Halford, Director of Women in Prison, both of whom also sit on the Advisory Board as independent stakeholders. We also received memoranda after the evidence session from the Ministry of Justice and the Prison Reform Trust.

2. In our original Report we noted that some important progress had been made in dealing with women offenders, including an end to strip searching, a reduction in self-harm, the establishment of a network of women’s centres; and the acknowledgement of a need for differential treatment for women compared with men. However, in our Report we expressed several concerns about consecutive Governments’ efforts to implement the Corston Report’s recommendations. In particular, we noted that the women’s prison population had not fallen at a sufficient rate, with over half of women offenders receiving ineffectual short custodial sentences, and mental health and substance misuse treatment programmes were not available to the courts in sufficient volume. In relation to the Government’s Transforming Rehabilitation reforms, we welcomed the extension of ‘through-the-gate’ support to prisoners sentenced to less than twelve months, but criticised the overall programme as having “clearly been designed to deal with male offenders”.⁴ We concluded that prison was “an expensive and ineffective” way to deal with many women offenders who did not pose a significant risk to the public.⁵ We called for the gradual reconfiguration of the female custodial estate, with women who have committed serious offences being held in smaller custodial units, and a greater use of alternatives to custodial sentencing including the improvement of women’s community centres.⁶

3. Following our initial inquiry, the Government issued its Response to our Report, published alongside a Women’s Custodial Estate Review and a Stocktake of Women’s

1 Home Office, [The Corston Report](#), March 2007

2 The full terms of reference for the Committee’s inquiry can be found in the annex.

3 Justice Committee, Second Report of Session 2013–14, [Women offenders: after the Corston Report](#), HC 92-I

4 *Ibid*, para 143

5 *Ibid*, para 197

6 *Ibid*.

Services for Offenders in the Community, and an annual update on the delivery of the Government's strategic objectives for female offenders.⁷ In its Response, the Government stated its overall view was that there should be one justice system for all offenders who committed crimes and that it did not agree that prison was ineffective for many women offenders. It noted that the sentencing of offenders was a matter for the independent judiciary and that they had to be able to use custody where necessary. The Government's Response also pointed out that the National Offender Management Service (NOMS) had had gender-specific standards in place since 2008, and provided a range of gender-specific programmes to reflect the fact that factors associated with women's offending could be different from men's. The Government agreed that the criminal justice system needed to continue to be properly responsive to the needs of female offenders.⁸

Trends in women's offending and sentencing

4. During our initial inquiry, we found that the majority of women offenders posed little risk to public safety and that imprisonment was frequently an ineffective response. We recognised that women faced very different hurdles from men in their attempt to work towards a law-abiding life, and that the problems they faced had to be responded to appropriately so that effective action could be taken to address their offending behaviour.⁹ The Government is required by law to publish data to show whether there is any discrimination in how the criminal justice system treats people based on their gender, and does so on a biennial basis.¹⁰ The most recent statistics, published in November 2014, relate to 2013.¹¹

5. We provided detailed information on trends in women's offending and sentencing in our initial Report, and little appears to have changed in terms of the proportion of the prison population accounted for by women.¹² Women currently account for 4.6% of the total prison population, a slight reduction from 5.0% at the time of our initial inquiry. In terms of sentencing patterns, women continue to be given shorter custodial sentences than men, with 77% of all female offenders receiving a short sentence and a third of women serving sentences of less than 3 months, compared to a quarter of males. Nineteen per cent of women were remanded in custody, a proportion which statistics show has been broadly similar over the past 5 years.¹³

7 Ministry of Justice, [Government response to the Justice Committee's Second Report of Session 2013-14: Female Offenders](#), October 2013; National Offender Management Service, [Women's Custodial Estate Review](#), October 2013; National Offender Management Service, [Stocktake of Women's Service for Offenders in the Community](#), October 2013; Ministry of Justice, [Update on delivery of the Government's strategic objectives for female offenders](#), March 2014

8 Ministry of Justice, [Government response to the Justice Committee's Second Report of Session 2013-14: Female Offenders](#), October 2013

9 [HC \[Session 2013-14\] 92-I](#), para 16

10 Under section 95 of the Criminal Justice Act 1991.

11 Ministry of Justice, [Statistics on Women and the Criminal Justice System 2013](#), November 2014

12 *Ibid.*

13 *Ibid.*

2 Developments since our Report

6. We discuss here the key conclusions and recommendations of our initial Report and the developments that have subsequently taken place in the Government's approach to women offenders.

