Manchester City Council  
Report for Information

Report to: Citizenship and Inclusion Overview and Scrutiny Committee – 14 December 2011

Subject: Treatment of Women in the Criminal Justice System


Summary

This report provides an overview of the treatment of women in the criminal justice system. It describes the national picture to provide an explanation of the types of offences that women are imprisoned for. It also describes the approaches that are currently used or being developed locally in respect of the following:

- The Greater Manchester Probation Trust Strategy and approach to working with female offenders.
- The local picture in respect of young women in custody and on community sentences.
- Drug misuse in prison and treatment available
- Local approaches to addressing specific issues for women in the Criminal Justice System.

Recommendations

The committee is asked to comment on the issues raised in this report and, in particular, to note the work being undertaken within the Transforming Justice agenda.

Wards Affected: All

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

- Bromley Briefings, Prison Factfile, Prison Reform Trust, November 2009
- Girls and Offending - patterns, perceptions and interventions' YJB 2009
- Commission on Women and the Criminal Justice System" The Fawcett Society March 2004
1.0 Introduction

1.1 Following a visit by the committee to Styal prison and earlier discussion on a report on discrimination faced by women a report has been requested that provides more specific information relating to women in the Criminal Justice System. The issues faced by women in the Justice system are wide ranging and this report outlines the work being undertaken in Manchester to address these issues.

1.2 Recent approaches to women in the Criminal Justice System have been informed by the Corston Report, which has been previously made available to the committee. This report has provided a framework on which criminal justice agencies and key partners have been able to develop more appropriate and effective provision for female offenders.

1.3 The Transforming Justice agenda and associated work on Community Budgets/complex families presents an opportunity to develop different approaches to the management of female offenders within the Criminal Justice System. There is a multi-agency/partnership approach to the development of this area of work which engages our criminal justice partners in the development of new responses.

2.0 Background

2.1 Despite the fact that women generally commit less serious offences than men, and many pose no risk of significant harm to the public, the number of women in prison has risen steadily over recent years.

2.2 Women offenders have not traditionally been priority for Criminal Justice agencies. They commit less serious crimes than male counterparts, tend not to pose a serious risk of harm to others (63% of women are in prison for non-violent offences) and are less prolific in their offending (28% of women in prison have no previous convictions, over double the percentage of men; 12% of women serving less than six months are first time offenders compared to only 5% male prisoners). Yet the number of women in prison has increased by 44% over the past decade compared to a 26% increase in the male prison population. Women are sent to prison for less serious offences than men and whilst prisoners serving sentences of six months or under make up 9% of the total prison population, women serving these short sentences make up 16% of the female prison population. More women are sent to prison for shoplifting offences than any other crime.

2.3 In relation to young women: A young female offender in England and Wales is most commonly White, most likely to receive their first Reprimand aged 13–15 years old and their first conviction aged 15–16 years old. In general, convicted girls have no previous convictions, and show a range of risk factors. The offence most frequently committed by girls in England and Wales is theft or handling stolen goods, and this is congruent with the traditional pattern for female offenders. However, the offence committed by most girls in the youth justice system in England and Wales is an

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1 Bromley Briefings, Prison Factfile, Prison Reform Trust, November 2009
2 Ibid
4 Ibid
offence of violence against the person. There does not appear to be a rise in the number of girls committing offences, but more girls are entering the youth justice system. Girls are also being convicted at a younger age.

2.4 The consequences of custodial sentences for women are high. It costs approximately £39,000 to keep a woman in prison for 12mths. In addition, there are costs of making arrangements for, and managing the practical and emotional difficulties of the children of women in prison. 66% of women in our local women's prison HMP Styal are mothers and a recent survey by Styal prison found that only 5% of children remained in the family home after their mother was sent to custody. In the longer term, children of parents who have served a custodial sentence are at greater risk of becoming offenders themselves.

2.5 It is suggested that this increase in the female prison population is due to sentencing trends, rather than an increase in seriousness of offending. In 1996, 10% of women convicted of an indictable offence were sent to prison; in 2007 this had risen to 15%. Given the disproportionately damaging effect of imprisonment on female offenders and their families, this is a trend which is of concern.

