

# Fair Cop? Improving outcomes for women at the point of arrest

A Discussion Paper

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This discussion paper was prepared by Dr Thomas Guiney and Jenny Earle of the Prison Reform Trust, in the context of the Prison Reform Trust programme to reduce women's imprisonment. [www.prisonreformtrust.org.uk/women](http://www.prisonreformtrust.org.uk/women)  
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## **Foreword from Dame Vera Baird QC, Police and Crime Commissioner for Northumbria**

I welcome this discussion paper on why it makes sense to intervene early with women who come into contact with the criminal justice system, and how to go about it. For many women, their journey into offending starts as victims of more serious crimes, particularly domestic violence and sexual abuse. Recognition of the different drivers to women's offending is a first step to ensuring more effective options at the point of arrest.

Like many of my fellow Police and Crime Commissioners I firmly believe that crime prevention is the way forward. Problem solving approaches like police triage, liaison and diversion and Integrated Offender Management have an important role to play in protecting the public and turning around the lives of women who have often been failed in the past. The examples of partnership working and collaboration set out in this paper highlight what can be achieved when Local Authorities, Community Safety and Criminal Justice Partnerships, health providers and local women's services come together. There is a real appetite for examples of 'what works' and there are many in this report. It showcases how local areas are responding to the changing demands on police resources at a time when money is short.

With a Female Offender Strategy promised by the Justice Secretary, growing interest in whole system approaches for women and a strong emphasis on early intervention in many local Police and Crime Plans the recommendations in this discussion paper are particularly timely. We must continue to seize these opportunities if we are to improve the protection of women and girls against violence, exploitation and coercion, and in doing so prevent much of the offending which can result from that pattern of victimisation.

I look forward to engaging further on these important questions and I hope this discussion paper will raise awareness of the practical steps now being taken across England and Wales to improve outcomes for women at the point of arrest. Not only can this lead to less crime and fewer victims, but it also pays dividends for the families and communities who depend on the women who are helped. We all stand to benefit from the learning in this practical report from the Prison Reform Trust.



Dame Vera Baird QC

Northumbria Police and Crime Commissioner



## Executive summary

This discussion paper builds the case for greater use of ‘problem-solving approaches’ for women at the point of arrest in cases where the harm caused by an offence is low but the needs of the individual may be multiple and/or complex. It is intended to inform and encourage the adoption of effective early interventions for women at the point of arrest.

The term ‘problem-solving’ is used here to refer to a range of interventions for women at the point of arrest including police-based triage schemes, integrated offender management, restorative justice and liaison and diversion services. It encompasses decisions taken by frontline police officers in the community as well as charging decisions and other disposals made in police custody suites.

The paper draws on detailed research and interviews with the police, probation staff, women’s voluntary sector providers and national policy-makers. It reflects upon present outcomes for women in the criminal justice system and considers how a problem-solving approach can align with recent policy and practice developments in England and Wales. It reviews existing guidance on the use of out of court disposals and considers five illustrative studies from Durham, Hull, Manchester, Surrey and Wales. The paper concludes with a review of promising practice and identifies a number of building blocks that are critical to the successful delivery of problem-solving early interventions for women.

In light of the main findings set out in this paper the following recommendations are proposed:

1. Each police constabulary in England and Wales should review existing practices for women in contact with the criminal justice system. In particular, they should work with strategic partners to ensure professional services integrate support around individual women, and embed greater use of problem-solving approaches at the point of arrest.
2. The police, Police and Crime Commissioners and probation services (Community Rehabilitation Companies and National Probation Service) should explore opportunities for greater alignment or pooling of budgets to shift resources from late intervention to early intervention services at the point of arrest.
3. The Ministerial Advisory Board on Female Offenders should intensify work with the Department of Health and NHS England, Home Office and Ministry of Justice to strengthen engagement and collaboration between liaison and diversion services, the Independent Review of Out of Court Disposals and the development of a Whole Systems Approach for women in the criminal justice system.
4. The particular requirements of women with mental health problems, learning disabilities or other needs should be identified and addressed as early as possible following their initial contact with the police, and fully integrated with liaison and diversion/criminal justice liaison schemes and other local services, as necessary.

5. Local commissioners should explore options for greater co-production of services to women with local voluntary sector organisations, particularly women's centres. Commissioning arrangements should reflect the wider social value of these services as required by the Public Services (Social Value) Act 2012.
6. Women with experience of the criminal justice system should be involved in developing new and improved problem-solving responses. Working with women to design and deliver services that address their needs, and builds upon their strengths, is likely to be more effective than services designed without the insight of service users.
7. Many women continue to be prosecuted for non-criminal offences by other public bodies. The Ministry of Justice, under the auspices of the Advisory Board on Female Offenders, should undertake a review of non-criminal pathways to the prosecution of women.
8. The College of Policing, Crown Prosecution Service and Police and Crime Commissioners should explore opportunities to further embed training in the appropriate use of out of court disposals for women and opportunities to make greater use of evidence-based, problem-solving methodologies.
9. Every police constabulary should convene regular scrutiny panels with a representative membership that includes magistrates to ensure the use of out of court disposals is accountable, transparent and commands the confidence of sentencers. This has also been recommended by the National Police Chiefs Council.
10. A national network of women's centres and services should be funded to support early intervention and whole system approaches. The funding framework or formula should be flexible enough to avoid the criminal justice system being the primary gateway through which vulnerable women can access appropriate support.

While this paper is primarily concerned with recent developments in England and Wales, many of the findings and recommendations here will be applicable in Scotland and Northern Ireland. This discussion paper is intended for the following audiences:

- Police Chief Constables and operational Police Officers
- Police and Crime Commissioners
- The Crown Prosecution Service
- Defence Lawyers
- Members of the Judiciary

- Policy-makers with responsibility for the management of women offenders
- National Probation Service
- Community Rehabilitation Companies
- Criminal Justice Inspectorates: Probation, Prison and Police
- Local Authorities, including Adult Social Care, Local Community Safety Partnerships (CSPs) and Health and Wellbeing Boards (HWBs)

Other Prison Reform Trust briefings and publications particularly relevant to the proposals made in this discussion paper include:

- Leading Change: the role of local authorities in supporting women with multiple needs, October 2016
- Why focus on reducing women's imprisonment? February 2017

These and other briefings and reports are available on the Prison Reform Trust website [www.prisonreformtrust.org.uk](http://www.prisonreformtrust.org.uk) and hard copies can be provided on request.



## 1. Introduction

*Women who commit crimes are often some of the most vulnerable in our society... we want to see fewer women in custody and to promote a greater focus on early intervention, diversion and multi-agency approaches to ensure that the justice system can take proper account of the specific needs of women.*

Dr Phillip Lee, Parliamentary Under-Secretary of State for Justice, November 2016

The Prison Reform Trust's three-year programme, Transforming Lives: Reducing Women's Imprisonment,<sup>1</sup> seeks to reduce the number of women unnecessarily sent to prison, on sentence or remand, and places a strong emphasis on early intervention, multi-agency working and engaging with women with first-hand experience of the criminal justice system.

This discussion paper makes the case for greater use of 'problem-solving approaches' for women at the point of arrest in cases where the harm caused by an offence is low but the needs of the individual may be multiple and complex. It draws on research and interviews with the police, probation staff, women's voluntary sector providers and national policy-makers. It is intended to inform and encourage the adoption of effective early interventions for women at the point of arrest.

The term 'problem-solving' is used here to refer to a range of interventions for women at the point of arrest including police-based triage, Integrated Offender Management (IOM), restorative justice and liaison and diversion services.<sup>2</sup> It encompasses decisions taken by frontline police officers in the community as well as charging decisions taken in police custody suites. Interest in problem-solving approaches developed in response to traditional policing methods that tended to prioritise process over outcomes.<sup>3</sup> It has fostered a more inquisitive way of thinking about criminal justice, defined by evidence-based analysis of offending and desistance. In relation to women this has tended to result in:

- extending and improving collaborative decision-making between statutory partners
- referring women, where appropriate, into rehabilitative or supportive interventions where a particular need is identified and / or specified offence criteria are met
- redirecting those who have committed low-level offending away from formal prosecution
- expediting prosecution in cases where it is deemed necessary.<sup>4</sup>

This discussion paper begins with an overview of present outcomes for women in the criminal justice system and examines how a more problem-solving approach aligns with recent policy and practice developments in England and Wales. It then considers five illustrative studies from Durham, Hull, Manchester, Surrey and Wales. This is by no means an exhaustive review of current practice and a list of the schemes we are aware of in England and Wales is at Appendix A. The paper concludes with a discussion of promising practice and recommendations for change. While the paper is primarily concerned with recent policy and practice developments in England and Wales, many of the findings and recommendations will be applicable in Scotland and Northern Ireland.