Governance arrangements and the Advisory Board on Female Offenders

7. While our original inquiry was under way, on 22 March 2013, as part of the Government's promulgation of its *Strategic objectives for female offenders*,¹⁴ the Advisory Board for Female Offenders was created, chaired by the Minister for Justice and Civil Liberties. It was intended to provide expert advice and to work across Government and with key stakeholders on: i) enhancing provision in the community; ii) designing the system for implementing the Transforming Rehabilitation proposals; iii) reviewing the women's prison estate; and iv) developing a 'whole system' approach, within and outside the criminal justice system.

8. In our initial inquiry we concluded that, without wider ministerial involvement, the proposed Advisory Board did not constitute a sufficient mechanism for high level cross-departmental governance as it did not include permanent representatives from the Departments of Health, Communities and Local Government, Education, Work and Pensions and the Home Office. We recommended a new configuration of the Advisory Board, and that the Board should devise appropriate measures of success in relation to its strategic priorities. We urged that responsibility for addressing the wide-ranging problems that contribute to female offending be built into relevant roles within other departments and local authorities, rather than lying solely with the Minister for women offenders at the Ministry of Justice.¹⁵

9. The Government disagreed with this analysis, stating that effective joined-up working across Government could best be achieved through the involvement of senior cross-Government officials rather than formal ongoing cross-departmental Ministerial membership. They did agree that the Ministry of Justice could not address the problems associated with women's offending alone.¹⁶ Simon Hughes pointed out to us that the Advisory Board had representatives on it from many other Government Departments, for example, the Department for Business, Innovation and Skills, because having employment opportunities was important in trying to prevent women from reoffending, and the Department for Work and Pensions, because many women who entered the criminal justice system were on benefits both before and after they were sentenced.¹⁷

14 Ministry of Justice, [Strategic objectives for female offenders](#), March 2013

15 [HC \[Session 2013–14\] 92–I](#), para 49–50

16 Ministry of Justice, [Government response to the Justice Committee's Second Report of Session 2013-14: Female Offenders](#), October 2013

17 [Q1](#)

10. The Prison Reform Trust stated that the Advisory Board was a step in the right direction and was being well led by the current Minister, but considered that it fell short of the high-level cross-Government strategy proposed by Baroness Corston. The Trust believed that effective governance would require a director of women's justice and a women's justice agency, board or commission that included linkages to national and local strategies on Violence against Women and Girls, Health and Wellbeing Boards and child safeguarding frameworks, in order to avoid reliance on the criminal justice system as a gateway to support services for vulnerable individuals.¹⁸ Juliet Lyon argued that the Board was essentially an advisory group with limited powers, and suggested that the Youth Justice Board would be a good model to follow as it had powers in terms of commissioning, monitoring and overseeing.¹⁹ The Prison Reform Trust further suggested that the devolution of youth remand budgets to local authorities provided a model which could be applied to women, with some adaptation, and pointed out that since local authorities became responsible for the costs of youth remands to the secure estate in April 2013, the number of under-18s in custody on remand had fallen by 22%.²⁰

11. Since the Advisory Board was established there has been a change of Minister, and hence Chair, twice which, as Mr Hughes acknowledged, was not helpful in terms of planning a strategy.²¹ Juliet Lyon believed that this issue was significant in terms of slippage, change and leadership, and claimed that there had been a reduction in the number of officials able to support the Board and to maintain the drive to take a distinct approach to female offenders, because they had been assigned to other duties.²² The Prison Reform Trust noted their appreciation for the Minister's personal commitment to discuss the proposal for a women's justice board and welcomed his determination to reduce the women's prison population.²³ It also warned that, although the numbers of women in custody had fallen slightly, as was pointed out by Mr Hughes, the decrease was small and progress was slow and halting. In June 2014, the number of female sentenced prisoners had not changed from the previous year. The Prison Reform Trust believed that concerted action and sustained leadership might be able to halve the number of women in prison, and advocated adopting targeted strategies for particular segments of the women's prison population to expedite this.²⁴

12. We welcome the cross-Government focus on reducing women's offending which has been achieved in the form of the Advisory Board, but we note with concern that the high turnover of Ministers and, therefore, Advisory Board Chairs, during the Board's short existence appears to have impeded progress against the priorities set out in March 2013. There is a clearer direction of policy on women offenders, but we consider it too early to assess whether the Advisory Board constitutes the most effective mechanism to steer high-level cross-Government strategy. We welcome the Minister's determination to reduce the women's prison population, because strong direction from the centre is

18 Prison Reform Trust ([WOF 02](#)) para 2

19 [Qq2-3](#)

20 Prison Reform Trust, ([WOF 02](#)), para 9

21 [Q1](#)

22 [Q10](#)

23 Prison Reform Trust ([WOF 02](#)) para 2

24 Prison Reform Trust ([WOF 02](#)) para 10

needed to achieve this. We hope to see a fall by the time of the Ministry's next annual review of its strategic objectives. However we note that any such fall would be against the apparent tide of a rising general prison population.

