



House of Commons
Justice Committee

**Women offenders:
follow-up: Government
response to the
Committee's
Thirteenth Report of
Session 2014–15**

First Special Report of Session 2015–16

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The Justice Committee

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

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Powers

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

Publication

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

Evidence relating to this report is published on the Committee's website on the [inquiry page](#)

Committee staff

The current staff of the Committee are Nick Walker (Clerk), Daniel Whitford (Second Clerk), Gemma Buckland (Senior Committee Specialist), Christine Randall (Senior Committee Assistant), Ellen Bloss (Committee Support Assistant), and Liz Parratt (Committee Media Officer).

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First Special Report

We have received the Government's Response to the previous Justice Committee's Thirteenth Report of Session 2014–15, *Women offenders: follow-up*, HC 849. The response came in a letter dated 6 July 2015 to the Chair of the Committee from Caroline Dinenage MP, Parliamentary Under-Secretary of State for Women, Equalities and Family Justice. We publish Caroline Dinenage's letter as an Appendix to this Special Report.

Appendix: Government response

I am pleased to set out below the Government's response to the Justice Select Committee's report, *Women offenders: follow-up*, published on 24 March 2015. We welcome the Committee's recognition of the progress that is being made in meeting the needs of female offenders. This Government is committed to further improving the treatment of female offenders and reducing the number of women in custody. As a first step, I will refresh our key priorities for female offenders.

Governance arrangements and the Advisory Board on Female Offenders

This Government is driving forward improvements for female offenders, and believes that the Advisory Board has an important role to play. Since May 2015, we have refreshed the membership and Terms of Reference to enable the Board to provide stronger leadership, including holding key Government departments and delivery partners to account. We note the Committee's concerns about past changes to the Board chair. Whilst acknowledging that this can present challenges of continuity, we suggest that this can also be a strength, with new chairs bringing fresh perspectives and experience to this work. My own responsibilities as Minister for Women and Equalities will help to ensure that a joined-up approach is taken across Government to addressing the needs of female offenders.

As the Committee noted, there has been a welcome decrease in the female prison population, down by 9% since 2010¹, compared with a 1% increase for males in the same period. For the last two years, the female prison population has been consistently under 4,000 for the first time in a decade. I want to see still fewer women in custody, especially those who are primary carers of young children, and will explore options for taking this forward.

Gaps in provision for women offenders

Centrally commissioned Liaison and Diversion services began operating in 10 trial sites² in England in April 2014 for all offenders (men, women and children). A further 12 sites³

1 Between 30 June 2010 and 31 March 2015

2 Wave 1 sites: Avon/Wiltshire; Coventry; Dorset; Leicestershire; London; Merseyside; South Essex; Sunderland/Middlesborough; Sussex; Wakefield

began operating on 1st April 2015 bringing coverage to over half the country, with £35m funding for this financial year. Development and learning from these trial sites will form the basis of a full business case to be submitted to the Treasury in the autumn of 2015, with the aim of achieving roll out in 2017.

The Greater Manchester whole system approach also includes early intervention, with referral to a women's community service at the point of arrest. An assessment of the woman's needs informs decision-making by the police in terms of charges/out of court disposals. The Government is committed to working with local areas to encourage them to develop similar models for the treatment of female offenders, based on local need and circumstances.

Funding for women's community services and commissioning arrangements

The Government agrees that there is merit in women's community services working with other vulnerable women as well as those in the criminal justice system. We believe, however, that it is for individual women's community services to determine the services that they will provide, and from whom they will accept referrals, based on an assessment of local need.

The original MoJ grant funding was designed to demonstrate the effectiveness of the women's community services and to embed them as part of local commissioning arrangements. The Committee is aware that, in 2013/14, £3.78m was spent through Probation Trust contract and partnership arrangements on women's community services. These services continued to receive funding from Community Rehabilitation Companies (CRC) under novated contracts until March 2015. We are pleased that most CRCs have now extended those contracts at the same value as they firm up their supplier chains, and until they can take an informed position on how they want to commission female offender services in the long term. In our view, this is a sensible approach as it gives new providers an opportunity to get to know the local landscape and make informed commissioning choices.

The implications for women offenders of Transforming Rehabilitation

As the Committee rightly note, while we are at an early stage in implementation the Ministry has put in place a range of legislative and contractual safeguards to ensure women's needs are taken into account by probation providers.

Shortly after service transition on 1 February 2015, officials in the National Offender Management Service (NOMS) wrote to Community Rehabilitation Company (CRC) owners to restate the strategic context and public commitments the National Offender Management Service has made with regard to gender specific service provision. I will

3 Wave 2 sites: North West; West and Central London; Kent; Surrey; Hampshire; Oxfordshire; Devon & Cornwall; Somerset; Black Country; Lancashire; North East; South Yorkshire; Nottinghamshire; Northamptonshire; and Norfolk & Suffolk

shortly meet with the owners of the 21 CRCs in my capacity as the new Minister for Women, Equalities and Family Justice and I will take the opportunity to discuss the provision of services to female offenders. I will also draw attention to the positive findings of the recent Justice Data Lab report on the impact of women's community services on reoffending rates of female offenders.