## 2. Why women?

Most of the solutions to women's offending lie outside prison walls in treatment for addictions and mental health problems, protection from domestic violence and coercive relationships, secure housing, debt management, education, skills development and employment. As the Justice Select Committee concluded in their inquiry into women offenders, 'prison is an expensive and ineffective way of dealing with many women offenders who do not pose a significant risk of harm to public safety'. The Parliamentary Committee called for 'a significant increase in residential alternatives to custody as well as the maintenance of the network of women's centres', seen as 'more effective, and cheaper... than short custodial sentences'.<sup>5</sup>

Women represent a small minority of those in the criminal justice system and their offending profile differs significantly to men's. As a result women are often treated as 'correctional afterthoughts', overlooked in criminal justice policy, planning and service design. Baroness Corston noted a decade ago that, 'treating men and women the same results in inequality of outcome'<sup>6</sup> and opportunities to improve outcomes for women are often missed at each stage of the criminal justice process. More recently the Lammy Review has reported that black and mixed race women are more than twice as likely as white women to be arrested.<sup>7</sup>

In 2014/15 there were 147,628 arrests of women in England and Wales.<sup>8</sup> The rate of women's offending is less than half that of men and Home Office data suggests that in 2015 there were 157 first time women offenders per 100,000 of the population, compared with a first time offending rate of 439 per 100,000 of the male population.<sup>9</sup> For nearly all offence categories women are more likely to be first time offenders than repeat offenders and far less likely to have prior convictions than men. The exception to this rule is shoplifting where 72% of women arrested for the offence have three or more prior convictions.<sup>10</sup> In many of these instances an out of court disposal may be appropriate, but their use for women has decreased markedly since 2007.<sup>11</sup>

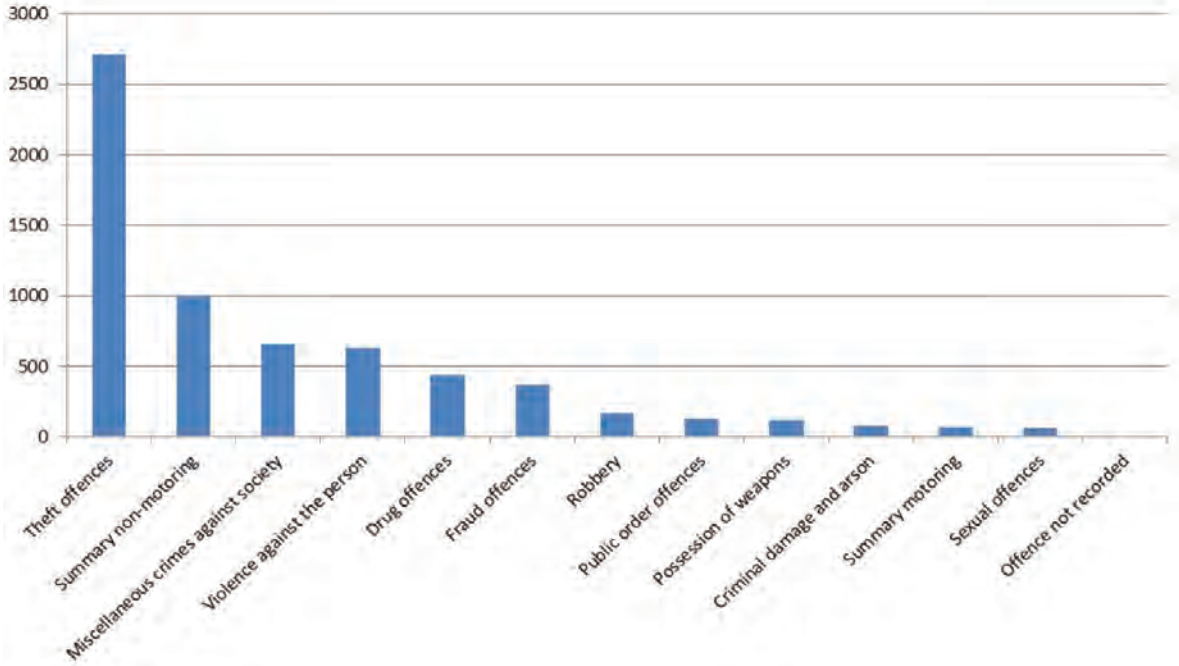
Of the women arrested for notifiable offences in 2014/15, approximately 56,000 were for offences of violence against the person (a very broad offence category that includes many minor misdemeanours), 40,000 for theft and handling stolen goods and a further 10,000 arrests for drug offences.<sup>12</sup> Over a third of all women offenders were prosecuted for TV licence evasion (37%), compared with only 6% of men.<sup>13</sup> There continues to be an over-use of remand, 45% of women entering prison do so on remand and less than half of those subsequently convicted receive a custodial sentence.<sup>14</sup>

Where women are charged and found guilty by the courts (summary and non-summary) a fine is by far the most common sentencing outcome, accounting for over 80% of all sentencing decisions in 2015.<sup>15</sup> In many cases, a fine remains the appropriate and rapid response to low level offending, but it may not be appropriate where the individual

presents with multiple and complex needs. In contrast to problem-solving approaches which seek to address the underlying drivers of a woman’s offending, a fine may compound existing debt, parenting, relationship and housing difficulties and in time can result in further escalation of punishment if payment is not made.

Women are more likely than men to be received into custody under sentence for theft offences, summary non-motoring offences, or ‘miscellaneous crimes against society’ including affray (see Table 1).<sup>16</sup> Because of their distinct offending profile most women entering prison serve very short sentences. Of the 6,068 custodial receptions for women in 2015/16, almost 70% were for sentences of 6 months or less. While there has been a welcome reduction in the number of women sentenced to longer periods of determinate custody in recent years, the use of very short prison sentences has remained stable since 2002.<sup>17</sup>

Table 1: Immediate custodial sentenced admissions of women into prison, 2015/16



Source: Ministry of Justice. Prison Receptions: January to March 2016. Table 2.4a: Sentenced admissions into prison by sentence length and sex

The frequent use of remand, fines and short custodial sentences provide limited opportunities for rehabilitation or post-release planning, whilst causing significant disruption to family life and jeopardising women’s employment<sup>18</sup> and housing.<sup>19</sup> In 2010 it was estimated that women’s imprisonment resulted in 17,240 children being separated from their mothers and there is a growing body of evidence about the intergenerational harm this causes.<sup>20</sup> Only five per cent of children with a mother in prison remain in the family home during their mother’s imprisonment.<sup>21</sup>

### 3. Current policy and practice

In recent decades a series of inquiries and reports have concluded that prison is rarely a necessary, appropriate or proportionate response to women who come into contact with the justice system.<sup>22</sup> The limitations of a 'one size fits all response' are now well understood and there is growing interest in the potential of a gender-informed, 'whole systems approach' that improves integration between criminal justice, health and social care services and the voluntary sector.<sup>23</sup> Better outcomes for women at the point of arrest are the objective of this work, but knowledge of the options available to the police remains patchy. There is considerable scope for greater exchange of promising practice across the country as local areas adapt to the changing landscape of criminal justice and the expectations of the public.

*We found some excellent and inspirational work being undertaken in women's centres. Services were gender-specific and sensitive to the needs and diversity of women. Where this worked best, women had access to a range of specialist services through a 'one-stop-shop' approach. Interventions were aimed at addressing the women's needs as a whole, rather than offending behaviour in isolation, and, partner agencies worked together to provide individualised plans and support for women.*<sup>24</sup>

HM Probation Inspectorate (2016)

#### The role of the police

Policing in England and Wales is going through a period of profound change. Between 2010/11 and 2015/16 total funding to individual police forces reduced by between 12% - 23%.<sup>25</sup> As a result total police numbers have fallen: in March 2014 there were 35,000 fewer officers and staff, including police community support officers, than in March 2010, a fall of 15%.

Recent College of Policing analysis suggests that while recorded crime and other incidents have decreased in the past 10 years, the focus of police efforts has begun to shift from acquisitive crime to public safety and the protection of vulnerable individuals. There has been a steady increase in police time spent dealing with people with mental health problems, and/or drug and alcohol misuse. Accordingly, the costs of crime for the police have not fallen at the rate expected.<sup>26</sup>

As finite police budgets come under increasing pressure there is a shift in emphasis towards crime prevention, risk profiling and multi-agency working. In her Ministerial Foreword to the 'Modern Crime Prevention Strategy' the then Home Secretary Theresa May stated that:

*...as with so many of the challenges we face as a society, the prevention of crime is better than cure. Stopping crime before it happens, and preventing the harm caused to victims, must be preferable to picking up the pieces afterwards.*<sup>27</sup>

The Advisory Group on the future of policing, bringing together representatives from across the police service, recently advocated 'greater integration between public services, for example through the development of shared public safety plans with single

leadership and shared budgets'.<sup>28</sup> This is also reflected in operational police planning. The National Policing Crime Prevention Strategy (July 2016) sets out a core deliverable of 'Reducing demand – through effective sustainable problem-solving' which involves identifying 'the most appropriate cost effective intervention at the earliest opportunity'.<sup>29</sup>

### Evidence based policing

Rehabilitation outcomes for women sent to prison remain poor. Of those sentenced to under 12 months, 61% of women are reconvicted within one year of leaving prison.<sup>30</sup>

Women's offending profile is typically less serious than men's (although in some cases more frequent) and they are often subject to low-level sanctions, such as a fine, which do not address an individual's offending behaviour. Moreover, women often fail to reach the necessary harm and risk thresholds to unlock specialist support services such as integrated offender management (IOM), which have demonstrated considerable success in developing a multi-agency response to the most prolific and 'high harm' offenders in England and Wales. Problem-solving police responses provide an opportunity to extend the ethos and 'ways of working' developed by IOM teams to a wider cohort of offenders, including women.

#### **Integrated Offender Management (IOM)**

Pioneered between 2008 - 2011 the strategic responsibility for IOM is shared locally between the 322 community safety partnerships and 41 local criminal justice boards in England and Wales.

IOM brings a cross-agency response to crime and the challenge of reducing reoffending. The most persistent offenders are identified and managed jointly by partner agencies working together. IOM improves the quality of life in communities by:

- reducing the negative impact of crime and reoffending
- reducing the number of people who become victims of crime
- helping to improve the public's confidence in the criminal justice system.

The following principles describe the main features of IOM and guide local arrangements and approaches. Local IOM models will vary to reflect local circumstances and priorities, but the common elements are:

- all partners manage offenders together
- a local response to local problems
- all offenders can potentially be included
- offenders face up to their responsibility or face the consequences
- best use is made of existing programmes and governance arrangements
- achieving long-term desistance from crime.

A careful analysis by Hedderman and Jolliffe (2015) confirms that women released from prison are twice as likely to reoffend as a comparable cohort of women given community orders.<sup>31</sup> There is also evidence from the National Offender Management Service (NOMS) that women are more likely to comply with a community order or period of licence supervision than men, which justifies confidence that many will engage constructively and comply with an out of court disposal order.<sup>32</sup>

A recent College of Policing Evidence Briefing concluded that, 'you can have confidence in problem-solving; the evidence shows it works, provided it is implemented properly'.<sup>33</sup>

### Liaison and diversion

Liaison and diversion schemes operate in police custody suites and the criminal courts, and help to identify children and adults with particular needs, including mental health problems, learning disabilities, autism and substance misuse. The national operating model seeks to:

- improve access to healthcare and support services for vulnerable individuals and a reduction in health inequalities.
- divert individuals, where appropriate, out of the youth and criminal justice systems into health, social care or other supportive services.
- deliver efficiencies within the youth and criminal justice systems.
- reduce reoffending or escalation of offending behaviours.<sup>34</sup>

Where a person is thought by the police to be vulnerable, he or she is invited to meet with a liaison and diversion practitioner, who undertakes a thorough needs assessment of the individual. This assessment is used to inform criminal justice decision making, including whether 'reasonable adjustments' are needed, and to determine referrals into community services such as health or social care, housing, substance misuse or family support services where appropriate.