Sentencing guidelines

13. In order to reduce the female prison population it is important to understand how women are sentenced by the courts. We recommended in our initial Report that emphasis be placed on ensuring greater consistency of sentence provision, and advised the Government to enable courts to sentence from a range of options specifically designed for female offenders, including robust alternatives to custody for those who have not committed a serious offence.²⁵ Mr Hughes shared our view that it was imperative that courts were knowledgeable about the non-custodial options available for women in their area, but reported that the Advisory Board had not yet had a session to look at sentencing.²⁶ Juliet Lyon pointed out that, despite a decade of good intentions, there continued to be a limited availability of effective, non-custodial, women-specific options, and was keen for the Board to have regular and systematic feedback from sentencers about whether they had enough adequate non-custodial options available in their area.²⁷ The Minister stated that he was keen for the Advisory Board to have the opportunity to discuss these issues with the Sentencing Council and that officials were in contact to agree a suitable date.²⁸

Gaps in provision for women offenders

14. We found in our original inquiry that there were large gaps in service provision for female offenders, including access to appropriate accommodation and mental health treatment. For example, liaison and diversion schemes designed to divert women into suitable healthcare or treatment programmes on arrest or from court had not developed sufficiently to impact on the treatment of female offenders, and mental health provision remained poor despite a widespread need. We acknowledged that these gaps would be costly to overcome and asked the Government to set out the extent to which existing diversion and liaison schemes were making provision specifically for women.²⁹ The Government pledged to ensure that benefits provision enabled prisoners to retain their accommodation if they spent 6 months or less in custody.³⁰

15. In April 2014 the Government launched a trial scheme in 10 locations to test a new model of liaison and diversion, commissioned by NHS England and supported by the Department of Health, the Ministry of Justice and the Home Office. Mr Hughes stated that the schemes would check for mental health issues, learning disabilities, substance misuse and social vulnerabilities so that female offenders could get support at an early stage, and

25 [HC \[Session 2013–14\] 92–I](#), para 87

26 [Qq1.6](#)

27 Prison Reform Trust ([WOF 02](#)) para 4

28 Ministry of Justice ([WOF 01](#)) para 4

29 [HC \[Session 2013–14\] 92–I](#), para 107

30 Ministry of Justice, [Government response to the Justice Committee's Second Report of Session 2013-14: Female Offenders](#), October 2013

potentially avoid the need to go to prison at all. He said that if this was successful it would be extended to all areas.³¹ The Prison Reform Trust argued that this programme could succeed only if there were community mental health services into which women could be diverted for appropriate care and treatment.³² **In our Report *Crime reduction policies: a co-ordinated approach?*, we concluded that slow progress was being made in developing liaison and diversion schemes and that much more could be done. We argued that the Government had tended to focus on crisis management, where there might be more immediate financial gains to be had, and, as a result, only a small proportion of funding was being assigned to early intervention programmes which have could potentially lead to longer term benefits.**³³ **We believe the wider availability of these schemes will be crucial for strengthening community-based provision for women in order to reduce the female prison population.**

Funding for women's community services and commissioning arrangements

16. In our initial Report, we expressed concern regarding the impact of changes to commissioning arrangements on community provision for female offenders and those at risk of offending. We found it problematic that responsibility for the prevention of women entering the criminal justice system lay within a Department focused on criminal justice, arguing that this inhibited the development of a holistic approach. We recommended that priority be given to preserving existing services for vulnerable women and children, as well as an expansion of women's community projects that provided a broad range of practical and emotional support to enable female offenders to change their lives for good. We advocated referral be allowed at every stage in the process; including for women at risk of getting involved in crime, pre-court, post-court, as part of an order, and following a custodial sentence.³⁴

17. The Government agreed that policy to prevent women entering the criminal justice system should not be focused within the Ministry of Justice and highlighted the cross-Government approach set out in its strategic objectives.³⁵ The National Offender Management Service's stocktake of women's community provision found that there was an established delivery landscape which reflected local need. Many Probation Trusts were working with partners to build on and expand existing services for female offenders in the community, including sharing resources and premises such as children's centres, women's centres and community centres, but noted that there were still some gaps in provision in certain areas. The Government stated its belief that it was for individual women's community services to determine the client needs on which they should focus, and from whom they will accept referrals, in partnership with other local needs assessments. The Government also believed that its Transforming Rehabilitation reforms would bring real

31 [Q36](#)

32 Prison Reform Trust ([WOF 02](#)) para 15

33 Justice Committee, First Report of Session 2014–15, [Crime reduction policies: a co-ordinated approach?](#), HC 307, para 63, 88

34 [HC \[Session 2013–14\] 92–I](#), para 119–120

35 Ministry of Justice, [Government response to the Justice Committee's Second Report of Session 2013–14: Female Offenders](#), October 2013

opportunities for expansion in the women's community service sector.³⁶ We consider this issue in paragraphs 19 to 22.

