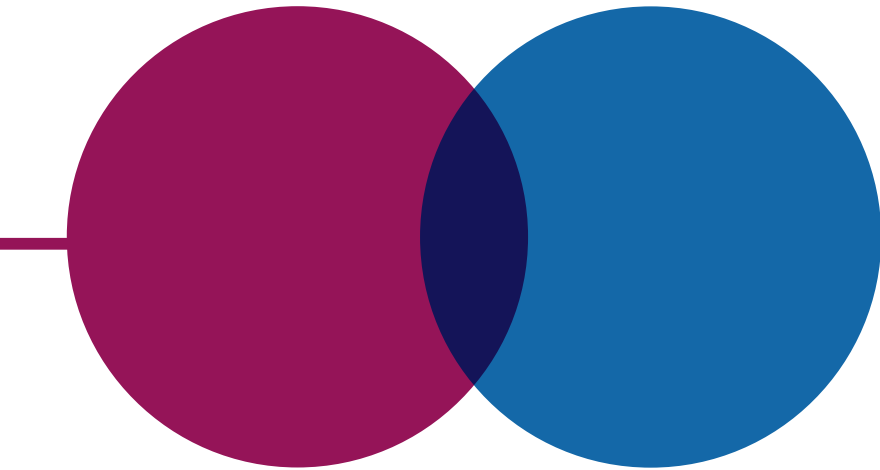




National Audit Office



# Improving outcomes for women in the criminal justice system

Ministry of Justice

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**REPORT**

**by the Comptroller  
and Auditor General**

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**SESSION 2021-22  
19 JANUARY 2022  
HC 1012**

## Key facts

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**2018**

year the Ministry of Justice (the Ministry) published its Female Offender Strategy (the strategy)

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**£1.7bn**

government's rough estimate of the cost of dealing with women encountering the criminal justice system in 2015-16

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**4%**

the percentage of the prison population that are women (September 2021)

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<b>77%</b>	of custodial sentences for women in 2017 were for less than or equal to 12 months, compared to 62% of men
<b>71%</b>	of women reoffended following custodial sentences of less than 12 months in 2016, compared to 63% of men
<b>6,852</b>	number of women received into prison, either on remand or to serve a sentence in 2019-20
<b>3,426</b>	average daily female prison population in 2019-20 in England and Wales
<b>£52,000</b>	the annual average cost of a women's prison place in 2019-20
<b>£9.5 million</b>	the amount the Ministry awarded as grants to fund services for women in the community for 2018-19 to 2021-22
<b>£4.8 million</b>	of funding allocated by the Ministry in 2020-2022 toward developing five planned Residential Women's Centres
<b>January 2021</b>	date the Ministry published a National Concordat on addressing the needs of women in contact with the justice system, two years later than originally planned
<b>£200 million</b>	expected cost to the Ministry to build up to 500 additional prison places for women

# Summary

## Introduction

**1** Concerns that the criminal justice system (CJS) is not responsive to the specific needs of women are longstanding. Women are a minority in the CJS and accounted for just 4% of the prison population as at September 2021. In 2019-20, the average daily prison population was 3,426, but twice this number of women (6,852) were received into prison either on remand or to serve a sentence over the same period. The average annual cost of a women's prison place in 2019-20 was £52,000. In 2007, following the deaths of six women at Styal prison within a year, the government commissioned the Corston Report. The report stressed that the underlying reasons why men and women offend and their response to interventions and rehabilitation differed. It therefore suggested a different approach was needed to achieve equality of outcomes for women.

**2** Following the report, the government sought to develop a stronger focus on the needs of women in the CJS. This culminated in the publication of the Ministry of Justice's Female Offender Strategy (the strategy) in June 2018. The strategy aims to:

- reduce the number of women entering the CJS by intervening earlier with support in the community;
- have fewer women in custody (especially serving short sentences) and a greater proportion of women managed in the community; and
- create better conditions for women in custody, including improving and maintaining family ties, reducing self-harm, and providing better support on release.

In doing this, the Ministry of Justice (the Ministry) aims to reduce crime, pressure on services and the cost of dealing with women in the CJS, and to improve outcomes for women at all points in the justice system.