2.6 Any strategy for diverting women away from crime must recognise the need to involve those who work in health, education, family support, drug and alcohol services as well as agencies who support women who have been victims of abuse. Interventions in each of these ‘pathways’ are integral to our work to tackle female offending, divert non-violent, non-dangerous women from custody and stop lightly convicted women entering the Criminal Justice System in the first place.

3.0 Partnership Response

Greater Manchester Probation Trust (GMPT)

3.1 Greater Manchester Probation Trust has developed a Strategy and Action Plan for Women Offenders 2010/2013. The strategy sets out plans to divert women where appropriate away from custody and provide positive and effective supervision in the community. The action plan will aim to improve criminal justice, health and social outcomes for women offenders in Greater Manchester and address issues of over representation in custodial sentences for specific groups, for example BME women.

3.2 Greater Manchester Probation Trust will work to achieve successful outcomes for the women of Manchester by early recognition and diversion from the criminal justice system, and following sentence, by enabling appropriate support and credible community resources for the needs of women, Manchester has continued to work closely with various partners and community services, in accordance with recommendations of the Corston Report.

3.3 The Corston Report (2007) was the catalyst for the long awaited acknowledgement that the Criminal Justice System is not meeting the needs of women. GMPT continues to have a crucial role at a local level in ensuring that women are diverted from custody where appropriate.

3.4 In recognition of recommendations made in the Corston Report and following the national drive in relation to diverting women away from custody, and in providing more appropriate and credible community resources for the needs of women; the Trust has established women only report days across five Operational Delivery Units (ODU) in the city. Each ODU works in partnership with WomenMATTA who co-deliver interventions to women. The Pankhurst Centre is a women’s centre, GMPT delivers the women’s thinking skills programme from the centre. Women’s community centres are a useful resource which enable women, whether offenders or those at risk of offending, to access a range of services offering practical support and help in a conducive and non-threatening environment. The services on offer vary from advice and guidance on a range of issues of concern to women, including employment, finance, benefits, debt, housing, childcare, health and substance misuse.

3.5 GMPT has joined with G4S to run a compliance pilot for women offenders subject to electronically monitored curfew. The aims of the pilot are to increase women’s compliance with curfew, which in Manchester is currently lower than for male offenders. The pilot will also include work to assist report writers in considering curfew for women where appropriate, with the aim of producing packages of requirements in community orders which will increase the likelihood of a community order being made. The pilot will run from October 2011 for 12 months.

3.6 Manchester Offenders Diversion, Engagement Liaison team (MO:DEL). The MO:DEL team was launched in April 2009, is commissioned by NHS Manchester in partnership with Greater Manchester Probation Trust – it works collaboratively with Manchester Social Care Trust and Manchester City Council and is managed by Greater Manchester West. The Probation Trust second an offender manager to this team, whose role includes being involved at most points of diversion from the Criminal Justice System for people with mental health problems. The team also includes a nurse consultant, four mental health practitioners, a consultant forensic psychiatrist, a clinical psychologist, a social worker, two support time and recovery workers.

3.7 A higher proportion of female offenders are assessed as having emotional well-being or mental health needs compared to male offenders. It is essential that these needs are assessed accurately, and referral routes to appropriate provision are put in place. The aim of the team is to protect the public from harmful behaviour by enabling those traditionally excluded from statutory mental health services to gain access to the appropriate interventions. The team recognises the essential nature of multi-agency working, bringing together the criminal justice agencies and mental health systems that previously had little motivation to share information or work together, thereby getting offenders into the right treatment at the right time.