18. Mr Hughes told us that funding for 2014-15 was secure, but funding for the next year would be dependent on the process of bids for the 21 contracts to provide probation services under Transforming Rehabilitation.³⁷ Juliet Lyon expressed her concerns for the funding of women's centres and described it as being very "hand to mouth."³⁸ She pointed out that, as the solutions to women's offending lay across Departments both nationally and locally, there was a very strong case for making sure that funding and budgeting was shared.³⁹ Similarly, Rachel Halford said that the funding for the women's centre in Manchester had been reduced, meaning that they had had to be creative in fundraising to ensure they could continue to deliver services to the same number of women. Subsidising fundraising was also an issue.⁴⁰ The Prison Reform Trust said that in London in particular there was a desperate need for more women's centres and services. The sustainability and funding of specialist women's services and how they will fare under the Transforming Rehabilitation programme remained a concern, particularly as reductions in local council budgets threatened some of the services that were critical to improved outcomes for female offenders, such as housing.⁴¹ **We are concerned that funding appears to be a recurring problem for women's centres and that future funding arrangements have not been put on a sound basis as we recommended. Women's centres should not be solely for women already in the criminal justice system, but also for those on the periphery of it and at risk of entering it, and we reiterate our recommendation that sustainable funding of specialist women's services should be a priority.**

The implications for women offenders of Transforming Rehabilitation

19. The Transforming Rehabilitation reforms have introduced through-the-gate statutory support for all offenders sentenced to a custodial sentence of 12 months or less, which is likely to be of great benefit to female offenders, who tend to receive short custodial sentences. The Government also designated all women's prisons as resettlement prisons, a development which we welcomed in our initial Report. We did however express concern that the reforms had been designed primarily to deal with male offenders, a concern disputed by the Ministry of Justice.⁴²

20. The Offender Rehabilitation Act 2014 placed a statutory requirement on the Secretary of State for Justice to ensure that contracts with new providers of probation services considered and identified the particular needs of female offenders.⁴³ Mr Hughes reiterated

36 National Offender Management Service, [Stocktake of Women's Services for Offenders in the Community](#), October 2013

37 [Q15](#)

38 [Q22](#)

39 *Ibid.*

40 [Q18](#)

41 Prison Reform Trust ([WOF 02](#)) para 5

42 [HC \[Session 2013-14\] 92-I](#), para 126, 130

43 Ministry of Justice, [Government response to the Justice Committee's Second Report of Session 2013-14: Female Offenders](#), October 2013

that the needs of women would be specifically addressed by the Transforming Rehabilitation programme. Providers would be required to give women offenders the option of: having a female supervisor or responsible officer; attending meetings or appointments in a female-only environment; and not being placed in a male-only environment for unpaid work or attendance requirements, for example. Guidance was available to ensure probation providers fully understood how to respond to the particular needs of female offenders.⁴⁴ However, Rachel Halford expressed her concern that obligations under these requirements were open to the interpretation of providers. She worried, for example, that there was an implication that, unless a woman specifically chose to, she might go to a generic centre which, in turn, might lead facilities to become generic centres rather than women-only.⁴⁵ The Prison Reform Trust thought there was a risk that the introduction of post-prison statutory supervision might result in some sentencers being more inclined to view short-term custody as a gateway to the support services in the community that women needed. There was also a concern that more women would be returned to custody for failing to comply with the terms of the mandatory supervision period.⁴⁶

21. We were concerned that effective provision for women offenders might not be achieved under the payments by results system underpinning the Transforming Rehabilitation reforms. In particular, we queried whether there would be sufficient incentive for providers to make available appropriate provision for women offenders, taking into account that they are often classified for probation purposes as presenting a lower risk of reoffending and harm, but tend to have a higher level of need, which could require more intensive, and costly, intervention.⁴⁷ Ms Halford argued that the sustainability of women's centres previously funded by NOMS was very dependent on what happened under the Transforming Rehabilitation programme, although she was pleased that, as small organisations, it is not necessarily suggested that such centres would have to operate a payments by results system. She believed that the more successful women's centres would be those that were not funded under Transforming Rehabilitation, for example, those funded by local authorities. She stated that funding for women's centres under Transforming Rehabilitation "could be fantastic, but it could be disastrous."⁴⁸

22. It is still very early to assess whether the requirement to take account of women's needs placed on probation providers by the Transforming Rehabilitation programme is sufficient to safeguard the long term funding of women's centres.