**3** While the Ministry holds overall responsibility for the strategy, its success relies on the various bodies involved in a woman's journey through the system, including agencies within the CJS, other government departments, local government and the third sector. Women's services are specialist community support services for women facing multiple disadvantages, including women involved with (or at risk of involvement with) the CJS. These services are often provided by third sector women's centres. They can provide access to a range of support, for example, on mental and physical health, debt, substance misuse, employment and domestic abuse.

**4** Following the strategy's publication, the Ministry tasked its female offender policy team (the programme team) with overseeing delivery of the strategy. It also commissioned a review by Lord Farmer on family support needs for women in contact with the CJS.<sup>1</sup> Other programmes within the Ministry have the potential to contribute to the aims of the strategy. This includes large recent initiatives such as the probation service reforms and the prison estate transformation, but also many aspects of the Ministry's other normal business-as-usual services to women in the community, courts and prisons. Wider government initiatives also contribute to the strategy's aims, for example, the Home Office's Violence Against Women and Girls Strategy. While the Female Offender Strategy references some of these initiatives and activities, this report largely focuses on the commitments of the strategy and does not aim to assess all the various individual interventions or initiatives that may impact on women's lives and therefore contribute to the strategy's aims. Over three years since the publication of the strategy, the report examines:

- the Ministry's approach to implementing the strategy (Part Two);
- its progress so far (Part Three and Appendix Three); and
- whether it is on track to achieve its aims (Part Three).

<sup>1</sup> Ministry of Justice, *Importance of strengthening female offenders' family and other relationships to prevent reoffending and reduce intergenerational crime*, June 2018.

## Key findings

From strategy to plan

**5 The Female Offender Strategy makes an evidence-based case for addressing the distinct needs of women in the justice system, who have worse outcomes than men.** The Ministry drew on a wide range of evidence and consulted various stakeholders in developing its strategy. Its strategy sets out that women in contact with the CJS are more likely than men to:

- have specific vulnerabilities that drive their offending, including histories of trauma and abuse;
- commit less serious offences and pose less risk of serious harm to the public;
- be badly affected by prison, with a rate of self-harm in 2017 that was nearly five times as high in women's prisons as in men's prisons;
- serve a short prison sentence (77% of custodial sentences for women in 2017 were for less than or equal to 12 months, compared to 62% of men); and
- then re-offend within a year following a short prison sentence (71% of women reoffend following custodial sentences of less than 12 months (as at April to July 2016), compared to 63% of men).

The Ministry recognised that a different approach was therefore needed to achieve better outcomes for women and society (paragraphs 1.3 to 1.5, Figure 1).

**6 The financial and wider social costs associated with female offending are substantial and unevenly spread across organisations.** A cross-government costing project led by the Ministry and HM Treasury estimated that female offenders cost the government £1.7 billion in 2015-16, including £1 billion in police costs. This estimate was subject to major uncertainty and excluded wider social costs such as the longer-term impacts on the lives of children of prisoners. Much of the cost typically falls outside the Ministry, including many costs of early intervention and diversion to community support (paragraphs 1.3 to 1.5, paragraphs 1.9 to 1.11, and Figures 1 and 4).

**7 The Ministry established its female offender programme (the programme) to oversee delivery of the wide range of cross-government strategy commitments.**

The strategy contains more than 50 commitments, which range in complexity, from publishing guidance for the police on working with vulnerable women, to creating Residential Women's Centres as an alternative to custody. The Ministry's programme consists of workstreams to deliver these commitments – across the Ministry, Her Majesty's Prison and Probation Service (HMPPS) and other government departments. Its programme also relies on local areas implementing a whole-system approach of local plans for addressing women's needs.<sup>2</sup> The Ministry also aimed to promote consideration of women's needs by the Ministry and other departments in all initiatives that affect women in the CJS. It intended to include new initiatives within the programme as they developed (paragraphs 1.6 to 1.8, paragraphs 2.2 to 2.4, 3.11 and Figures 1, 2 and 5).

