

## **Clinks response to the All-Party Parliamentary Group on Women in the Penal System inquiry into the sentencing of women**

1. Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system (CJS). Our aim is to ensure the sector and those with whom it works are informed and engaged in order to transform the lives of people in the criminal justice system and their communities. We do this by providing specialist information and support, with a particular focus on smaller voluntary sector organisations, to inform them about changes in policy and commissioning, to help them build effective partnerships and provide innovative services that respond directly to the needs of their users.
2. We are a membership organisation with 500 members, including the voluntary sector's largest providers as well as its smallest. Our wider national network reaches 4,000 voluntary sector contacts. Overall, through our weekly e-bulletin Light Lunch and our social media activity, we have a network of over 15,000 contacts. These include individuals and agencies with an interest in the CJS and the role of the voluntary sector in rehabilitation and resettlement.
3. Clinks supports a network of women's centres and specialist women's services working in the criminal justice system and has a key role in supporting and representing organisations that work with women in contact with the CJS. As well as supporting the sector with information resources and events, we sit on the Advisory Board for Female Offenders to share the voluntary sector's expertise with the Ministry of Justice (MoJ). We also convene the Women's Networking Forums as part of the Reducing Reoffending Third Sector Advisory Group (RR3), in partnership with Agenda.
4. We have chosen to focus our response to this inquiry on questions two and three. To inform our submission we consulted organisations working specifically with women in contact with the CJS during our most recent women's networking forum meeting on the 8<sup>th</sup> May. We have complemented this with our knowledge and research, gained previously through other meetings of the networking forum and through our TrackTR research.<sup>1</sup>
5. Clinks welcomes the All-Party Parliamentary Group's (APPG) focus on the sentencing of women and the overarching aims of the inquiry. Imprisonment often has a severe and far-reaching impact on women's lives through separating them from children and other family members, causing the loss of accommodation and aggravating already existing trauma and mental health issues.

### **The impact of probation reforms on the use of community sentences**

6. Organisations told us that the Transforming Rehabilitation (TR) reforms have created a fragmented probation system and have damaged the relationship between probation

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<sup>1</sup> TrackTR is a partnership project between Clinks, the National Council for Voluntary Organisations (NCVO), the University of Birmingham's Third Sector Research Centre (TSRC) and the Open University's Centre for Voluntary Sector Leadership. The intention of trackTR is to build a picture of the voluntary sector's experiences of the changes to probation services brought about under the Transforming Rehabilitation reforms, and the impact this has had on their services, their organisations and the people they support.

and the judiciary. Prior to the reforms there was much more liaison between probation trusts and the Magistrates Association to inform them about women-specific community pathways.

7. Pre-sentence reports (PSRs) are an important method of ensuring that sentencers are aware of the needs of women about whom they are making sentencing decisions. The quality of pre-sentence reports has been significantly impacted by recent probation reforms as highlighted both by specialist women's organisations and HM Inspectorate of Probation in their thematic inspection of community services for women<sup>2</sup>. Organisations also told us that there was a lack of PSRs being carried out and, of particular concern, told us that a woman's caring responsibilities are too often not taken into account by sentencers.
8. During our consultation event, organisations highlighted that the causes of women's offending are diverse and will be different for each woman. Organisations stressed it is important that time is taken to explore the reasons behind each woman's offending, to ensure she receives an appropriate disposal. It can often take significant time to build the trust needed before a woman feels in a position to disclose her experiences. Women's centres are experts in establishing these trusting relationships.
9. However, an emphasis on "swift and speedy justice" has meant that voluntary organisations supporting women in the CJS are often unable to contribute to pre-sentence reports partly due to having insufficient time to do so. Without a thorough assessment of the needs of women in court, sentencers are unable to make informed decisions about the most effective course of action and can impose a prison sentence in cases where this is inappropriate and ineffective for the individual concerned.
10. In addition, in some areas the introduction of the Transforming Rehabilitation reforms has led to decreased levels of voluntary sector involvement in court processes. Pre-sentence reports are completed by National Probation Service (NPS) staff and Community Rehabilitation Company (CRC) staff but voluntary sector organisations directly commissioned by them are unable to contribute. Organisations felt that this meant they do not have a voice in court despite having specific knowledge and expertise in supporting women which could usefully contribute to pre-sentence reports.
11. **Clinks recommends that adequate time and resource is allocated by NPS staff to complete pre-sentence reports and proactive steps are taken to ensure voluntary organisations with expertise in supporting women are engaged in this process.**
12. Community sentences are most effective when they provide an environment that feels safe for women and supports them to feel comfortable in sharing their experiences and vocalising their needs. For these reasons, women-only spaces are considered by organisations with expertise in supporting women to be the most appropriate