Small custodial units and the female custodial estate

23. In our initial report, we said that we would like to see a greater focus on care rather than security in custodial regimes for women, where appropriate, and that priority should be given to finding appropriate ways of enabling women to take more responsibility for

44 [Qq4, 42](#)

45 [Q18](#)

46 Prison Reform Trust ([WOF 02](#)) para 19

47 [HC \[Session 2013–14\] 92–I](#), para 130, 143

48 [Q18](#)

their lives whilst serving a custodial sentence.⁴⁹ We visited HMP Styal during our inquiry and were impressed there by a regime that encouraged the development of independent living skills and a sense of responsibility within small residential units, coupled with therapeutic interventions. We concluded that this demonstrated the benefits of small units in developing responsibility and support,⁵⁰ and we recommended the development of small custodial units, a recommendation which was not accepted by the Government. Since our previous Report a half-way house has been opened at HMP Styal which houses up to 25 women in open accommodation outside the prison walls, and an open unit at HMP Drake Hall has also been announced, though not yet established. These are intended to keep women closer to home by providing smaller open prison units next to existing closed prisons. ***We remain of the view that an estate consisting principally of small custodial units is best suited to women in custody. This should be the long term aim of the Government, when it has been successful in reducing the size of the women's prison population.***

24. Following its review of the custodial estate, the Government decided to develop strategic hubs, prisons close to major population centres in order to serve the courts, hold women from the surrounding area, and provide a range of interventions.⁵¹ We welcome the commitment from the Government to reconfigure the women's custodial estate to ensure women who must go to prison are able to do so near where they would like to live on release and to improve access to interventions and sentence provision by increasing prison capacity close to urban areas.⁵²

25. If strategic hubs prove successful, the Government plans to close HMP Askham Grange and HMP East Sutton Park. These are open prisons located in rural areas of Yorkshire and Kent, which the Government has concluded do not meet the resettlement and employment needs of a majority of women.⁵³

Rehabilitation in custody

26. The Government says that it encourages women serving a custodial sentence to take responsibility for their own lives and develop skills that are likely to be beneficial on release: it was developing and enhancing community employment regimes for low-risk women to improve employment opportunities where they would be resettled.⁵⁴ A joint initiative between the Ministry of Justice and the Department for Business, Innovation and Skills was announced in October 2014 to establish a women-specific curriculum across the female estate designed to meet individual needs and develop both life and formal educational skills. It aims to increase female offenders' employment prospects on release and, as a result, reduce reoffending. The curriculum was also designed to address self-

49 [HC \[Session 2013–14\] 92–I](#), para 175

50 *Ibid.*

51 Ministry of Justice, [Government response to the Justice Committee's Second Report of Session 2013–14: Female Offenders](#), October 2013

52 Ministry of Justice ([WOF 01](#)) para 18

53 Ministry of Justice, [Government response to the Justice Committee's Second Report of Session 2013–14: Female Offenders](#), October 2013

54 Ministry of Justice ([WOF 01](#)) para 18

esteem and confidence issues. The Community Rehabilitation Companies that have won probation contracts as part of the Transforming Rehabilitation reforms will be expected to work with education partners to help women continue their education and training on release.⁵⁵

27. Rachel Halford, however, said that there had not been much progress on community employment regimes but that they remained a new initiative. There had been an increase in provision in some prisons. For example, HMP Holloway had connections with the London College of Fashion and Pret A Manger, HMP Eastwood had a Timpsons programme and HMP Styal had many employers coming in. However, she also said it was important to note that many women were not ready for employment on release, particularly as a majority received short sentences and were not in prison long enough to access this type of support. Issues such as their families, housing and finances were their priorities, and they often were not at a stage where education and employment was at the forefront of their minds.⁵⁶

28. Juliet Lyon stated that the Government's emphasis on family contact was very helpful for women offenders. However, she argued the overriding problem was that many women were being held in the prison system who did not need to be there. If there was an alternative for those serving very short sentences she believed that staff and prisons would have a greater chance to create effective and constructive regimes for those that needed to be in prison. She also voiced her concern that the reduction in staffing levels in prisons was having a negative impact in both men's and women's establishments.⁵⁷

