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



The Women Awareness Staff Programme (WASP) was developed and delivered to prison staff. The programme has been adapted for delivery to other agencies and has been piloted.

42

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



As noted under recommendation 36 the government is committed to create a Mental Health Liaison and Diversion Scheme.

43

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



A Time for Renewed Commitment and Real Action

For over 28 years Women in Prison has been campaigning for radical reform of the criminal justice system. The Corston Report presented an opportunity to push forward that reform. Positive progress has been made, but not enough. Nick Hardwick, the Chief Inspector of Prisons, recently said:

I think - I hope - we will look back on how we treated these women in years to come, aghast and ashamed.

He was speaking specifically of the most disturbed women in custody, but action is needed for all women in custody. Women in Prison's founder said:

Taking the most hurt people out of society and punishing them in order to teach them how to live within society is, at best, futile. Whatever else a prisoner knows, she knows everything there is to know about punishment because that is exactly what she has grown up with. Whether it is childhood sexual abuse, indifference, neglect; punishment is most familiar to her.

The problems have been identified and well-researched, a road-map for reform has been laid out (more than once). This fifth anniversary of the Corston Report must be used to renew efforts for change so that another five years do not pass without the radical reform that is needed for women in the criminal justice system.

Women Supporting and campaigning for women affected by the criminal justice system
in Prison

www.womeninprison.org.uk

Registered Charity No. 1118727.

Corston Report 5 Years On

How far have the government got on the road to reform of the criminal justice system for women?

It is five years since the Corston report on vulnerable women in the criminal justice system was published. The report gained cross-party support and its recommendations have been broadly accepted by two governments. But what progress has been made.

The 43 recommendations in the report provide a roadmap for women-specific criminal justice reform, this report gives an overview of where progress has been made and where it has stalled.

Summary

The Corston Report has had a big impact on the debate on women in criminal justice, on policy and on practice. The Report is worth more than its individual recommendations and part of their importance lies in their outlining of a coherent road to reform, rather than a collection of piecemeal changes.

Five years and two governments later too little distance has been travelled. Whilst we think Too little has been done, but we are also keen to celebrate the progress that has been made. Highlights include the end to mandatory strip searching and the investment in community support and diversion services for women. There have been developments that were not specifically recommended by Corston, but which have arisen from the impetus for change that her report created. Prison Service Order 4800 on women prisoners sets out prisons should respond to the specific needs of women.

It is important to recognise the progress and to celebrate it. But we cannot celebrate wholeheartedly when the women's prison population is still far too high, when a shocking number of women are still hurting themselves in prison and when some of the greatest progress is at risk.

So let's celebrate what the Corston Report has achieved and redouble efforts to see the rest of the recommendations implemented.

A Traffic Light Report

This traffic light report gives a quick overview of the progress to date in implementing the Corston Report's Recommendations.



red for no progress

amber for some progress

green for implementation



U-turn: progress was being made but is being rolled back



Viewpoint: positive developments are on the horizon



Warning: imminent problems are foreseen

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Recommendation by Recommendation

How far have the government got on the road to reform?

There has been a change in government in the five years since the Corston Report was published this has led to changes in policy and slow down in progress and u-turns on some recommendations. At the time the report was published the Ministry of Justice had not been established so most references to the Home Office should be read as Ministry of Justice.

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



Progress has been made in some agencies, for example the adoption of Prison Service Order 4800, but certainly not all agencies. Where policy has been put in place it would not radically transform services even if it were fully implemented.

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



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



Where new units have been built these issues have been addressed but across the majority of the women's prison estate there has been little improvement in sanitary arrangements.

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



The end of routine strip-searching (called full-searching by the Prison Service) is greatly welcomed, although the Chief Inspector of Prisons has said there are still cases of unnecessary strip-searching.

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



There is no specific strategy for foreign national women in the criminal justice system. Two prisons have commissioned specific support services for foreign national women. However, these are not the only prisons holding foreign national women and there continues to be a lack of support and a lack of a coordinated approach.

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



34

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

Although, these services are at risk due to uncertainty about future funding as noted under recommendation 29.