A recent evaluation of the national model for liaison and diversion services found a small but significant increase in the number and proportion of adults referred to services providing support for individuals with learning disabilities, and individuals with financial needs.<sup>35</sup> The same evaluation found that stakeholders from partner agencies were overwhelmingly positive about liaison and diversion services, citing an increase in information about individuals with vulnerabilities, and closer working between mental health, and other professionals.

Women make up around 15% of adults arrested by the police, and 22% of those seen by liaison and diversion services. Women's contact with liaison and diversion services provides an important opportunity for 'making every contact count' and to ensure necessary support for women and their families. Liaison and diversion schemes are required to develop specific referral pathways for women, which, to an extent, are dependent on the availability of, and their relationship with, a range of local services. To work effectively, it is important that partnerships are established between liaison and diversion services, local authorities, and other services that support women.

At present, 50,000 people a year are assessed by liaison and diversion services following arrest, and almost 70% require mental health support. In July 2016, the then Health Minister Alistair Burt MP announced a £12m investment to extend the roll out of liaison and diversion services. This will increase NHS England liaison and diversion services from 50% population coverage to 75% by 2018/19 and will include all major urban areas. National roll out of liaison and diversion services, and alignment with police triage, is an important and welcome opportunity to identify and provide support for some of the most vulnerable members of society and their families.

## Violence against women and girls

Many women who come into contact with the criminal justice system are themselves victims of serious crime. 57% of women in prison report a history of domestic abuse and 53% report having experienced emotional, physical or sexual abuse as a child, compared to 27% of men.<sup>36</sup> In reality, the challenges of disclosure suggest these figures are likely to underestimate the scale of the problem and many point of arrest schemes have reported an extremely high incidence of domestic violence and coercion amongst the women they support.<sup>37</sup>

Intervention at the point of arrest provides a unique opportunity to link some of the most vulnerable women in the community to support that could for example help them escape violent and coercive relationships and establish independent lives, reducing their risk of offending. This is now a priority for government. Following a consultation in 2015 the Home Office published 'Ending Violence against Women and Girls Strategy 2016 – 2020'. The new strategy recognises the need to 'support women offenders affected by domestic abuse' and makes clear that:

*...the only way we can achieve real, sustainable progress is if national and local government, local partners and agencies, and every community work together to prevent women and girls from becoming victims in the first place and make sure those who have experienced abuse receive the support they need to recover. Tackling VAWG is everybody's business.<sup>38</sup>*

The Violence Against Women agenda has been given further impetus by the Home Office VAWG Service Transformation Fund and a Big Lottery Fund investment of £50m in services that support women and girls facing or affected by substance misuse, mental ill health, domestic violence, sexual exploitation, and homelessness.<sup>39</sup>

Problem-solving approaches like police triage schemes can break down the sometimes false dichotomy between 'victim' and 'offender' and, working in partnership with VAWG services, provide women with a chance to disclose and address the way domestic abuse and coercive relationships may drive their offending. As one police inspector involved in trialling a women's triage scheme put it:

*I have been astounded by the number of female offenders who are victims of domestic abuse and how that is a significant trigger to their offending.*

It should also be noted that foreign national women in contact with the criminal justice system, including women involved in prostitution, may well have been trafficked into offending, and measures need to be in place to ensure that they can be identified and offered the support to which they are entitled at or before the point of arrest. The Independent Anti-Slavery Commissioner has called for "an end to wrongful prosecutions of victims of modern slavery" to ensure victims are not criminalised.<sup>40</sup> Information, advice and training may also be sought from specialist organisations such as Hibiscus Initiatives.<sup>41</sup>

### Replicating success: youth justice

Significant steps have been taken to embed problem-solving approaches in the youth justice system. In 2008/2009 the youth restorative disposal was piloted in eight police force areas, and the Youth Justice Board supported the development of local youth triage schemes through the Youth Crime Action Plan.

The concept of triage was adapted from hospital accident and emergency departments, enabling local youth offending teams to undertake a rapid assessment of the individual's needs and circumstances. Where appropriate, assistance was offered to the young person and their family by way of an out of court disposal. Triage schemes took a graduated approach to the management of risk: in cases of the most minor offending triage primarily consisted of restorative measures such as letters of apology to the victim. For medium level offences, young people 'had access to a range of supportive interventions, such as for substance misuse, education and training, and anger management.'<sup>42</sup> For the most serious offences young people were fast-tracked and given support as their prosecution progressed through the youth justice system.

Key to the success of youth triage has been the emphasis placed on combining diversion from formal sanctions with a restorative intervention. 'Diversion from' was accompanied by 'diversion to' and where possible this was located within a wider statutory framework that placed clear duties of care on public bodies to consider the housing, education, and welfare needs of young people. Other elements of best practice identified by the Home Office evaluation of youth triage include:

- the importance of strategic leadership
- partnership between criminal justice agencies
- training for the police and youth offender teams
- regular feedback to the police on the progress of young people engaged by the scheme
- a robust system of monitoring and incremental improvement as the scheme develops.<sup>43</sup>

Youth triage is now firmly established within the youth justice system and has contributed to a dramatic fall in the numbers of young people brought into custody. As the Prison Reform Trust noted, 'the rapid development of alternative ways of responding to children in trouble has undoubtedly been an important mechanism for reducing the number of candidates for custodial sentences'.<sup>44</sup> Arrests of young people fell by a third between 2006/07 and 2010/11 while the number of first time entrants into the youth justice system has declined by 67% from its peak in 2006/07.



## 4. Police options: early intervention at the point of arrest

Greater use of problem-solving approaches at the point of arrest can play a significant role in encouraging multi-agency working, identify the drivers to women's offending and refer them into appropriate services to address their offending behaviour.<sup>45</sup> In turn, such approaches have an important role to play in the government's devolution agenda and public service reform initiatives. This allows resources within the criminal justice system to be shifted from late-intervention within prison, which causes huge disruption to family life and has generally poor outcomes, to more effective early intervention when women first come into contact with the criminal justice system.

### Out of court disposals

*Out-of-court disposals (OOCs) can provide the police with simple, swift and proportionate responses to low-risk offending, which they can administer locally without having to take the matter to courts. As a quick and effective means of dealing with less serious offences, they enable police officers to spend more time on frontline duties and on tackling more serious crime. Additionally, OOCs can often represent an effective response to offending that can focus on the needs of the victim.*

House of Commons Home Affairs Committee 3 March 2015<sup>46</sup>

The majority of problem-solving interventions at the point of arrest make use of an OOC to mark the seriousness of an offence, record an outcome and build some conditionality into the system to encourage active engagement with the support on offer. As the Home Affairs Committee noted, out of court disposals can also support the police to manage demand and tackle low-level offending, as part of a graduated response to the management of harm and risk.

The current framework of OOCs for adults in England and Wales (which is likely to be rationalised in 2017) reflects the organic development of such powers over time to meet new, or unforeseen operational challenges. A number of disposals are available to the police and Crown Prosecution Service (CPS) each with differing requirements and eligibility criteria. These are summarised in the 'at a glance' College of Policing table set out at Appendix B, and include:

- community resolutions
- simple cautions
- conditional cautions
- penalty notices for disorder (PND)
- cannabis orders.

The majority of point of arrest schemes for women have made use of community resolution or a conditional caution and these are the primary focus here. The law relating to OOCs is complex and legal advice should be taken prior to the introduction of any new schemes. Under the Offender Rehabilitation Act 1974, as amended in December 2008, simple cautions are 'spent' immediately (meaning they do not have to be declared as convictions) and conditional cautions after three months when they do not have to be

declared to employers. There are however exceptions to this rule where an OOCd will show up on an enhanced records check. In these cases, an OOCd can end a career or become a serious obstacle for those seeking to enter regulated vocations.<sup>47</sup>

Any scheme making use of OOCds must therefore be clear, transparent, and provide adequate procedural safeguards. Guidance on the implications of admitting guilt and the consequences of accepting an out of court disposal, with reasonable time to reflect upon the option is important. It is essential for vulnerable people, including women with learning disability, autism and those with multiple and/or complex needs. While most parts of England and Wales have scrutiny panels that examine sample out of court disposals, with judicial involvement, these panels do not operate everywhere, do not always publish findings and do not currently look at 'no further action' cases. Extending these panels' coverage and remit may help promote public and judicial confidence in the use of out of court disposals and thus encourage diversionary approaches in appropriate cases.

### Community resolutions

The community resolution is recognised as a method for dealing with low-level offending and anti-social behaviour such as low-value theft, minor assaults and anti-social behaviour. It is a non-statutory disposal that can be used with adults or young people, and practice varies considerably between constabularies. Guidelines on the appropriate use of community resolutions were first issued in 2012 by the Association of Chief Police Officers Association (now the National Police Chief Council, NPCC).

A community resolution may include an individual apologising to the victim, making some form of reparation or committing to a rehabilitative activity, for example attendance at a women's centre. As the College of Policing notes, 'by encouraging offenders to face up to the impact of their behaviour and to take responsibility for making good any harm caused, a community resolution can reduce the likelihood of their reoffending'.<sup>48</sup>

The decision to deal with an offence by way of a community resolution can be taken by a warranted police officer, special constable or Police Community Support Officer or other staff designated powers by the Chief Constable.

### Conditional cautions

First introduced by the Criminal Justice Act 2003, a conditional caution may be offered where the individual is aged 18 or over, admits the offence and 'there is sufficient evidence for a realistic prospect of conviction but the public interest can be served by an offender complying with suitable conditions rather than a prosecution'.<sup>49</sup>

The police must make all 'reasonable efforts' to consult the victim(s) about which conditions to attach to a conditional caution and the individual must agree to accept the conditional caution and the conditions attached. Failure to comply with these conditions can result in prosecution for the original offence. Although conditional cautions are commonly used with first time offenders, Crown Prosecution Service guidance makes clear that:

*...a record of previous offending should not rule out the possibility of a conditional caution especially where there have been no similar offences for two years or where it appears a conditional caution is likely to change the pattern of behaviour.<sup>50</sup>*

Legislation requires that the conditions attached to a caution should be for reparation, rehabilitation or punishment purposes. In 2013 the Ministry of Justice issued separate guidance on the use of youth conditional cautions.