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<sup>2</sup> HM Inspectorate of Probation (2016). *A thematic inspection of the provision and quality of services in the community for women who offend*. Online: <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2016/09/A-thematic-inspection-of-the-provision-and-quality-of-services-in-the-community-for-women-who-offend.pdf> (last accessed: 18/05/18)

environments for supporting community sentences. Women's centres provide women-only spaces for their clients and operate a one-stop-shop model—delivering a range of services under one roof to address the diverse needs of the women they work to support.

13. Many specialist women's organisations are experiencing financial challenges, and despite being more likely to be funded by the CRCs, our Track TR research shows that CRC-funded women's services are slightly more likely than other CRC-funded services to report having to subsidise services with their own reserves (41% against 35%), or with other funding sources (46% against 37%). Those outside of the supply chain are also more likely to subsidise services with their own reserves (65% against 53%), or with other funding sources (46% against 38%). CRC-funded women-specific services were also more sceptical about the sustainability of their contracts and less confident about CRC contract management than other respondents.
14. To encourage the use of appropriate community sentences for women it is essential that a sustainable network of specialist women's services exists. **Clinks recommends that the Ministry of Justice provides leadership in driving a strong cross-departmental strategy for the long-term financial sustainability of existing holistic services provided by women's centres, and to support the creation of centres in areas where there is no, or inadequate, provision.**
15. During our women's networking forum meeting on 20<sup>th</sup> February, some organisations directly commissioned by CRCs cited a reluctance by probation staff to refer women to their services based largely on a lack of understanding about why these are necessary to meeting the unique needs of women. There was concern that some probation staff do not understand the distinct needs of the women they are working to support.<sup>3</sup> Some organisations stated that probation staff saw women as particularly problematic to work with and did not adopt a strengths-based approach to supporting them. **There should be specialist probation staff to work with women who should receive specialist training and support on women and trauma. This training should be delivered by voluntary sector organisations.**
16. Organisations also told us that Magistrates are not aware of the specialist women's services providing community interventions, and that in some cases they lack an understanding of Rehabilitation Activity Requirements as introduced by the Offender Rehabilitation Act 2014. Further to this, organisations told us that due to the implementation of the TR reforms there is a postcode lottery for women, as gender-specific services are not available in all areas. **Clinks recommends that sentencers are informed about the availability of gender-specific services available for them to utilise when sentencing women.**
17. Brighton Women's Centre highlights that there remains a lack of understanding among Magistrates as to the specific needs of women and there is no requirement for them to attend additional training. This means that when training is available, only those with an

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<sup>3</sup> Clinks (2018) *RR3 Women's Networking Forum*, Online: <https://www.clinks.org/rr3-womens-networking-forum> (last accessed: 18/05/18)

existing interest attend. This leads to an inconsistent response from sentencers towards women. **It is important that alongside the availability of additional training and information about the distinct needs of women, Magistrates are actively encouraged to engage with this.**

18. Willowdene Rehabilitation Centre is a good practice example of engagement between a women's specialist service and the magistracy. It runs a residential intervention specifically designed as an alternative to custody for women on suspended sentence orders. It is funded through the Warwickshire and West Mercia CRC, the NPS (via the rate card), charitable funds and social enterprise activities. The intervention has been widely promoted to magistrates forums and district judges, with outcomes data monitored and reported back quarterly to magistrates.