Release on Temporary Licence

29. Both Rachel Halford and Juliet Lyon emphasised the importance of access to Release on Temporary Licence (ROTL) for women offenders. Ms Lyon stated that women contacting the advice service run by the Prison Reform Trust were saying that restrictions were being imposed on them in a way they had not been before.⁵⁸ These women had expressed concern that they would be penalised by men's higher rate of absconding, and the media reaction to this, and they feared that time used to see family and to find safe housing and employment on release was in jeopardy.⁵⁹ Ms Lyon argued that the tightening of conditions for ROTL should not apply equally to women. Ms Halford made the important point that if women's access to ROTL was tightened, women's prisons could not fulfil their role as resettlement prisons: "if women cannot go out – to increase their responsibility, and go out to work – it just becomes a closed prison. Women have to be able to access ROTL."⁶⁰

30. The Prison Reform Trust highlighted data showing that although the number of releases on temporary licence had increased by 8% (from 7,885 in January-March 2013 to

55 HC Deb, 21 October 2014, [col67WS](#) [Commons written statement]

56 [Qq29-31](#)

57 [Q27](#)

58 [Q31](#)

59 Prison Reform Trust ([WOF 02](#)) para 20

60 [Q43](#)

8,489 in January-March 2014), the number of individual women benefiting from ROTL had fallen by 2%. The number of occasions on which women were released for childcare resettlement and resettlement overnight release had decreased significantly, by 62% and 20% respectively.⁶¹ In 2013, there were 529,350 releases on temporary licence, 93.8% from male establishments and 6.2% from female establishments. Less than 0.1% of releases failed, with the failure rate of males being double that of females.⁶² The Prison Reform Trust recommended that the new measures should be monitored for their equality impact, particularly on women, people with learning disabilities and difficulties and older prisoners.⁶³

31. The Ministry of Justice has acknowledged that ROTL is important in the rehabilitation of offenders and that prisoners would continue to be released where appropriate, following a case-by-case assessment, when there was a legitimate purpose linked to their resettlement, including for work experience, training and maintaining family ties. They emphasised that a two-tier system was being introduced under which more serious offenders would be subject to a restricted ROTL regime with enhanced assessment and monitoring. There were more stringent restrictions for those with a history of absconding or of failing to return or offending on ROTL. The Government was specifically allowing women who had been assessed as suitable for open conditions to be considered for restricted ROTL.⁶⁴ **We welcome the Government's assurances that the Minister is taking steps to minimise the potential impact on women of recent restrictions on ROTL. We anticipate that our successor Committee will have to monitor this carefully in the future.**

61 Prison Reform Trust ([WOF 02](#)) para 20

62 Ministry of Justice, *Statistics on Women and the Criminal Justice System 2013*, November 2014

63 Prison Reform Trust, *Inside out: Release on temporary licence and its role in promoting effective resettlement and rehabilitation*, February 2015

64 Ministry of Justice ([WOF 01](#)) para 5-6

3 Conclusion

32. Overall, we believe that positive steps are being made in meeting the needs of women offenders, and we welcome the Minister's personal determination to reduce the women's prison population and improve and increase the programmes of support available to female offenders to help them take responsibility and improve their lives. The greater energy with which the Government has begun to address the issue of women offenders needs to be sustained and continued by the next Government: this applies to matters such as reliable funding of women's centres, the effectiveness of rehabilitative provision for women by Community Rehabilitation Companies, and the potential of smaller custodial units. We want to see more effective provision for women offenders, making it possible for there to be a substantial fall in the women's prison population in the coming months and years. *We recommend that our successor Committee in the next Parliament continue to monitor this subject closely.*

Conclusions and recommendations

Governance arrangements and the Advisory Board on Female Offenders

1. We welcome the cross-Government focus on reducing women's offending which has been achieved in the form of the Advisory Board, but we note with concern that the high turnover of Ministers and, therefore, Advisory Board Chairs, during the Board's short existence appears to have impeded progress against the priorities set out in March 2013. There is a clearer direction of policy on women offenders, but we consider it too early to assess whether the Advisory Board constitutes the most effective mechanism to steer high-level cross-Government strategy. We welcome the Minister's determination to reduce the women's prison population, because strong direction from the centre is needed to achieve this. We hope to see a fall by the time of the Ministry's next annual review of its strategic objectives. However we note that any such fall would be against the apparent tide of a rising general prison population. (Paragraph 12)

Gaps in provision for women offenders

2. In our Report Crime reduction policies: a co-ordinated approach?, we concluded that slow progress was being made in developing liaison and diversion schemes and that much more could be done. We argued that the Government had tended to focus on crisis management, where there might be more immediate financial gains to be had, and, as a result, only a small proportion of funding was being assigned to early intervention programmes which have could potentially lead to longer term benefits. We believe the wider availability of these schemes will be crucial for strengthening community-based provision for women in order to reduce the female prison population. (Paragraph 15)