To promote greater consistency in the use of out of court disposals, including conditional cautions, a “Gravity Factor Matrix” was produced in April 2013 to assist police officers weigh the harm of an offence, balance mitigating and aggravating factors and determine whether it is the appropriate disposal. As set out in Table 2 below, a conditional caution should be considered in cases with a Gravity Rating score of Tier 1 or 2 and can be considered in Tier 3 cases where clear mitigating factors exist.

Table 2: Gravity Factor Matrix for Adults – Scores Updated 8 April 2013

SCORE	ACTION	EXAMPLES OF OFFENCE TYPES
4	Always charge or conditional caution (this may need CPS decision if the crime is ‘indictable only’ (IO) or exceptional circumstances).	GBH / Wounding with Intent (S.18 Offences Against the Person Act 1861), Burglary
3	Normally charge but a ‘simple’ caution or conditional caution – may need CPS decision if IO and exceptional circumstances) may be appropriate if first offenders. A penalty notice for disorder (PND) may be appropriate.	ABH (S.47 OAP Act 1861), Arson – life not endangered, CLASS ‘A’ DRUG Possession, Affray (Section 3), Theft (shoplifting) Value £100 -£200 (max)
2	Normally ‘simple’ caution for a first offence but a charge (or conditional caution – may need CPS decision if IO and exceptional circumstances) may be appropriate if previous convictions	Theft, Criminal Damage valued at £300, CLASS ‘B’ / ‘C’ DRUG Possession, Drunk and Disorderly
1	Always the minimum responsible applicable to the individual offender, i.e. NFA, ‘simple’ caution, PND, Community Resolution (or, exceptionally, charge).	Drunk and incapable, Most Non-Recordable Offences

Source: Kent Police; [https://www.kent.police.uk/getmedia/f6182ecc-3c76-44f5-b61f-e179cc49e931/O32\\_Adult\\_Gravity\\_Matrix.pdf](https://www.kent.police.uk/getmedia/f6182ecc-3c76-44f5-b61f-e179cc49e931/O32_Adult_Gravity_Matrix.pdf)

### No further action

While the majority of problem-solving approaches make use of one or more out of court disposal options, some local areas have built problem-solving approaches into the police investigation / charging process which may result in no further action.

These schemes are often predicated on the understanding that a charge may not be in the public interest and that an outcome which does not result in a criminal record is proportionate in the circumstances. Crown Prosecution Service guidance makes clear that standard investigation and charging process should be followed in these instances. If there is insufficient evidence to charge, the investigation should cease. However, in cases where the evidential test is met it is still possible for the police to take no further action if that is in the public interest. Such cases are typically limited to low level offences that are categorised as Tier 1 or Tier 2 offences on the Gravity Factor Matrix (Table 2 above). Bail may also be used to build conditionality into the scheme and provide some recourse for the police should the individual fail to comply with the terms of an agreement. Typically this involves bailing the individual for a period of up to 60 days in order to satisfy certain conditions agreed with the police – such as engaging with the local women’s centre. Failure to do so can result in the individual being charged with the original offence.

In some instances schemes based upon ‘no further action’ have been supplemented by a voluntary referral pathway. For example, when a woman comes to the attention of the police she is made aware of relevant women’s support services and encouraged to attend. Any steps that she takes to address her offending behaviour may be taken into consideration at a later stage in the justice process. It is important that the National Probation Service is made aware of the woman’s engagement so that the most effective possible recommendations can be made to the court.

### The government review of out of court disposals

In September 2013 the Ministry of Justice launched a review of out of court disposals in England and Wales. The review grew out of an earlier investigation into the use of simple cautions, prompted by a number of high profile incidents and subsequent concerns voiced by the Magistrates’ Association amongst others that the police were using cautions for matters that should be dealt with by a court of law.

In their joint response to the review, the government and College of Policing proposed a simplified two-tier system:

- A suspended prosecution: designed to tackle more serious offending, such as theft, violence or drug offences, where there is sufficient evidence to prosecute but the public interest is better served through the offender complying with appropriate conditions. Those who choose not to comply with these conditions may be prosecuted for the original offence.
- A new, statutory community resolution aimed at lower-level and/or first time offending such as minor incidents of criminal damage or low-value theft. This

disposal would allow the police to apply a wide range of approaches to tackling offending, ranging from an apology to the victim through to financial compensation or rehabilitative measures.<sup>51</sup>

The government established pilot programmes in three police force areas, West Yorkshire, Leicestershire and Staffordshire, which ran for approximately 12 months from November 2014. The disposals that are closest in spirit to the proposed framework were used - community resolution and conditional caution. During this period the three forces ceased to use simple cautions, cannabis warnings, and greatly restricted their use of penalty notices for disorder. The independent evaluation of the pilot schemes will be published shortly, and decisions on future reform are under review. It is likely the police will be expected to adopt a stronger focus on conditionality when dealing with low-level offending behaviour.

Any move towards greater conditionality at the point of arrest must be managed with care. A key tenet of problem-solving justice is the need for a more evidence-based approach to desistance from crime when dealing with disadvantaged, vulnerable or chaotic individuals. The recent growth in the use of suspended sentence orders and recall of those on licence from short prison sentences serve as a warning of the potential for 'net widening'. Administrative changes can result in more individuals being at risk of custody if breached by the criminal justice system.

As an exercise of discretionary police powers, the use of an out of court disposal has to be balanced against the demands of justice, transparency, resource management and maintenance of public confidence. At the same time, problem-solving approaches need to engage creatively with local services and develop frameworks and protocols for multi-agency working. This will inevitably result in variation across England and Wales.

The following section sets out five different examples of a problem-solving police response. Those involved are very clear that these schemes are not a 'soft option' as they are often demanding in terms of commitment to engage with support services and change behaviours.



## 5. Illustrative studies: embedding multi-agency working

### Durham Constabulary: Checkpoint

In recent years Durham Constabulary have adopted a 'Problem Orientated Policing' philosophy. The Checkpoint Programme began as a women's pathfinder project and is now available to men as well as women over the age of 18. It seeks to break the cycle of low-level offending by looking holistically at the factors driving an individual's offending behaviour and providing a multi-agency response.

The scheme offers eligible offenders a four month long 'checkpoint contract' as an alternative to prosecution. Where individuals are identified as eligible the custody officer or the investigating officer will explain the programme and ask if they wish to take part. Those who decline will be dealt with via a traditional criminal justice route. Eligible individuals are bailed for 28 days and within 24-72 hours of release from custody, will meet with a specialist 'navigator'.

The specialist navigators, often seconded probation officers, are at the core of the Checkpoint model. It is critical that they are not police officers as experience has shown that many arrestees are suspicious of the offer of help from the police and will not disclose their needs. The navigator will complete an in depth risk / needs assessment with the individual to determine what has contributed to their offending, which is shared with the partner agencies the person is engaging with. From the assessment, the navigator will agree with the subject a 'contract to engage' which will have up to 5 conditions, the first two of which are mandatory:

1. offending condition: not to re-offend over the period of the contract
2. victim's condition: to take part in a restorative approach if asked
3. pathway condition: intervention to address a critical pathway of need
4. pathway condition: intervention to address a secondary critical pathway of need
5. community condition: complete 18-36 hours voluntary work in the community.

The navigator will make contact with partner agencies depending on the needs identified and arrange appointments and interventions accordingly. In the event of a breach of the contract, the navigator will liaise with the agencies involved so that a decision can be made whether to invoke a prosecution or not. If the individual successfully completes the program the investigation file is archived and the charges against the individual dropped, logged as no further action. If the individual fails to engage or breaches the terms of the contract (and the decision to prosecute has been made), the file will be submitted to police decision-makers to consider charging options.

*"A woman from the Bishop Auckland area completed Checkpoint after being arrested for being drunk and disorderly. She admitted her issues stemmed from long-term depression and she was using alcohol to deal with it (common with these type of offences). She has now sought help for her depression and is in a much better place; she has reduced her alcohol intake and has coping strategies in place for her depression. There have been no further incidents and she is thankful to Checkpoint for the incentive to sort her life out."*

Checkpoint is being independently evaluated by Cambridge University Criminology Department using a randomised control trial methodology. In the initial stages of the programme a randomizer splits eligible cases into Checkpoint and traditional prosecution groups; this will allow Cambridge University to determine the effectiveness of Checkpoint against traditional disposal methods. Researchers will compare the Checkpoint cohort against the prosecution cohort on reoffending rates, crime harm index, victim satisfaction and cost benefits. Interim results are due in 2017/18.

For more information please contact: [checkpoint@durham.pnn.police.uk](mailto:checkpoint@durham.pnn.police.uk)

### **Humberside Police Adult Female Triage Project**

The Adult Female Triage pathfinder project was piloted in Humberside police force between December 2012 and May 2014. Originally developed as part of the national Integrated Offender Management programme, the triage pathfinder was delivered by a community safety partnership including Humberside Police, Hull Youth Justice Service, local drug services and the Hull Together Women Project (TWP). The scheme aimed to assess all women in police custody and raise awareness of the work of the Together Women Centre. It built upon, and utilised the same staff, as the local youth justice triage scheme.

Following the introduction of the scheme all women brought into custody suites were provided with a leaflet explaining the triage scheme and the types of support available through TWP. If the woman admitted the offence, demonstrated some remorse and consented to participate in the scheme then an initial needs assessment was undertaken. This information was shared with the custody sergeant along with background information on the woman and the offence committed. Typically, eligibility was limited to offences with a gravity score of 1 or 2 as set out in Table 2 above.

On the basis of this information a decision was made by the responsible custody sergeant. If approved for the triage programme the woman was released and given a date to attend an initial meeting with TWP. The case was closed and logged as 'no further action' by the police. If not approved for the scheme the woman was charged and processed in the normal fashion.