**Employment and Training.**

3.8 Greater Manchester Probation Trust have secured additional funding to provide an enhanced service to assist women offenders into employment and training. GMPT has specialist staff who can provide appropriate support in relation to the particular issues that women offenders can face. This has been operating for the last three years and funding has also been secured for a further three years.
Manchester Youth Offending Service (YOS)

3.9 Manchester YOS is currently responsible for the supervision of 83 young women. The main offences for which they have been prosecuted are assault, shoplifting/theft and criminal damage. This is congruent with the national trend. The sentences that have been imposed on these Manchester young women are:

- Final warnings 7
- Referral orders 42
- Youth Rehabilitation Orders 29
- Detention and Training Orders (Custody) 5

Of the five that received custodial sentences, 2 are being held at Redbank Secure Unit, 1 in HMYOI Eastwood Park and 2 have been released and are on supervision in the community.

3.10 Of the 83 young women currently known to YOS, 26 have Looked After Status. This is a high proportion for Manchester and the Youth Justice Manager is working with the Looked After Children Improvement Group to address this. For most young women within the criminal justice system, the identified issues often relate to emotional and mental health, self harm and sexual exploitation. Their needs are assessed by the supervising officer who will support them to access the appropriate services whilst enforcing the terms and conditions of their order. However, these issues are often complex, deep-rooted and require specialist intervention. The YOS officers will work with key partners including:

- Child and Adolescent Mental Health staff
- Social Workers
- Education and Connexions PAs
- Family Support Workers
- Sexual Health Advisors
- Eclypse Drug and Alcohol Service
- Young Peoples Support Foundation Homeless Charity

WomenMATTA and Insight for change

3.11 The main support for women offenders in Manchester is WomenMATTA, a partnership between the Pankhurst Centre and Women in Prison. The project works in partnership with Greater Manchester Probation Trust and supports women at risk of offending, women serving community sentences and women released from prison after remand or a custodial sentence of less than six months. The project benefits from the work of the Women in Prison charity; they have a national freephone advice line, information and advice sessions in all 14 women’s prisons and specialist support workers for young women, BME women, older women and women with a history of mental illness. WomenMATTA is delivered from the Pankhurst Centre, a women only space that also provides gender based violence services. WomenMATTA believe it is important that the service is delivered from a women only space so women accessing the service feel safe and able to engage with the support offered. They offer:

- 1-2-1 individual advocacy support
- Volunteer peer mentoring
• group work
• until recently they had a young women’s worker and a family support worker

3.12 The Manchester Community Chaplaincy service, Insight for Change, offers a city wide mentoring scheme for women offenders that provide advocacy support when women are released from prison. The MCCS work with people of faith or no faith, they offer advice and guidance to assist ex-offenders in finding suitable accommodation.

Accommodation

3.13 There is limited provision currently for female offenders with accommodation needs whilst on bail or early release from custody. The Ministry of Justice fund a supported accommodation scheme for offenders called Bail Accommodation and Support Scheme (BASS). The BASS contract is operated by Stonham-Home who is a Registered Provider that operates nationally. Stonham-Home are currently engaging with partners in Manchester with the aim of providing more provision in the Manchester area. Some of the provision is intended to provide dedicated accommodation for women.

4.0 Misuse of Drugs in prison and drug treatment services

4.1 Whilst the Prison Service has strategies in place to prevent drugs entering establishments there is some inevitability about illegal drugs getting into custodial settings. The availability within each establishment will, in part, depend upon the security level of the prison which will in turn inform the searching procedure for visitors and prisoners being received into custody. There is also a parallel approach in place which is about reducing demand through robust and appropriate drug treatment and intervention. Whilst the levels of drugs getting in to prisons will change at any given time, and this is often difficult to monitor, the prison service measure the success in this area through the Mandatory Drug Testing (MDT) procedure, which is a key performance indicator for each establishment.