Funding for women's community services and commissioning arrangements

3. We are concerned that funding appears to be a recurring problem for women's centres and that future funding arrangements have not been put on a sound basis as we recommended. (Paragraph 18)
4. *Women's centres should not be solely for women already in the criminal justice system, but also for those on the periphery of it and at risk of entering it, and we reiterate our recommendation that sustainable funding of specialist women's services should be a priority.* (Paragraph 18)

The implications for women offenders of Transforming Rehabilitation

5. It is still very early to assess whether the requirement to take account of women's needs placed on probation providers by the Transforming Rehabilitation programme is sufficient to safeguard the long term funding of women's centres. (Paragraph 22)

Small custodial units and the female custodial estate

6. *We remain of the view that an estate consisting principally of small custodial units is best suited to women in custody. This should be the long term aim of the Government, when it has been successful in reducing the size of the women's prison population.* (Paragraph 23)

Release on Temporary Licence

7. We welcome the Government's assurances that the Minister is taking steps to minimise the potential impact on women of recent restrictions on ROTL. We anticipate that our successor Committee will have to monitor this carefully in the future. (Paragraph 31)

Conclusion

8. Overall, we believe that positive steps are being made in meeting the needs of women offenders, and we welcome the Minister's personal determination to reduce the women's prison population and improve and increase the programmes of support available to female offenders to help them take responsibility and improve their lives. The greater energy with which the Government has begun to address the issue of women offenders needs to be sustained and continued by the next Government: this applies to matters such as reliable funding of women's centres, the effectiveness of rehabilitative provision for women by Community Rehabilitation Companies, and the potential of smaller custodial units. We want to see more effective provision for women offenders, making it possible for there to be a substantial fall in the women's prison population in the coming months and years. *We recommend that our successor Committee in the next Parliament continue to monitor this subject closely.* (Paragraph 32)

Annex

Terms of reference for Committee's initial inquiry

- The nature and effectiveness of the Ministry of Justice's strategy for women offenders and those at risk of offending;
- The nature and effectiveness of Ministry of Justice governance structures for women's offending;
- The extent to which work to address the multiple and complex needs of women offenders is integrated across Government;
- The extent to which the gender equality duty has become a lever for mainstream service commissioners—outside of the criminal justice system—to provide services which tackle the underlying causes of female offending;
- The suitability of the women's custodial estate and prison regimes;
- The volume, range, quality, and sustainability of community provision for female offenders, including approved premises;
- The availability of appropriate provision for different groups of women offenders, including: under 18s, women with children, foreign nationals and black, Asian and minority ethnic women, and those with mental health problems.

Formal Minutes

Tuesday 17 March 2015

Members present:

Sir Alan Beith, in the Chair

Jeremy Corbyn
John Howell
Mr Elfyn Llwyd

Andy McDonald
John McDonnell

Draft Report (*Women offenders: follow-up*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 32 read and agreed to.

Summary agreed to.

Annex agreed to.

Resolved, That the Report be the Thirteenth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[The Committee adjourned.]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the Committee's inquiry page at www.parliament.uk/women-offenders-follow-up

Wednesday 16 July 2014

Question number

Rt Hon Simon Hughes MP, Minister of State for Justice and Civil Liberties, and Chair of the Advisory Board on Female Offenders, Ministry of Justice, **Juliet Lyon CBE**, Director, Prison Reform Trust, **Rachel Halford**, Director, Women in Prison, and **Michael Spurr**, Chief Executive Officer, National Offender Management Service

[Q1-43](#)

Published written evidence

The following written evidence was received and can be viewed on the Committee's inquiry web page at www.parliament.uk/women-offenders-follow-up. WOF numbers are generated by the evidence processing system and so may not be complete.

- 1 Ministry of Justice ([WOF0001](#)); and ([WOF0003](#))
- 2 Prison Reform Trust ([WOF0002](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the Committee's website at www.parliament.uk/justicecttee.

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010–12

First Report	Revised Sentencing Guideline: Assault	HC 637
Second Report	Appointment of the Chair of the Judicial Appointments Commission	HC 770
Third Report	Government's proposed reform of legal aid	HC 681-I (Cm 8111)
Fourth Report	Appointment of the Prisons and Probation Ombudsman for England and Wales	HC 1022
Fifth Report	Appointment of HM Chief Inspector of Probation	HC 1021
Sixth Report	Operation of the Family Courts	HC 518-I (Cm 8189)
Seventh Report	Draft sentencing guidelines: drugs and burglary	HC 1211
Eighth Report	The role of the Probation Service	HC 519-I (Cm 8176)
Ninth Report	Referral fees and the theft of personal data: evidence from the Information Commissioner	HC 1473(Cm 8240)
Tenth Report	The proposed abolition of the Youth Justice Board	HC 1547 (Cm 8257)
Eleventh Report	Joint Enterprise	HC 1597 (HC 1901)
Twelfth Report	Presumption of Death	HC 1663 (Cm 8377)
First Special Report	Joint Enterprise: Government Response to the Committee's Eleventh Report of Session 2010–12	HC 1901