35

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

There is not a consistent message from the current government regarding the reduction of the use of prison. There is a lack of a clear, coherent strategy to reduce the number of women needlessly imprisoned.



36

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

Diversion schemes have been trialled in some areas, including Together's work in Thames Magistrates Court. The government has committed itself to roll out a Mental Health Liaison and Diversion scheme nationally with funding from the Department of Health. This must include specialist understanding of women's mental health and women-specific support for those who are diverted.



37

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



38

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

The Women's Offender Reduction Programme is no longer being used and mental health strategy has changed since the change of government. However, the Department of Health have been working jointly with the Ministry of Justice on a Women Offenders Personality Disorder Strategy.



39

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

The Women Offenders Personality Disorder Strategy noted above has a focus on community as well as in-prison interventions.



40

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



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

The North Liverpool Community Justice Centre has been piloting a single-judge approach (with the same judge seeing someone throughout their sentence and reviewing the sentence depending on compliance).

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

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

There has been an expansion of the network of women's centres, this began under the previous government and took place initially under the direction of a Ministerial Champion for Women in the Criminal Justice System as the post of Commissioner was not created. This government have continued funding to most of the services (at a reduced level). In the 2013-2014 financial year funding for these services will come be managed locally and there are no guarantees that the money will be invested in voluntary sector support services.

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

Centres are providing excellent services where they exist but there is still too little provision, with women in some areas unable to access these services. As noted above the future of these centres is also in question once funding for these services is devolved to local areas.

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

There is no clear strategic national plan and it is clear that this government's emphasis on localisation means that it is unwilling to require regions to undertake women-specific work or ringfence any funding for this work despite the clearly identified need for a central driver for this agenda.

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

Women's centres receive referrals from many agencies. As noted above not every area has such a centre, therefore, many women continue to miss out on the support they can provide. Similarly referral pathways vary from centre to centre.

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

Each women's centre is different and product of its local area, history and ethos, but all of the activities above are or have been carried out by women's centres at some point since the publication of the report.

7 I recommend the immediate establishment of an Inter-Departmental Ministerial Group for women who offend or are at risk of offending to govern a new Commission and to drive forward the Commission's agenda within their individual departments. Ministers from the Home Office, DCLG, DH, DfES, DCA, DWP and HM Treasury should sit on the group. There should be close links between the new Group, the Inter-Ministerial Group for Reducing Re-offending and the Inter-Ministerial Group on Domestic Violence. The Group should be led by the Home Office Minister initially be transferred to the DCLG Minister within three years because the focus of the Group is more closely aligned to the community agenda.

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

Part of this recommendation is amber because although the Commission was not established a cross-departmental team sitting in the Ministry of Justice was established to help lead this work. However, this team has now been disbanded and the small measure of progress on this recommendation has been reversed.

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

The Inter-Ministerial Group did establish a sub-group on women. We are unaware if this group or an equivalent is still meeting.

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

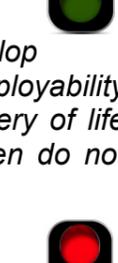
Since the publication of the Corston report there has been a greater focus on women in the criminal justice system, although this has to a large extent focussed on diversion rather than on women in custody. Although this government has stated its commitment to reducing the women's prison population there is no clear strategy for this nor for improving the women's prison estate. There is also less transparency as there is no longer 6-monthly reporting to parliament on the implementation of the strategy arising from the Corston report.

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

As with the re-role of HMP Cookham Wood which led to the loss of Carousel, the re-categorisation of HMP Morton Hall (prior to its re-role) and HMP Drake Hall did not consider the impacts on the women held in those prisons. This led to women losing family resettlement leave and other things associated with their categorisation as suitable for semi-open conditions.