Funding to support the Adult Female Triage Project was provided by the Rank Foundation's Community Development Fund which allowed TWP to employ two key workers to undertake detailed assessments with the women referred by the police. The types of support offered to women included a range of courses designed to help with skills such as: parenting, relationships, confidence building, IT and basic skills, anger management and domestic abuse awareness. Alongside these courses TWP offered counselling, access to a drug and alcohol specialist, mentoring, debt and money advice and tenancy support.

The lack of any further sanction by the police for non-compliance effectively made attendance at the women's centre voluntary. Where a woman did not attend her initial meeting TWP would follow up with a phone call and if the individual failed to engage with the support offered this was reported back to the police and usually precluded the individual from a second triage referral to TWP on the basis of a 'no further action' outcome.

An independent evaluation using an experimental methodology was undertaken by Hull University. This found a 46% reduction in the re-arrest rate over a 12 month follow-up period for women referred to TWP compared to a control group of similar female offenders. The re-arrest rate was under 14% for women referred on to the intervention compared to over 25% for women who were processed through the criminal justice system as usual. Those women who were referred to the intervention and attended their appointment with the women's centre were less likely to be rearrested, and went longer without re-arrest, than those women who were referred but did not attend their appointments.

More information on the scheme can be found here:

<http://library.college.police.uk/docs/Police-Female-Triage-Report-Hull-University-2015.pdf>

## **Greater Manchester: A Whole Systems Approach for Women**

The Manchester Whole System Approach for women aims to embed a gender informed response to women at each stage of the criminal justice system - arrest, sentencing and release from prison - complemented by universal services for all women in need of support.

This is one element of a wider public service reform programme that has gathered pace in the context of devolution agreements with central government. It is overseen by the Justice and Rehabilitation Executive of the Greater Manchester Combined Authority (GMCA) and chaired by the interim Mayor and Police and Crime Commissioner. The Executive includes the Chief Constable, the Chief Executives of the Community Rehabilitation Company and the North West National Probation Service, the Director for Greater Manchester Public Service Reform and the Chief Fire Officer. Other partners such as health, prisons and the voluntary sector regularly attend.

The project is supported by the Cheshire and Greater Manchester Community Rehabilitation Company, the Public Service Reform Team and NHS England and delivered through an alliance of nine women's centres, located across the ten boroughs of Greater Manchester. Each women's centre provides a 'hub' where criminal justice staff are co-located, and from where other key partners can deliver their services. This hub allows women at all stages of the criminal justice cycle from early intervention and prevention, the point of arrest, community sentence and release from prison, to access a range of services including aftercare in the community post statutory involvement.

It is estimated that 5,750 women arrested each year are eligible for a triage referral (conditional caution or voluntary referral). At present the police triage pathway accounts for approximately 30% of the referrals made through the Whole Systems Approach framework. Where a woman is identified as eligible for the scheme and is willing to participate, she is bailed to allow for a full needs assessment by women's community projects, typically WomenMATTER, Together Women Project or Eve's Space. The assessment covers the range of problems that are commonly linked to women's offending and risk of reoffending.

The results of an assessment inform the police decision on disposal. For first-time and low-level offenders, the outcome is likely to be a voluntary referral to appropriate treatment or support services, and/or the imposition of a simple or conditional caution. If the latter, the assessment will influence the conditions attached to the caution. Where prosecution is unavoidable a report will be provided to the court with enhanced information about the individual circumstances of the woman.

The interim evaluation found that most women (79%) had multiple needs, which could best be met by a one-stop-shop community women's centre model. Key to the scheme's success is collaboration between all partners, including service users. The Greater Manchester Women Offenders Alliance received seed funding from the Greater Manchester Combined Authority for infrastructure and to establish a consistent service offer across the Greater Manchester area. Since then the Alliance successfully bid for money from the government's 'tampon tax' funding for women's services. The strength of the Alliance has been instrumental in commanding the confidence of the courts and other criminal justice agencies. Latest figures show that 87% of women referred to these women's centres make positive progress in their lives.

For more information please contact: Martin Nugent [m.nugent@manchester.gov.uk](mailto:m.nugent@manchester.gov.uk)

## **Surrey: Transforming Justice**

The Surrey Transforming Justice initiative is developing an integrated way of working between agencies in the criminal justice system. The aims of the programme are to:

- reduce offending and reoffending
- respond in a more bespoke manner to those who offend and their rehabilitation needs
- reduce costs to the police and other agencies working within the criminal justice system
- provide a better experience for those in contact with the criminal justice system in Surrey.

Improving outcomes for women was identified as a priority for the Transforming Justice initiative and a police triage scheme was established in June 2016. Building on established good practice with young offenders in Surrey the scheme focuses on women arrested or dealt with out of custody for low and medium harm offending. The project is a partnership between Surrey Police, Surrey County Council and the Woking Women's Centre which is run by Women in Prison.

The scheme is available to women aged 18 or over where they meet the following criteria, regardless of their offending history:

- 1) there is evidence sufficient to charge or caution and the woman admits the offence.  
Where she has not made a clear and reliable admission of the offence or has raised a defence this cannot be dealt with through the scheme
- 2) she is a Surrey resident
- 3) it is not an excluded offence – i.e. indictable only
- 4) of note the scheme will include intimate partner domestic abuse from 2017
- 5) there is no request for a remand in custody
- 6) the Crown Prosecution Service has not already made a decision as to disposal.

A woman who chooses to engage in the pilot will be bailed for 60 days and her case referred to a joint decision making panel to determine the most suitable intervention. This panel meets weekly with representation from the police, Women in Prison and other appropriate agencies. The police and others undertake background checks to gather relevant information about the woman and factors related to the offence. Police contact the victim to understand what they want from the process and the impact of the crime. The options open to the panel include a 'women's justice intervention' (a form of community resolution), a conditional caution or charge. The outcome decided by the panel and level of intervention will be proportionate to the offence, may address the specific offence and include a support package based around the woman's assessed needs.

Surrey Police and Surrey County Council provide resources and support for restorative work between the woman and the victim, and Police provide opportunities for reparation and 'consequences of crime' work. The support package is provided by Women in Prison and may include sessions around key pathways to offending e.g. substance misuse, or family and support network, 1:1 work with a case worker to provide onward referrals to specialist agencies, advocacy around accommodation, and liaison with a range of agencies to co-ordinate necessary support. If a woman either does not engage or fails any conditions, the case will be referred back to the panel and consideration can be given to following a formal criminal justice disposal route. The scheme is being evaluated from the outset by the University of Surrey.

For more information please contact: [Womensjusticeintervention@surrey.pnn.police.uk](mailto:Womensjusticeintervention@surrey.pnn.police.uk)

## **Wales: IOM Cymru Women's Pathfinder**

The Women's Pathfinder was established in 2013 to 'design and deliver an integrated, women-centred, multi-agency approach to working with women who come into contact with the Criminal Justice System (CJS) in Wales'. The overall aim of the project is to reduce offending by women in Wales by working towards the following outcomes:

- reduce arrests and re-arrests
- reduce the number of women serving short-term custodial sentences
- reduce the use of remand
- increase compliance with community sentencing
- improve safety for women as victims by increasing access to appropriate services.

The Women's Pathfinder was commissioned by National Offender Management Service and the IOM Cymru Delivery Team. Since that time a number of work streams have been established including the design and piloting of a Whole System Approach Model in a number of sites across Wales. There are currently five operational pilot sites: Cardiff (South Wales) which has been running since July 2014 and four new sites in Newport (Gwent), Conwy / Denbighshire (North Wales), Cwm Taf covering Merthyr Tydfil and Rhondda Cynon, Taf (South Wales) and Haverfordwest (Dyfed-Powys) which were launched between October 2015 and February 2016.

All women who are arrested within the pilot areas are considered 'in scope' for the diversion scheme. The police are responsible for conducting a brief eligibility test and if women appear eligible for the scheme they are offered an assessment and asked to sign an 'information and consent form' to confirm their agreement. If the woman does not agree the assessment, the usual procedure is invoked. If she is assessed as suitable for diversion, a conversation will take place with the custody sergeant who has the final authority to agree to the diversion scheme as the disposal. If there is an identifiable victim then whenever possible the victim is consulted prior to the decision being made so that their views can be considered. The woman will then sign the information and consent form for the second time to agree to engage with the diversion scheme. An adult community resolution is recorded as the disposal, and the responsible officer is notified by diversion scheme staff so that they can close the case.

Currently the intervention and support provided in the community are developed on a case-by-case basis depending on the needs of the individual woman and the resources of local partners. Support may include 1:1 interventions and group work, while the Pathfinder team are working towards and including access to specific restorative interventions for those cases with an identifiable victim who would wish to be engaged.

For all participants engaged in the diversion scheme, individual records are held on a case management system and are available for audit purposes. In addition, all data obtained at the assessment stage and at the point of exit is entered into the Intermediate Outcomes Measurement Instrument to provide a 'distance traveled' measurement for each woman. An evaluation framework has been developed which includes a qualitative element in relation to the effectiveness of the model (including experiences of staff, women engaged with the service, victims, partners). Alongside a quantitative analysis in relation to the project outcomes, Aberystwyth University has been commissioned to conduct an evaluation of the scheme.

For more information please contact: [womens.pathfinder@probation.gsi.gov.uk](mailto:womens.pathfinder@probation.gsi.gov.uk)



## 6. Discussion: promising practice

From this review of provision in England and Wales the following promising practice can be identified as the building blocks of successful problem-solving approaches for women:

### Senior leadership

Committed senior leadership - encompassing the police, Police and Crime Commissioners, local authorities, probation (Community Rehabilitation Companies and National Probation Service), NHS England and Wales and the voluntary sector - is critical to the success of problem-solving approaches. Where possible this should be exercised jointly through local criminal justice board arrangements, and severally within individual organisations to ensure problem-solving approaches are embedded in the everyday operation of the criminal justice system.

Problem-solving approaches can represent a departure from conventional policing practices. It takes time to train frontline police officers, build confidence in the approach, and apply these techniques to women. 'Buy-in' at a senior level and a project management structure that is resilient to turnover of key staff, that can develop partnerships, commission work and provide an ongoing platform for scrutiny and review the scheme are key to the ongoing success of such schemes.