**8 A rapidly changing external environment has reduced the Ministry's capacity to focus on its female offender programme.** Since the strategy was published the Ministry has focused significant attention on large and urgent programmes such as the reunification of probation services, the prison expansion programme and improvements to its electronic monitoring programme, all of which are relevant for women in the CJS. These high-profile programmes were progressed within a wider context of significant financial constraint, short term funding settlements and a need to respond rapidly to the onset of the COVID-19 pandemic to protect staff and users of the CJS. All of these factors contributed to the Ministry prioritising other activities above implementing the female offender programme (paragraphs 2.18, 2.19 and 3.1).

**9 The Ministry allocated limited funding and resources to its female offender programme.** The only funding it initially made available was £5.1 million for supporting women's services in the community in 2018–2020. This was in part because its strategy was published between Spending Reviews. The aim of the funding was to address wider sustainability issues for the sector and to mitigate negative impacts from the Ministry's Transforming Rehabilitation reforms, which had reduced funding to women's centres for probation services. Across the Spending Reviews for 2020 and 2021, the Ministry allocated only £13.1 million of the £40 million minimum funding the programme team initially estimated it needed for certain aspects of the programme. This figure does not include money for wider programmes that may contribute to the strategy's aims, for example, recent probation reforms. The funding reflects the Ministry's overall funding settlement from HM Treasury and its assessment of its relative priorities (paragraphs 2.16 to 2.18 and Figure 7).

<sup>2</sup> Whole-system approaches are broadly described in the strategy as delivering "holistic support through joined-up local service provision". How this is done in practice varies from area to area.

**10 The Ministry decided not to set any programme goals or targets, which limited its ability to assess required cost or value for money.** It decided against attaching any numbers to its objectives, such as the proportion of women it aimed to divert from the CJS. It told us that it considered it inappropriate to set targets that depended on the actions of independent bodies, such as the judiciary. However, without setting out clearly its ambitions, the Ministry could not cost how much would be needed to meet them. The Ministry has not therefore carried out a value for money assessment of the budget needed to implement the whole programme, including the estimated benefits and where in government they would sit. In making the case for focusing on female offenders, the Ministry set out the costs to government of women in the CJS. It highlighted that community options are normally less expensive than custody. But the Ministry did not estimate the total funding required or how much it might expect to save (paragraphs 2.10, 2.11, 2.16 and 2.17, and Figure 7).

**11 The Ministry did not establish robust governance and performance measures to assess progress, and hold itself and others to account.** We know from our wider work that effective governance and performance management are necessary conditions for successful programme delivery. However, because of the limited funding and its objective to influence other policy areas to consider women, the Ministry considered that the programme required proportionately light programme management. The Ministry did not develop a full list of deliverables with milestones for the programme's workstreams. Nor did it set performance measures to assess its progress towards its aims. It set up a number of boards to oversee delivery of the strategy but these boards do not report into the Ministry's senior management boards, so accountability has been limited. Two of its governance boards were paused in response to the COVID-19 pandemic and were only recently restarted or replaced. The Ministry is now working to strengthen its governance arrangements (paragraphs 2.5 to 2.8 and 3.15 to 3.19, Figures 5 and 6).

**12 The Ministry was two years late publishing a Concordat for joint working and partnerships are not yet sufficiently embedded.** The Ministry published a Concordat in January 2021, co-signed by 14 government bodies, although it was originally planned for the end of 2018. But it has not secured sufficient practical support to implement more local whole-system approaches. Its failure was partly due to a lack of funding, but also because departments had other priorities. We did not see an influencing plan to prioritise who to influence, identify opportunities for influence, or what success would look like (paragraphs 2.12 to 2.15, Figure 3 and Appendix Three).

## Progress in implementing the programme

**13 The programme team has focused its funding and staff resource on maintaining and expanding community options for women.** This was in part because it saw this as the most urgent need. Funding secured in addition to the initial investment of £5.1 million came to £13.1 million. This includes:

- £7 million for grant funding for women’s services;
- £4.8 million to develop and deliver Residential Women’s Centres (RWCs);<sup>3</sup> and
- £1.3 million to support a range of initiatives including helping local areas implement whole-system approaches.