CRC owners are currently developing their supply chains to deliver their commitments relating to female offenders. We expect to see new and innovative responses from the CRC providers to help address some of the causes of crime, with targeted support to offenders to help with issues such as addiction, lack of housing or employment and skills, including increased mentoring support.

We have put in place safeguards to ensure providers work in partnership locally. A proportion of the fee paid to providers depends upon them achieving a reduction in re-offending rates, which will incentivise them to establish links with local statutory and non-statutory partners. CRCs are contractually required to participate in statutory partnerships and are also required to engage in non-statutory partnership working arrangements aimed at protecting the public from harm, safeguarding vulnerable adults or potential victims of domestic abuse and promoting service integration.

As above, many CRCs are engaged in discussion with the Women's Community Services. NOMS Contract Management teams are monitoring the continuity of service provision for female offenders across all Contract Package Areas, so that we have an accurate picture of the quality and coverage of these services. Let me assure the Committee that the CRCs are being robustly managed by NOMS contract management teams to ensure that providers are held accountable for the delivery of the services set out in their contracts. Vigorous performance management systems and audit arrangements are in place to manage the contracts, including significant rights of access for NOMS and extensive audit powers. Officials will continue to monitor the position and take action as necessary, keeping the Advisory Board on Female Offenders, NOMS Board and Ministers updated.

Small custodial units and the female custodial estate

Following the Women's Custodial Estate Review, published in October 2013, NOMS has renewed its focus on providing appropriate regimes for women. The Committee has already recognised the work carried out at HMP/YOI Styal and similar progress is being made at other establishments. For example, HMP/YOI Eastwood Park will use newly refurbished accommodation, which is due to open this summer, to improve rehabilitation opportunities for offenders, with a focus on incentivising positive social behaviour and independent living skills.

Whilst this Government cannot accept the recommendation that women are held in an estate consisting principally of small custodial units, NOMS would like to draw the Committee's attention to the work that has been carried out to support those women with the most complex needs. New specialist units, including Personality Disorder treatment services and Psychologically Informed Planned Environments (PIPEs), have been opened at HMP/YOIs Send and Low Newton, and more recently at Foston Hall, New Hall and

Eastwood Park. These services, typically accommodating between 12 and 24 women, are jointly operated services involving staff from NHS England, NOMS and often third sector providers.

As acknowledged by the Committee, NOMS has also developed two new open prison units; at HMP/YOIs Styal and Drake Hall. These units, outside the prison fence but within the wider establishment boundary, provide a far greater level of independence for women reaching the end of the custodial part of their sentence. Additionally, the unit at Drake Hall has facilities for two women to hold overnight visits with their young children, a key factor in maintaining family ties and in reducing the likelihood of re-offending. A small overnight visits facility is also being developed within the footprint of HMP/YOI New Hall and will open this month.

Release on Temporary Licence

Temporary release is an important tool in the rehabilitation of offenders and it will continue to be available to those who have a legitimate purpose for release and who can be released without putting the public at risk. We fully support women using Release on Temporary Licence (ROTL) to take work, training and educational opportunities that cannot be provided in prison, as well as maintaining ties with their families. These are all positive factors that should help reduce re-offending.

The ROTL reviews undertaken in 2013 showed a low but increasing level of ROTL failure and a culture of presumption that ROTL would be normally be given, which had contributed to a significant increase in ROTL that was not always for clear, legitimate purposes. They also disclosed inconsistent practice and a system that had the same risk assessment approach for all regardless of risk.

It is essential that ROTL for men and women is assessed to the same standard. Although women in the past have generally had a lower failure rate for ROTL than men, it is important that individual release applications should be considered on their own merits and to a high standard. Full account of the differences in the women's estate has been taken in order to make sure that the changes do not impact unfairly upon them. We have, for example, made restricted ROTL available in all women's prisons, reflecting their resettlement regime status.

Comparing annual ROTL data the overall number of instances of ROTL for women has barely changed. Although the number in 2014 was slightly down on 2013, 32,090 compared with 32,720—this figure is still higher than in 2012. Fewer women had ROTL in 2014 (731 compared to 819 in 2013), and this suggests that women who pass the suitability and risk assessments are actually getting more ROTL. More work is required to understand why overnight and childcare resettlement licence releases have fallen over the year, but the latter have always been extremely few in number and therefore subject to fluctuation, and the special purpose licence (up 35% in 2014) can meet some of the same needs. We are committed to publishing data on ROTL more regularly and to monitoring the impact of the new ROTL approach on women and all protected groups.

Conclusion

I look forward to engaging with the Committee on the important issue of female offenders during this Parliament.