Session 2012–13

First Report	Post-legislative scrutiny of the Freedom of Information Act 2000	HC 96-I (Cm 8505)
Second Report	The budget and structure of the Ministry of Justice	HC 97-I (Cm 8433)
Third Report	The Committee's opinion on the European Union Data Protection framework proposals	HC 572 (Cm 8530)
Fourth Report	Pre-legislative scrutiny of the Children and Families Bill	HC 739 (Cm 8540)
Fifth Report	Draft Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013	HC 927
Sixth Report	Interpreting and translation services and the Applied Language Solutions contract	HC 645 (Cm 8600)
Seventh Report	Youth Justice	HC 339 (Cm 8615)
Eighth Report	Scrutiny of the draft Public Bodies (Abolition of Administrative Justice and Tribunals	HC 965 (HC 1119)

	Council) Order 2013	
Ninth Report	The functions, powers and resources of the Information Commissioner	HC 962 (HC 560, Session 2013–14)
First Special Report	Scrutiny of the draft Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013: Government Response to the Committee’s Eighth Report of Session 2012–13	HC 1119
Session 2013–14		
First Report	Sexual Offences Guidelines: Consultation	HC 93
Second Report	Women offenders: after the Corston Report	HC 92 (Cm 8279)
Third Report	Transforming Legal Aid: evidence taken by the Committee	HC 91
Fourth Report	Environmental Offences Guideline: Consultation	HC 604
Fifth Report	Older prisoners	HC 89 (Cm 8739)
Sixth Report	Post-legislative Scrutiny of Part 2 (Encouraging or assisting crime) of the Serious Crime Act 2007	HC 639 (HC 918)
Seventh Report	Appointment of HM Chief Inspector of Probation	HC 640
Eighth Report	Ministry of Justice measures in the JHA block opt-out	HC 605 (HC 972)
Ninth Report	Fraud, Bribery and Money Laundering Guideline: Consultation	HC 804
Tenth Report	Crown Dependencies: developments since 2010	HC 726 (Cm 8837)
Eleventh Report	Appointment of the Chair of the Office for Legal Complaints	HC 916
Twelfth Report	Crime reduction policies: a co-ordinated approach? Interim report on the Government's Transforming Rehabilitation programme	HC 1004
Thirteenth Report	Serious Fraud Office Supplementary Estimate 2013-14	HC 1005
Fourteenth Report	First Joint Report from the European Scrutiny, Home Affairs and Justice Committees of Session 2013–14: The Government’s response to the Committees’ Reports on the 2014 block opt-out decision	HC 1177
First Special Report	The functions, powers and resources of the Information Commissioner: Government Response to the Committee’s Ninth Report of Session 2012–13	HC 560
Second Special Report	Post-legislative Scrutiny of Part 2 (Encouraging or assisting crime) of the Serious Crime Act 2007: Government Response to the Committee’s Sixth Report of Session 2013–14	HC 918
Third Special Report	Ministry of Justice measures in the JHA block-opt: Government Response to the Committee’s Eighth Report of Session 2013–14	HC 972

Session 2014–15

First Report	Crime reduction policies: a co-ordinated approach?	HC 307 (Cm 8918)
Second Report	Theft Offences Guideline: Consultation	HC 554
Third Report	Mesothelioma Claims	HC 308 (HC 849)
Fourth Report	Joint enterprise: follow-up	HC 310
Fifth Report	Manorial Rights	HC 657 (HC 1124)
Sixth Report	Robbery Offences Guideline: Consultation	HC 1066
Seventh Report	Health and safety offences, corporate manslaughter and food safety and hygiene offences guidelines: consultation	HC 1099
Eighth Report	Impact of changes to civil legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012	HC 311
Ninth Report	Prisons: planning and policies	HC 309
Tenth Report	The work of the Committee in the 2010–2015 Parliament	
Eleventh Report	Appointment of HM Chief Inspector of the Crown Prosecution Service	HC 1117
Twelfth Report	Criminal Cases Review Commission	HC 850
First Special Report	Mesothelioma Claims: Government Response to the Committee's Third Report of Session 2014–15	HC 849
Second Special Report	Joint enterprise: follow-up: Government Response to the Committee's Fourth Report of Session 2014–15	HC 1047
Third Special Report	Manorial rights: Government Response to the Committee's Fifth Report of Session 2014–15	HC 1124