Of this, £6.8 million was unspent for various reasons (paragraphs 2.16 to 2.18 and Figure 7).

**14 Despite its focus on the community, the Ministry has made limited progress on securing and expanding community options specifically for women.** The Ministry’s plans to pilot five RWCs have been considerably delayed due to resource issues and difficulties finding a site for its first centre in Wales. The Ministry expected to spend £3.5 million capital funding on RWCs in 2021-22 but now expects to spend £0.5 million. The grant funding to providers for women’s services was restricted to short-term grants of less than a year, as a result of government holding several single-year Spending Reviews in succession. Providers of women’s services we spoke to welcomed the fact that later grants could be used to fund their organisation’s core costs. But the short-term nature of these grants had not resolved funding sustainability issues, which made it difficult to plan ahead and sustain services. In May 2021, as part of its wider probation reforms, the Ministry announced that it had awarded probation service contracts worth £195 million (over almost four years); £46 million of this was for services for female offenders (averaging £12.3 million a year). But organisations are limited to using this funding for providing support to women on probation (paragraphs 3.3 to 3.7 and Figure 8).

3 The Ministry aims for RWCs to provide an alternative to custody for women. It intends for centres to provide accommodation and focus on supporting women’s rehabilitation and their transition back into the community.



**15 The Ministry and other bodies have made some progress in delivering other areas of the programme.** The lack of a list of deliverables with milestones described in paragraph 10 means that it is not possible to make a full assessment of progress. However, we found that the Ministry and other bodies had made progress with many straightforward actions, such as introducing guidance and training. They had also begun to make some changes to processes and services that affect women's journey through the CJS. For example, by April 2020 NHS England's Liaison and Diversion services were accessible across the whole of England.<sup>4</sup> The Ministry has also started a pilot to increase the quality and timeliness of pre-sentence reports (PSRs) at 15 sites.<sup>5</sup> But it delayed some workstreams and has not implemented others because of insufficient resources. The Ministry has also added new initiatives which contribute to delivering the strategy's aims into the programme as they develop, such as its plans to pilot multi-disciplinary problem-solving courts for women (paragraphs 2.9, 3.8 and 3.9, and Appendix Three).

**16 The Ministry has undertaken limited evaluation of the impact of its activities, which puts it in a poor position to make the value-for-money case for future investment.** Because of a lack of staff resource, the Ministry has only recently begun to develop a monitoring and evaluation plan. Before this, it had collected data on some individual interventions. For example, it undertook a survey of police forces to assess the impact of its guidance to them on working with vulnerable women. While evaluations of some aspects of the programme by the Ministry and other bodies are now planned, the Ministry has not yet evaluated the effectiveness of the grant funding it has awarded to date. The Ministry recognises that it needs to build on the existing evidence base of what works to enable it to adapt the programme and to strengthen its case for future investment (paragraphs 3.12 to 3.15).

4 Liaison and Diversion services aim to identify an individual's health and wider support needs when they first come into contact with the CJS and refer them to appropriate health or social care support.

5 A PSR is an assessment of the risk and nature of an offender's behaviour with a recommendation on the sentencing option(s) available to the court.

## Achieving the aims of the strategy

**17 The Ministry does not have a good understanding of whether it is making progress towards its wider aims, which limits its ability to make joined-up funding decisions for the programme.** To date, the Ministry has used trends in existing data on women in the CJS to report on progress. But it has not set out specific performance measures or how data trends align to its objectives. We also identified a lack of joined-up data across the system and specific gaps in outcomes data on differential characteristics, such as whether women have dependent children. The Ministry told us that work to address these issues is now under way. These data weaknesses mean the Ministry was not able to assess its progress or make evidence-based funding decisions. The Ministry expected its programme to divert vulnerable women away from the CJS and reduce the use of short custodial sentences but has not set out aims for the scale of expected change or by when. Therefore, the Ministry's plans to increase the female prison estate by up to 500 prison places at an expected cost of £200 million did not take into account any likely change in demand for prison places that might come from increased diversion. The Ministry took a conservative view of the prison places needed. It plans to use the additional places to provide better custody for women, a key component of the strategy (paragraphs 3.12 to 3.20 and Figure 9).