### **Practical changes that would enable more community sentencing of women in the short term**

19. Women are more likely than men to comply with a community order or a period of licence supervision<sup>4</sup> and community sentences are significantly more robust and effective than custodial sentences in supporting women's desistance from crime. **To encourage greater use of community sentencing for women it is important that sentencers are proactively given information about their effectiveness.**

20. The Scottish Government has introduced a presumption against the use of short-term custodial sentences of under three months. This will be extended to those under 12 months in the coming year, after the provisions of the Domestic Abuse Bill have been implemented.<sup>5</sup> **Clinks recommends that a presumption against the use of short-term custodial sentences is explored for courts in England and Wales.**

21. Problem-solving approaches bring a range of agencies together to identify the root causes of an individual's offending behaviour and develop strategies that enforce the law while ensuring they are given the necessary support to prevent reoffending.

22. The Manchester and Salford problem-solving court is a collaboration between the National Probation Service, Cheshire and Greater Manchester Community Rehabilitation Company and WomenMATTAs, a women's centre run by Women in Prison. Probation staff at the court identify women who are at risk of receiving a custodial sentence but are appropriate candidates for a community order. When a woman is referred to the problem-solving court, the case is adjourned and the woman is bailed to appear at WomenMATTAs's services in order to assess their needs and provide a process for them to be involved in their sentence planning. Agencies involved in the project have stated that this approach is highly motivating for the women engaged in it and allows them to receive gender-appropriate support while working towards their rehabilitation goals, such as securing accommodation and employment, or tackling substance misuse issues.

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<sup>4</sup> Prison Reform Trust (2017) *Fair Cop? Improving outcomes for women at the point of arrest*, Online: <http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/417> (last accessed: 18/05/18)

<sup>5</sup> Scottish Government (2017) *A nation with ambition: the Government's Programme for Scotland 2017-18*, Online: <https://beta.gov.scot/publications/nation-ambition-governments-programme-scotland-2017-18/> (Last accessed : 9/5/18)

23. **Clinks recommends that the MoJ work to encourage partnership between the probation providers (the National Probation Service and Community Rehabilitation Companies) and women's centres to develop problem-solving approaches to women's offending that can support sentencers in choosing the most appropriate and effective sentences.**
24. Organisations that attended our networking meeting said that women should be given the option to engage with a women's specific service as an alternative to a custodial sentence where appropriate. This relies on both a sustainable network of gender-specific organisations for sentencers to refer women to, but also detailed information available to sentencers about which organisations are available to them. We therefore reiterate our recommendations made previously in paragraphs 14 and 16.
25. Where appropriate, women should be diverted from the CJS. In particular, women with significant mental health issues should not be given either custodial or community sentences and instead healthcare interventions should be prioritised over and above punitive responses of any kind.
26. It is also vital to ensure that women can access appropriate services other than through criminal justice gateways and that courts do not unnecessarily criminalise women through the use of community sentences or up-tariffing to short-term prison sentences in order to get women the support they need.
27. Flexibility in community sentences is necessary to respond to individual women's family situations; to allow women to maintain childcare responsibilities as well as safeguard women at risk of domestic abuse. Some requirements of community sentences, such as curfews, can close off escape routes for women experiencing domestic abuse, meaning they are unable to remove themselves from harm without breaching the terms of their sentence. **Gender-specific and flexible community sentencing options must be provided so women are able to engage successfully and are supported in their desistance process. Alongside this clear guidance should be issued to sentencers and probation services so that the safety of women at risk of domestic violence is placed at the centre of decisions about community sentences.**
28. Finally, to promote greater understanding of the unique needs of women and to encourage greater use of community sentencing, organisations at our networking forum highlighted the need for improved diversity of the Magistracy.