4.2 Information on the HM Prison Service website describes the Drug Strategy at Styal prison and gives the current MDT rate of the establishment. This information was updated on 23rd September 2011 and is reproduced below:

“Styal prison has close links with the local Drug and Alcohol Action Teams, particularly in Manchester. The establishment provides a short duration drugs programme as well as the enhanced thinking skills programme. Both of these courses are accredited and their introduction has coincided with a shift in local policy, which has seen women maintained on therapeutic doses of methadone. This policy has culminated in a radical and sustained reduction in the amount of illicit drug use reflected in the mandatory drug testing positive rate reducing to 4.7%. This has been achieved against a background of an institution where around 80% of the women who enter Styal are poly drug users. Social visitors are searched before entry into the prison is allowed. Visitors found in possession of controlled drugs face prosecution.”
4.3 The last Inspection of HMP Styal by the Chief Inspector of prisons took place in 2008. At the time of the inspection the random mandatory drug testing (MDT) positive rate averaged 6% in the previous six months against a target of 8%. The 24 drug finds during this time were made mainly at reception (when prisoners were admitted to the prison) and on the First Night Centre. The inspection report identified that searching, at the time, was intelligence led and no longer routinely involved a full search. Whilst this information is now a matter of historical record, when compared to the more up to date information on the website it demonstrates an improved MDT rate for the establishment. The report following the inspection also noted that in the survey of women 28%, significantly more than the comparator, said it was easy to get illegal drugs in the prison. There is no information publically available that would indicate how this picture may have changed in the intervening period of time. Although the positive changes in the MDT rate would suggest some improvement.

4.4 Drug treatment systems (in Manchester and nationally) have been geared up to provide services pre-dominantly to opiate and crack users and these have been encouraged to be open access to anyone with presenting needs. These have also involved some assertive outreach to vulnerable groups and, from the initiation of the Drug Intervention Programme (DIP) in 2003, have offered specific access points within the criminal justice system to encourage opiate and crack using offenders into treatment.

4.5 In general terms, referral pathways for Manchester women are no different to those for men and relative access rates for women have remained consistent over several years (around 28% of treatment population) and are comparable with national data (27%). However, there are some differences when considering the offender population. Data from drug testing on arrest for offences associated with drug use indicate that, while women make up only about an eighth of people tested, around a third of these test positive for opiates and/or cocaine compared to about a fifth of the men tested.

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e.g. July 2011

4.6 It has also been reported (Corston, Fawcett, 2007) that drug misuse is a significant factor in the female offender population including those in custody. There are specific services in place within HMP/YOI Styal to offer clinical drug treatment analogous to community based services under the Integrated Drug Treatment System (IDTS) supported by Dept of Health grant funding and commissioned through Cheshire health systems (as the host area for the prison) as well as psychosocial interventions delivered through the CARATs (Counselling, Assessment, Referral, Advice and Throughcare) service in the prison. Greater interaction is proposed between Manchester and Cheshire commissioning systems to allow increased influence on services that impact on Manchester women within the prison.
4.7 Continuity of clinical care for women receiving treatment in the prison and returning to Manchester are robust and links with Manchester treatment services are good, however, as noted in numerous reports, specifically in the context of women offenders, quality support should address a wide range of needs and not be focused on single issues.

4.8 In 2004, Manchester Drug and Alcohol Strategy Team (DAST) conducted a survey of local support agencies and service user/carer groups to explore the perceived barriers to successful resettlement for Manchester women with substance misuse issues returning from prison. Overwhelmingly, accommodation was identified and this led to the commissioning of a post based in HMP Styal aimed at completing comprehensive assessments of housing need on reception and at identifying appropriate accommodation prior to release. This post remains active and has an impressive record of success.

4.9 Additional non-clinical post release support is available for all prisoners with drug problems returning to Manchester through the Prison Resettlement Service based near HMP Manchester. On average, around 15% of the caseload of this service is women. WomenMATTA will support women with substance misuse needs in conjunction with specialist clinical services and increasingly the service is operating in criminal justice environments.

4.10 Manchester is in the process of re-tendering adult drug treatment services following wide consultation and service redesign. Part of the revised brief is for services to be more locally focussed and to be open to users of a wider range of substances, including some response for those addicted to prescription drugs. The services will also align with the City response to services to complex families. These changes in emphasis are likely to make drug treatment more attractive and more accessible to women and it is anticipated that the demographic breakdown of service users will change when the new system becomes fully operational during 2012.