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

- 13** I recommend the acceptance of the offer made by The Griffins to act as a central repository for information for and about women who offend or are at risk of offending and to promote its use by others.
- To some extent Women's Breakout is fulfilling part of this recommendation through their database on women-specific services. However, there is no central repository for information for women in the criminal justice system nor for information and research about them.*
- 14** The seven pathways should be much better coordinated strategically for women and should incorporate pathways eight and nine for women, which I endorse.
- All prisons appointed pathway 8 and 9 leads to coordinate work around these pathways. There has been no training or central guidance for the pathway leads until very recently. Women's Aid have produced Supporting women offenders who have experienced domestic and sexual violence a framework providing guidance and resources to those working with women*
- 15** Work to establish regional and local pathway strategies and action plans is vital and good practice relating to women, for example, London's Resettlement Strategy, should be promoted as disseminated.
- There has been some progress on this, some regional delivery plans have fully understood and incorporated the findings and recommendations of the Corston Report, others have not. The almost constant restructuring of NOMS has made this process harder. The government's emphasis on localisation means that there are fewer and fewer ways to require local areas to take action on specific issues including women in the criminal justice system.*
- 16** The accommodation pathway is the most in need of speedy, fundamental, gender-specific reform and should be reviewed urgently, taking account of the comments in my report. In particular, more supported accommodation should be provided for women on release to break the cycle of repeat offending and custody and the intentional homelessness criterion for ex-prisoners should be abolished.
- Action has been taken to try and increase the quantity of supported accommodation for women, however, this has been nowhere near sufficient. The accommodation provided is hard to access for many women who would benefit from supported accommodation and the number of bed spaces is still far too low. The government is proposing increased powers of eviction for those involved in anti-social and criminal behaviour. This could exacerbate this problem.*
- 17** Life skills should be given a much higher priority within the education, training and employment pathway and women must be individually assessed to ensure that their needs are met.
- Progress has been made in terms of prisons' understanding of the need to develop independent living skills. However, OLASS continues to focus on functional skills and employability which means that prisons often have to look outside the OLASS contract to fund delivery of life skills. Women who access education are individually assessed, however, many women do not access education and therefore are not assessed.*
- 18** Custodial sentences for women must be reserved for serious and violent offenders who pose a threat to the public.
- 80% of women sentenced to custody in the year up to June 2011 had committed a non-violent offence, 3.2% of women in prison are assessed as high or very high risk of harm to others.*



- 19** Women unlikely to receive a custodial sentence should not be remanded in custody.
- The Ministry of Justice funded some early intervention pilots to divert women from prison by providing support in police custody and magistrates' courts to put plans in place to reduce custodial remand. However, some of these pilots were funded only for very short periods. This recommendation will be implemented if the provisions in the Legal Aid Sentencing and Punishment of Offenders Bill creating a presumption against remand for those charged with offences unlikely to warrant a custodial sentence go through.*
- 20** Women must never be sent to prison for their own good, to teach them a lesson, for their own safety or to access services such as detoxification.
- 21** More supported bail placements for women suitable to their needs must be provided.
- Some additional bed spaces have been created but there are still far too few for women.*
- 22** Defendants who are primary carers of young children should be remanded in custody only after consideration of a probation report on the probably impact on the children.
- Research undertaken by Rona Epstein (University of Coventry) has shown that the best interests of the child are not being taken into account in sentencing and remand decisions. All recent sentencing guidelines have including caring responsibilities as a mitigating factor, which will hopefully have an impact in implementing this.*
- 23** Community solutions for non-violent women offenders should be the norm.
- Some progress has been made in developing women-specific community solutions but this is certainly not the norm yet.*
- 24** Community sentences must be designed to take account of women's particular vulnerabilities and domestic and childcare commitments.
- There has been an increase in women-specific community sentences and the development of women-specific conditional cautioning, and co-location and other means of partnership working with women's support services to overcome the disadvantages women face in gender-neutral community sentences. However, the availability across the country is still too limited.*
- 25** Sentencers must be informed about the existence and nature of those schemes that do exist and should support and visit them.
- 26** The restrictions placed on sentencers around breaches of community orders must be made more flexible.
- The Probation Service's Professional Judgement Project has had positive results in this regard. In Surrey and Sussex Probation Area it has lead to Offender Managers working closely with a range of agencies, including a women's community support service, to respond to breaches rather than using a tick-box approach.*