Women-specific initiatives should be located within a clear governance and project-management structure, to foster a problem-solving ethos, create the space for officers to exercise appropriate discretion, and provide for evaluation and feedback. There are various tools to help senior leaders embed a problem-solving ethos into everyday policing practice including the SARA Model (below).

### **The SARA Model (Scanning, Analysis, Response, and Assessment)**

Problem-oriented approaches require a structured framework for addressing specific problems. This aims to apply rational and evidence-based analysis of problems and their solutions to a policing context. SARA is the most commonly used model and comprises four broad stages, scanning, analysis, response and assessment. A Campbell Collaboration Systematic Review of the evidence on problem orientated policing<sup>52</sup> found that such approaches do have a positive impact on the problems they target. The evidence is clear that to maximise the impact of problem-solving approaches, police officers must understand its benefits and be committed to it,

*for force commanders and managers, this means creating the conditions that will allow problem-solving to flourish, including: encouraging creativity, working in partnership, ensuring effective assessment takes place, providing sufficient proper training at the right levels, giving officers time and support to problem solve properly, providing suitable resources for collecting, compiling, analysing and, disseminating data.<sup>53</sup>*

### Making resources go further

The financial costs of managing women at each stage of the criminal justice system are not routinely quantified and remain largely hidden. The National Audit Office (NAO) has estimated that in total, central government spends £17.1bn on the criminal justice system each year.<sup>54</sup> More recently, the Early Intervention Foundation has calculated that the annual cost of supporting children and young people who have direct or indirect experience of domestic violence and abuse is £5.2bn, a cost that falls heavily upon the NHS, police, justice system and local authorities.<sup>55</sup> A review by 'Make Justice Work' found that a diversion from custody to residential drug treatment can deliver a lifetime cost saving to society of approximately £200,000 per offender.<sup>56</sup>

The annual cost of detaining a woman in prison for a year is in the region of £38,000 - £46,000, compared to an average cost of £2,800 for a community order and approximately £1,500 for support in a women's centre.<sup>57</sup>

There is a significant 'fiscal prize' to be gained from early intervention, and problem-solving approaches for women at the point of arrest have the potential to deliver long-term, savings for the public purse. In a period of austerity, upfront funding is likely to be limited and the following practice can help to deliver efficiencies as well as improve outcomes for women:

- **Aligning or pooling budgets:** police triage requires cooperation between different budget holders and their distinct statutory and contractual obligations. In some areas this has been made more difficult by the Transforming Rehabilitation reforms that have reinforced a dividing line between the responsibilities of local CRCs, the NPS and police budgets. As the National Audit Office recently noted 'CRCs are paid primarily for completing specified activities with offenders rather than for reducing reoffending, which also risks hindering innovative practice'.<sup>58</sup> An important antidote to this is the pooling or alignment of budgets between the Police and Crime Commissioner and Community Rehabilitation Company to encourage innovative practice and constructive investment in the criminal justice process. In turn, this should help CRCs to meet their contractual obligations and help to leverage in funding from other sources including the Home Office Innovation Fund, and the Ministry of Justice Whole Systems Approach seed funding that place a strong emphasis upon local multi-agency working.
  
- **Audit and engage with existing services:** Effective police triage schemes engage creatively with the full spectrum of services available locally, and where possible involve co-design with local women's services. In Devon and Cornwall the Police and Crime Commissioner's office are auditing local services against the nine pathways to reduce reoffending (see Appendix C) to develop a directory of services that the police can refer women to according to her identified needs. As well as identifying less visible local women's support groups and services, this helps to highlight mainstream statutory services that have an obligation to work with vulnerable adults, for example the job centre, housing services, drug and alcohol

providers and the local GP. Such a directory enables police to tailor an individual woman's bail conditions or 'contract to engage' to her needs on the basis of local support available.

- **Make the most of the voluntary and community sector:** The local voluntary and community sector have a critical role to play in the development and delivery of problem-solving justice. Where women's services are able to work hand-in-hand with public services they have demonstrated an ability to improve outcomes for women, and attract additional funding from trusts and foundations to increase capacity beyond that offered by the public sector. Analysis by the Ministry of Justice Data Lab found that the one year proven re-offending rate for 5,973 offenders who received support provided by women's centres throughout England was 30%, compared with 35% for a matched control group of similar offenders from England, 'meaning that we can be confident that there is a real difference in the re-offending rate for those persons that received support provided by women's centres'.<sup>59</sup> That said, the value of women's centres should not be narrowed to impact on reoffending rates alone. As the National Audit Office noted in their 2013 report 'Funding of Women's Centres in the Community,' it is essential that co-commissioning agreements for women's centres look beyond the criminal justice system to embed measures of success that give due regard to the distance travelled by individuals and wider benefits to society such as the improved health of the users of women's centres.

*Counting the number of women who reoffend does not reflect the positive impact that centres have on the lives of individuals or the potential for the wider impact of women's centres. There is no way of knowing the cost saved to other government funded services if women make progress against their particular areas of need, such as by reducing the number of referrals to the police for domestic violence or reducing healthcare costs as a result of progress made with drug or alcohol problems.*

National Audit Office, 2013

Further evidence of the human, inter-generational and economic costs of criminalising women is set out in a recent Prison Reform Trust report, *Leading Change: the role of local authorities in supporting women with multiple needs*.<sup>60</sup>

#### A multi-agency approach

Successful problem-solving approaches are built upon multi-agency cooperation between the police, probation, health and social care services as well as with the women's services sector that plays a vital role in the assessment and engagement of women with multiple needs.

Multi-agency working should be embedded in local decision-making frameworks, such as the community safety partnership, integrated offender management, or wider public service reform initiatives where such exist. A multi-agency case-review process allows for the sharing of information (so that a woman does not have to repeat herself to a plethora of agencies) and a more holistic approach to an individual's case management. Where possible this should be underpinned by effective data sharing protocols that allow public and voluntary sector organisations to exchange essential information and evaluate the wider social impact of the services delivered to women.

Small changes can yield considerable returns – such as a partnership agreement, protocol or memorandum of understanding that requires each agency to adhere to the principles of gender-informed working. This could include mapping local provision according to the nine pathways of women’s offending and sharing an interactive directory of women’s services in the area. It is also important to provide opportunities for service user involvement<sup>61</sup> as the insights provided by women with experiences of the criminal justice process can improve services and take-up of support.

#### **Lancashire Women’s Centres: Avert**

A pilot early intervention and diversionary offer for women in police custody provided by the Lancashire Women’s Centres, working in partnership with Lancashire Constabulary. Following triage assessment, women are supported to access a package of interventions. Funding from the Home Office Police Innovation Fund has enabled us to scale up this project, which now works across the county. Avert now incorporates the offer of a Penalty Notice Disorder with an education option for less serious offences where a fine would otherwise be given.

As a result of the Avert scheme, 69% of women felt confident maintaining a crime free life, and 71% of women with drug and alcohol needs reported a positive improvement. According to police statistics the scheme reduced reoffending rates to just 3.5%. In 2015, the Avert project won the women offenders category of the Howard League of Penal Reform Community Programme Awards.

#### Gatekeeping and signposting

The most successful problem-solving schemes establish clear roles and responsibilities and draw upon the distinct strengths within the partnership. Decisions relating to arrest and charge, the grant of bail and breach of conditions fall squarely within the remit of the police. However, the police may prefer to partner with another agency or agencies to support and mentor women through the triage process, undertake detailed needs assessments and deliver restorative interventions. This can be done by a neutral partner with the skills to undertake detailed needs assessments, ensure women engage with appropriate support services and provide ‘assertive outreach’ through the process.

As the Prison Reform Trust recently noted,<sup>62</sup> an effective signposting and key worker function is central to improving outcomes for women. Support with negotiating their way around local services, to access appropriate housing, meet daily living needs, help with parenting or moving on from an abusive relationship, can often best be provided by a knowledgeable key worker or family intervention worker as employed by the Troubled Families programme. The inclusion of a support worker role in the national model for liaison and diversion schemes has been described as ‘particularly effective’. The support worker role provides practical help to liaison and diversion service users, often encouraging and motivating their initial engagement with other local services to which they have been referred, and acting as advocates with service providers as needed.

*Speaking about her own key worker one woman said: she was amazing, she didn't judge, she listened and gave advice. She understood.*

Former offender, Prison Reform Trust Seminar: May 2016.

This key worker element of police triage is a critical element of programme design and should be considered from the outset of the process. Uptake by women of options provided by police triage schemes is likely to be improved where the signposting and facilitation is undertaken by organisations at arm's length from the police, perhaps with the ability to review cases not deemed appropriate for triage. To build a relationship of trust with the women it is important that service providers, ideally a local women's centre, are separate and distinct from the police. All reasonable steps should be taken to ensure assessments are conducted in a neutral space that does not evoke or replicate the experience of a police interview or the Police and Criminal Evidence Act (PACE) charging process.

#### Eligibility and demand management

Some police triage projects have sought to limit eligibility and restrict access out of concern that demand may outstrip the availability of limited resources. Schemes have also come under pressure to demonstrate immediate results, but experience shows that problem-solving approaches can take time to develop and show their effectiveness. In fact, the challenge initially facing a number of police triage schemes is not to manage demand but to encourage take-up. For example, 'Operation Turning Point'<sup>63</sup> in the West Midlands piloted the use of a "turning point contract", which combined a deferred prosecution with a set of conditions agreed with the suspect/offender intended to support desistance. The evaluation found that take-up of the restorative justice element of the scheme was low owing to a lack of police buy-in, a complicated referral process and administrative barriers affecting the availability of prompt and relevant information about the individual concerned.