**18 The women's prison population has decreased but we did not find evidence that this was caused by the system beginning to work as the strategy intends.** Since the strategy was published in 2018, the female prison population has decreased by 16% (from 3,803 in June 2018 to 3,199 in September 2021). The onset of the COVID-19 pandemic, around 21 months after the strategy was published, and data limitations, make it difficult to attribute the decrease. Most (81%) of the 16% decline in the prison population occurred between March and December 2020. The available data suggest that this decline was probably due to temporary impacts of the pandemic, such as less opportunity for crime leading to fewer arrests and a significant reduction in court activity. The remainder of the decrease happened outside this period. After remaining relatively stable in the year to March 2020, the prison population began to drop slightly prior to the pandemic. However, we found no notable changes such as decreased arrests or increased use of alternative sanctions, that would indicate an increase in early intervention or diversion during this period. Other system indicators, such as rates of self-harm in women's prisons, do not have positive trends although these too may have been affected by the pandemic (paragraphs 3.21 to 3.24, 3.27 to 3.29 and Figure 11).

**19 Local outcomes vary and the Ministry has an opportunity to identify and share best practice.** The rates at which women are arrested and diverted from the system vary by police force area. This is likely to reflect, in part, the different approaches taken by local areas. In our case studies we found that areas with a whole-system approach have initiatives that support the aims of the strategy. For example, Greater Manchester has problem-solving courts which bring together agencies such as women's centres, probation and the judiciary to assess women's needs and consider community options as alternatives to custody. The areas we spoke to with a whole-system approach also had clearer referral pathways to direct women to services in the community than those that did not because multiple agencies came together to design and fund community provision (paragraphs 3.25 and 3.26).

### **Conclusion on value for money**

**20** There is clear value in the aims of the government's 2018 Female Offender Strategy, given the negative impacts of offending on women and their families and the substantial but poorly understood costs to the taxpayer. The Ministry established a programme to oversee implementation of the strategy but it did not prioritise investment in the programme, even prior to the COVID-19 pandemic. Progress in implementing activities has therefore been limited. Several aspects of programme management and accountability, including goals, governance and monitoring and evaluation arrangements, have been weak.

**21** The strategy's aims require cross-government collaboration and cannot be addressed by the Ministry alone. This makes transparency and building the evidence base of what works particularly vital. But the Ministry does not have a good understanding of the impact of the programme's interventions or whether the system is yet working as it intends. The Ministry must get a better grasp of changes in the system and their impact so that it can identify and share best practice and secure and prioritise limited funding. It cannot demonstrate that its funding is delivering value for money, nor will it be able to until it develops this understanding.

## Recommendations

**22** The Ministry has begun to make changes to the way that women are treated in the criminal justice system. To demonstrate that its approach is achieving value for money, the Ministry should:

Transparency, goal setting and funding

- a set specific goals for each of its three main objectives to give an indication of the scale of its ambition.** These should reflect changes it wants to see in the way the system is working;
- b make a full assessment of the funding required to meet its aims** and explore ways that it can address any funding gap with other government departments, providers and other bodies;
- c set out a list of the work it is doing to implement the strategy's aims, with milestones.** It should report against this full list at the Advisory Board for Female Offenders (ABFO) to increase transparency and accountability;
- d develop an influencing plan for how it plans to work with other government departments,** building on its National Concordat. This should include where it wants to get to and how it plans to get there;

Governance

- e set up clear accountability structures** to enable senior leaders to be held to account for progress in delivering the programme;
- f set out the performance measures it intends to use to measure progress against the strategy's aims.** It should also provide reports against these measures to ABFO;

Data and management information

- g identify gaps in available data which reduce its ability to monitor changes in women's journeys through the system at key stages,** and plan how to work with other bodies to develop better data;

## Understanding what works

- h** **develop and publish an evaluation strategy that sets out how the government might assess the impact of its interventions on women.** This should include how it plans to:
- evaluate its main programmes and commitments;
  - work with other government departments to do the same; and
  - work with government and third-sector organisations to develop the evidence base of what works, including the costs and benefits of different options, to aid funding decisions.