5.0 Transforming Justice

5.1 Transforming Justice (TJ) is a Ministry of Justice pilot designed to try to reduce demand on the criminal justice system- this includes, for example, an overall reduction in court disposals, a reduction in suspended sentences, community orders, short term custodial sentences and a reduction in the length of such sentences. As well as a reduction in demand, as important is in doing the right thing so that all individuals can feel safe and supported within their own communities. These broader social outcomes provide the context for the women’s strategy within Transforming Justice.

A women’s strategy in Transforming Justice

5.2 The Transforming Justice programme recognises that whilst the numbers of female offenders are lower than for men, the social and economic costs of female offending is high. In response to this the programme ensures that the needs of women offenders are considered at each of the work streams under the TJ agenda: the point of arrest; the point of sentence; the point of release; and in working with
young people. This desistance approach with a woman at every point of the criminal justice system will ensure that the woman receives the right support for the needs which have contributed to her offending.

**Point of Arrest**

5.3 At the point of arrest, Greater Manchester Police is leading on a pilot in Manchester city which will see every woman arrested for low level offending being considered for a Conditional Caution instead of the traditional approach of a court conviction. The conditional element for the woman is that she attend a two hour assessment and supervision with a local women’s centre; if she does not attend then her case will be brought before the court.

**Point of Sentence**

5.4 Although not exclusively, much of this work at the point of sentence naturally fits with the provision given by the Greater Manchester Probation Trust (GMPT) in their support and supervision of women whilst subject to a sentence of the court. Whilst we already know that the risk of harm that they pose is less, women offenders do still have entrenched behaviour and attitudes which need to be challenged if they are to desist from crime. Probation practitioners have a raft of unique skills which allow us to challenge pro-criminal attitudes, entrenched behaviours and to increase motivation to assist women to desist from crime.

5.5 GMPT have recognised that there is need to develop officer skills in working with women and as such have in place an Action Plan which aims to continually refine the work with female offenders. This includes, female only Offender Managers, gate-keeping of Pre-sentence Reports, female only attendance days; all of which assist with attendance and compliance rates. In addition, the packaging of a robust community sentence is now proposed to sentencers as a realistic alternative to a short term custodial sentence.

**Point of Release (<12month custodial sentences)**

5.6 The work that GMPT and partners have come together to make available a robust alternative to custody for women is shown in reductions in the use of short term custodial sentences throughout 2011. Routine monitoring of custody rates for women are used and recent successes in reduced use of short term custodial sentences have been achieved (from 4% between January –March 2011 to 1.8% in September 2011 of all disposals made) (reference needed).

**Young People**

5.7 Work continues with young people with each of the YOS managers across GM, including from Manchester City, have come together to determine an offer in order to improve outcomes for all young girls and boys across Greater Manchester.

**Future progress and links with Community Budgets**

5.8 Whilst progress has been made to deliver women specific initiative, more is planned throughout the term of the TJ programme. It is hoped that this will assist to improve the outcomes for women at risk of reoffending; their families; the victims of offending and the communities within which they live.
5.9 Transforming Justice is one of the key strands within the rapidly developing work on Community Budgets. Given the high costs of custodial sentences for women; not just in terms of the period of imprisonment but also in relation to the impact on children and families of female offenders and the implications for costs of future services; there are potential benefits of developing different, more effective approaches. Through diverting women from the criminal justice system there is potential for benefits to accrue across public sector agencies, as well as having a more positive impact upon the lives of individuals.

5.10 In Manchester, although currently at a very early stage, the developing work on Complex Families is aiming to ensure that there is full engagement with the Probation Trust and the Transforming Justice team to support the development of a whole system, holistic approach. By ensuring that these work streams are joined up and complimentary it is more likely to result in services that are a more effective use of resources due to achievement of better outcomes for individuals. Similar to the work described under the TJ pilot, the complex families project approach seeks to deliver the right interventions at an earlier stage which should lead to more positive outcomes for the individual and financial benefits across the public sector. There is an ambition within the TJ work stream to develop a more detailed understanding of the costs and benefits of developing further approaches specifically in relation to women in the Criminal Justice System.