#### **West Midlands: Operation Turning Point**

Operation Turning Point was the result of a partnership between West Midlands Police and the University of Cambridge Institute for Criminology funded by the Monument Trust. The evaluation team used a randomised controlled trial methodology, which compared the effectiveness of court prosecution for men and women with a structured diversion to a deferred prosecution (a form of 'no further action') linked to a "Turning Point Contract". The experiment ran in four stages from November 2011 to July 2014 and included a sample of over 400 offenders. The data suggest that Turning Point was at least as effective as a court prosecution in treating low harm offenders, and satisfied victims at least as well as prosecution. It resulted in considerably fewer court cases and can be delivered at a lower cost. Victim satisfaction was further enhanced where police adopt a structured approach to explaining the disposal, and taking account of the victim's concerns and suggestions in setting conditions. The police can achieve high levels of consistency in delivering the interventions when they are supported by well designed decision support tools, training and effective tracking by management.<sup>64</sup>

At the outset, an analysis should be undertaken of the number of women who present in custody suites, their offending profile and the numbers that are likely to be eligible for diversion. Where possible the scheme should be developed in close consultation with local women's support services and women with direct experience of the criminal justice system to ensure positive engagement with the referral process.

To reduce complexity for front line police staff, eligibility for the scheme should be presumed unless or until information demonstrates that it would not be appropriate. Women who have a previous criminal record, particularly for theft or shoplifting offences, should not be ruled automatically ineligible as they may be women for whom a problem-solving approach is especially helpful. It may be valuable to target certain offence categories to assist front line police and custody sergeants to recognise cases which may be suitable for the scheme.

Any police triage scheme should be complemented with training and guidance for police officers, ideally delivered jointly by the responsible police lead and staff from the local women's centre who are well versed in the principles and value of gender-informed working.

#### Engaging women at the point of need

At a time when interest in crime prevention is growing and the Policing and Crime Act 2016 is expected to place limits on the use of bail, the locus of policing is gradually moving away from custody suites towards the decisions taken by police officers in the community.

This suggests that problem-solving approaches should not be confined to custody suites. Schemes must be flexible enough to apply where they are needed most and this may include establishing voluntary referral pathways, making greater use of street triage services, community remedies such as restorative justice<sup>65</sup> and greater use of community resolutions instead of fines and simple cautions.

The police also benefit from strong working relationships with local business and community organisations to encourage dispute resolution. A scheme now operating in Bury involves the police working with local retailers to address the root-causes of women's offending.

Ideally, problem-solving schemes should sit alongside a universal service offer for women which seeks to shift the focus from the nature of the offence to the needs of the individual. In their report 'Taking Forward Women Centred Solutions',<sup>66</sup> Women Centred Working set out how holistic, gender informed services can deliver significant improvements in outcomes for some of the most vulnerable women in the community, making them good value for budget-holders with a statutory duty to support these individuals.

### **Bury, Manchester: Working with Retailers**

A large proportion of the women coming to police attention in Bury are involved in theft and shoplifting offences. To respond more effectively to this, working in partnership with local retailers and their security providers, the police introduced a new initiative to extend the reach of the Whole Systems Approach diversion project. Where a woman is suspected of committing a shoplifting offence the retailer will call the Local Police Resolution Team who log the alleged crime and undertake a background check on the suspect. The retailer is given a crime number and if initial screening suggests that the woman is suitable for referral they are given a pre-prepared letter from the police outlining the nature and purpose of the scheme. If the woman agrees to participate she is given a date and time for an appointment at the local women's centre, Women of Worth. The women's centre works closely with the police and this ensures that all women receive an assessment within seven working days.

If the woman engages with the support on offer from 'Women of Worth' the crime is concluded as 'no further action,' not in the public interest to prosecute. It does not form part of a criminal record.

This scheme aims to build the confidence of local businesses, reduce the need for complex police investigations and work with women to address their offending behaviour. As such, the scheme is available to women regardless of previous convictions.



## 7. Recommendations

*Early intervention is not a 'nice to have' added extra to the justice system, it is vital if we are ever to break the cycle of crime, punishment and more crime.*

Secretary of State Liz Truss, 13 February 2017

In light of the research set out in this discussion paper the following recommendations are proposed:

1. Each police constabulary in England and Wales should review existing practices for women in contact with the criminal justice system. In particular, they should work with strategic partners to ensure professional services integrate support around individual women, and embed greater use of problem solving approaches at the point of arrest.
2. The police, Police and Crime Commissioners and probation services (Community Rehabilitation Companies and National Probation Service) should explore opportunities for greater alignment or pooling of budgets to shift resources from late intervention to early intervention services at the point of arrest.
3. The Ministerial Advisory Board on Female Offenders should intensify work with the Department of Health and NHS England, Home Office and Ministry of Justice to strengthen engagement and collaboration between liaison and diversion services, the Independent Review of Out of Court Disposals and the development of a Whole Systems Approach for women in the criminal justice system.
4. The particular requirements of women with mental health problems, learning disabilities or other needs should be identified and addressed as early as possible following their initial contact with the police, and fully integrated with liaison and diversion/criminal justice liaison schemes and other local services, as necessary.
5. Local commissioners should explore options for greater co-production of services to women with local voluntary sector organisations, particularly women's centres. Commissioning arrangements should reflect the wider social value of these services as required by the Public Services (Social Value Act) 2012.
6. Women with experience of the criminal justice system should be involved in developing new and improved problem-solving responses. Working with women to design and deliver services that address their needs, and builds upon their strengths, is likely to be more effective than services designed without the insight of service users.
7. Many women continue to be prosecuted for non-criminal offences by other public bodies. The Ministry of Justice, under the auspices of the Advisory Board on Female Offenders, should undertake a review of non-criminal pathways to the prosecution of women.

8. The College of Policing, Crown Prosecution Service and Police and Crime Commissioners should explore opportunities to further embed training in the appropriate use of out of court disposals for women and opportunities to make greater use of evidence-based, problem-solving methodologies.
9. Every police constabulary should convene regular scrutiny panels with a representative membership that includes magistrates to ensure the use of out of court disposals is accountable, transparent and commands the confidence of sentencers. This has also been recommended by the National Police Chiefs Council.<sup>67</sup>
10. A national network of women's centres and services should be funded to support early intervention and whole system approaches. The funding framework or formula should be flexible enough to avoid the criminal justice system being the primary gateway through which vulnerable women can access appropriate support.

## **8. How the Prison Reform Trust can support you**

The Prison Reform Trust's three-year programme, Transforming Lives: Reducing Women's Imprisonment, seeks to reduce the number of women unnecessarily sent to prison, on sentence or remand. It places a strong emphasis on early intervention, multi-agency working and engaging with women with first-hand experience of the criminal justice system.

Many of the solutions for women caught up in the criminal justice system are to be found at a local level and a key focus of the Transforming Lives programme is working intensively in 'high custody areas' to support local decision-makers and make the case for alternatives to custody.

The support we offer includes:

- Analysis of local data and comparative trends
- Strengthening the links between local practitioners and national policy-makers
- Facilitating local 'user voice panels' of women with direct experience of criminal justice
- Convening roundtable discussions to consider options to improve criminal justice outcomes for women, sharing information and profiling good practice
- Contributing to conferences and public events, attending advisory group meetings and supporting local policy development.

If you are interested in exploring options to embed problem-solving approaches for women at the point of arrest and would like to discuss what support the Prison Reform Trust can provide, please contact us on [womensprogramme@prisonreformtrust.org.uk](mailto:womensprogramme@prisonreformtrust.org.uk)

## **Appendix A: Police triage schemes for women in England and Wales**

### **Avon and Somerset: Point of arrest diversion for women offenders (SHE)**

The SHE project will embed a whole system approach for women who enter the criminal justice system. Working with the Nelson Trust and the Eden Project, SHE will assess women in police custody and provide 1:1 intensive support for eligible women.

### **Bury: working with retailers**

The police are working in partnership with local retailers and their security providers to reduce theft and shoplifting offences. The new scheme aims to build the confidence of local businesses, reduce the need for complex police investigations and work with women to address their offending behaviour.

### **Devon and Cornwall: GPS Pathfinder**

The Office of the Police and Crime Commissioner and Devon & Cornwall Police are looking to introduce a deferred charge scheme in April 2017. GPS Pathfinder is a culture changing initiative, it seeks to tackle the root causation of offending and associated health and community related issues.

### **Durham: Checkpoint**

The Checkpoint Programme seeks to break the cycle of low-level offending by looking holistically at the factors driving an individual's offending behaviour and providing a multi-agency response.

### **Humberside: Police Adult Female Triage Project**

The Adult Female Triage pathfinder project was piloted in Humberside police force between December 2012 and May 2014. The scheme aimed to assess all women in police custody and raise awareness of the work of the Together Women Centre.

### **Lancashire: Avert**

A pilot early intervention and diversionary offer for women in police custody, working in partnership with Lancashire Constabulary and the Lancashire Women's Centres. Following triage assessment, women are supported to access a package of interventions.

### **Greater Manchester: A Whole Systems Approach for Women**

The Manchester whole system approach for women aims to embed a gender responsive approach for women at three points of the criminal justice system - arrest, sentencing and upon release from prison.

### **Norfolk: The WONDER Project**

Development of a whole system approach for women at risk of offending in rural and urban areas. Referrals to the project will be from police custody using triage and (a) condition caution and (b) voluntary self-referral to community based support workers who undertake assessment and then mentor and refer to relevant support agencies. The process is integrated with the locally operating liaison and diversion scheme.

**Surrey: Transforming Justice**

The Surrey Transforming Justice initiative is developing an integrated way of working between agencies in the criminal justice system. The triage scheme for women aims to reduce offending, respond in a more bespoke manner, reduce costs to the police and associated agencies (including the Woking Women's Centre) and provide a better experience for those in contact with the criminal justice system in Surrey.

**Wales: IOM Cymru Women's Pathfinder**

The Women's Pathfinder was established in 2013 to 'design and deliver an integrated, women-centred, multi-agency approach to working with women who come into contact with the criminal justice system in Wales'. The overall aim of the project is to reduce offending by women in Wales.

**West Midlands: The New Chance Project**

The New Chance Project for Women. Run by Sandwell Women's Aid and Mariposa the project aims to reduce reoffending and improve outcomes for women by providing earlier holistic support. The project is funded by the West Midlands Police and Crime Commissioner.

## Appendix B: College of Policing, out of court disposals ‘at a glance’

Disposal option	Offence type	Evidential standard	Admission of guilt required?	Agreement with agencies required?	Offender's explicit consent required?	Victim consent required?	Reparation/ restorative justice available?	Forms part of a criminal record?
Community resolution	may be lower-level crime or incident	reasonable suspicion, may deal with non-criminal matters	✓ acceptance of responsibility	✗	✓	✓ may proceed without but must have supervisor's agreement and record rationale	✓	✗ may be disclosed on enhanced CRB check
Cannabis warning	first offence of cannabis possession for personal use	reasonable suspicion	✓	✗	✓ compliant with procedure	✗	✗	✗ may be disclosed on enhanced CRB check
PND	29 penalty offences	reasonable suspicion	✗	✗	✓ compliant, must receive notice	✓ for theft or damage if value exceeds threshold	✗	✗ may be disclosed on enhanced CRB check
Adult or youth caution	any offence (refer to gravity matrix)	realistic prospect of conviction	✓	✓ CPS if indictable only inform YOT ✗ summary and triable either way	✓	✗	✗	✓
Youth conditional caution	any offence (refer to gravity matrix)	realistic prospect of conviction	✓	✓ YOT for assessment and agree conditions ✓ CPS if indictable only	✓	✗	✓	✓
Adult conditional caution	selected offences in DPP guidance	realistic prospect of conviction	✓	✓ CPS	✓	✗	✓	✓

Source: College of Policing, Possible justice outcomes following investigation

<https://www.app.college.police.uk/app-content/prosecution-and-case-management/justice-outcomes/>

## **Appendix C: Nine pathways to reduce women's reoffending**

A report by the Social Exclusion Unit in 2002 on reducing reoffending by ex-prisoners identified a number of social factors which influence the likelihood of reoffending. These were adopted by the National Offender Management Service in 2004 as the seven 'pathways' to enable a structured assessment of offenders' risks and needs and a framework for addressing them. The Corston Report (2007) recommended that this should be adapted to nine pathways to address the specific needs of women, particularly in relation to domestic violence, sexual abuse and prostitution.

### **Pathway 1: Accommodation**

Many women will have long-standing, complex housing problems and will need considerable help if they are to establish somewhere stable to live on release.

### **Pathway 2: Education, training and employment (ETE)**

Education, work and training should provide an integrated service to the woman based on her needs. Governors in prisons should ensure that during contract negotiations women's particular ETE needs are recognised.

### **Pathway 3: Health**

There must be an effective partnership between the prison and healthcare, which ensures that each partner fulfils their respective functions in relation to securing and maintaining the health of their women prisoners.

### **Pathway 4: Drugs and alcohol**

There are strong links between many women's substance misuse and previous experience of trauma and a strong correlation between drug or alcohol misuse, previous abuse and self-harm.

### **Pathway 5: Finance, benefit and debt**

Women should be able to access advice on managing and reducing their debt and understanding their entitlement to benefits.

### **Pathway 6: Children and families**

Women should be given support and information to assist them in understanding the effects of their imprisonment on their separated children, how to tell their children of their imprisonment and how to support them.

### **Pathway 7: Attitudes, thinking and behaviour**

Programmes for women should include a greater emphasis on emotional regulation and relationships in addition to the other offending risk factors. Women should be assessed for and are able to access appropriate offending behaviour programmes to meet their needs.

### **Pathway 8: Abuse**

Individual needs such as support, advocacy and a safe place to go on release should be established at an early stage. A range of supportive interventions should be available to women who disclose abuse or domestic violence. Links should be established between establishments and agencies and organizations that can offer support to women, including women's centres and domestic violence area co-ordinators.

### **Pathway 9: Prostitution**

Women should be given every support if they ask for help to build a new life away from prostitution. Staff should receive awareness training in the issues that face women who work as prostitutes.

## Endnotes

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- 1 For more information on 'Transforming Lives: Reducing Women's Imprisonment Programme' please visit our website <http://www.prisonreformtrust.org.uk/ProjectsResearch/Women>
- 2 For a review of international practice see Jacobson and Fair (2016) Problem-solving approaches: a review of learning from the Winston Churchill Memorial Trust Prison Reform Fellowships – Part III.
- 3 See for example; Goldstein, H. (1979) Improving policing: a problem-oriented approach. *Crime & Delinquency*, 25: 236–258. Goldstein, H. (1990) *Problem Oriented Policing*. New York: McGraw-Hill; Philadelphia. Brown, J (2013) *The Future of Policing*. London: Routledge
- 4 Prison Reform Trust (2014) *Brighter Futures: Working Together to reduce women's offending*. London: Prison Reform Trust
- 5 House of Commons Justice Committee (2015) *Women offenders: after the Corston Report, Second Report of Session 2013–14*. London: HMSO
- 6 Corston, J. (2007) *The Corston Report: A Review of Women with Particular Vulnerabilities in the Criminal Justice System*
- 7 Ministry of Justice (2016) *Black, Asian and Minority Ethnic disproportionality in the Criminal Justice System in England and Wales. The Lammy Review*. London: Ministry of Justice
- 8 Table A.03: Persons arrested for notifiable offences by type of offence, sex and age group, 2013/14 and 2014/15 Home Office (2016) *Arrest statistics - police powers and procedures, year ending 31 March 2015* London: Home Office
- 9 Table Q6.4 - First time entrants (1) to the criminal justice system as a rate per 100,000 of the population (2), by gender and age group, 12 months ending March 2006 to 12 months ending March 2016 Home Office (2016) London: Ministry of Justice
- 10 Table A6.5 - Offenders sentenced for selected offences in 2015, by gender and number of previous convictions or cautions for the same offence (1) Ministry of Justice (2016) London: Ministry of Justice
- 11 *Criminal Justice Statistics Quarterly: Out of Court Disposals (2004 to 2014)*. Pivot Table Analytical Tool for England and Wales London: Ministry of Justice
- 12 Table A.03: Persons arrested for notifiable offences by type of offence, sex and age group, 2013/14 and 2014/15 London: Ministry of Justice
- 13 *Criminal justice system statistics quarterly* Ministry of Justice December 2015 London: Ministry of Justice
- 14 Table A2.1i. *Offender management statistics annual tables 2015*, Ministry of Justice (2016) London: Ministry of Justice
- 15 *Criminal Justice System Statistics publication: Sentencing: Pivot Table Analytical Tool for England and Wales*. Time Period: 12 months ending December 2005 to 12 months ending December 2015 Ministry of Justice London: Ministry of Justice
- 16 Ministry of Justice. *Prison population: June 2002 to June 2016*. Table A1.1: *Prison population by type of custody, age group and sex*
- 17 Ministry of Justice (2016) *Prison population: June 2002 to June 2016* Table A1.1: *Prison population by type of custody, age group and sex*
- 18 Prison Reform Trust (2015) *Working it out: Employment for women offenders*. London: Prison Reform Trust
- 19 Prison Reform Trust (2016) *Home truths: housing for women in the criminal justice system*. London: Prison Reform Trust
- 20 Prison Reform Trust (2015) *Sentencing of mothers: Improving the sentencing process and outcomes for women with dependent children*. London: Prison Reform Trust;  
Prison Reform Trust (2015) *Relative Justice the experiences and views of family members of people with particular needs in contact with criminal justice and liaison and diversion services* London: Prison Reform Trust  
Re-unite (2016) *Children on the Edge Children affected by Maternal Imprisonment*. Barnardo's (May

- 
- 2014) On the Outside: identifying and supporting children with a parent in prison
- 21 Caddle, D. & Crisp, D. (1997) Mothers in Prison HO Research and Statistics Directorate Findings no.38  
London: TSO
- 22 The Wedderburn Report (2000); Corston Review of Women with Particular Vulnerabilities in the Criminal Justice System; the 2011 report of the Women's Justice Taskforce (Reforming Women's Justice), and the Scottish Government's Commission on Women's Offenders in 2012
- 23 Ministry of Justice: Development of a whole system approach to female offenders  
<https://www.gov.uk/government/publications/development-of-a-whole-system-approach-to-female-offenders>
- 24 HM Probation Inspectorate (2016) A thematic inspection of the provision and quality of services in the community for women who offend. London: TSO
- 25 Advisory Group on the National Debate on Policing in Austerity (2015) Reshaping policing for the public, A discussion paper from the advisory group on the national debate on policing in austerity. P.14
- 26 College of Policing (2015) College of Policing analysis: Estimating demand on the police service.
- 27 Home Office (2016) Modern Crime Prevention Strategy March 2016
- 28 National Police Chiefs Council (NPCC) National Policing Crime Prevention Strategy.
- 29 National Police Chiefs Council (NPCC) National Policing Crime Prevention Strategy.
- 30 Ministry of Justice (2014) Women and the Criminal Justice System. Table 8.10, London: Ministry of Justice
- 31 Hedderman, C. & Jolliffe, D. (2015) 'The impact of prison for women on the edge: paying the price for wrong decisions', Victims and Offenders: An international journal of evidence-based research, policy and practice.
- 32 National Offender Management Service Offender Equalities Annual Report 2013/14
- 33 College of Policing, The effects of problem-oriented policing on crime and disorder: What Works Briefing.
- 34 RAND Europe, Warwick Medical School and ARCS (2016), Evaluation of the Offender Liaison and Diversion Trial Schemes. Cambridge: RAND Corporation RAND (2016)
- 35 Ibid
- 36 Ministry of Justice (2012) Prisoners' childhood and family backgrounds. London: Ministry of Justice.
- 37 Hedderman, C, Palmer, E and Hollin, C with the assistance of Gunby, C, Shelton, N, and Askari, M (2008) Implementing services for women offenders and those 'at risk' of offending: action research with Together Women, Ministry of Justice Research Series 12/08
- 38 HM Government. Ending Violence against Women and Girls Strategy 2016 – 2020
- 39 Big Lottery Fund. Women and Girls Initiative: Empowering women and girls to take control of their lives  
<https://www.biglotteryfund.org.uk/global-content/programmes/england/women-and-girls-initiative>
- 40 Independent Ant Slavery Commissioner (2015) Independent Anti-Slavery Commissioner Strategic Plan 2015–2017
- 41 For Hibiscus Initiatives go to: [www.hibiscusinitiatives.org.uk](http://www.hibiscusinitiatives.org.uk); for Bawso go to: [www.bawso.org.uk](http://www.bawso.org.uk); for Muslim Hands, contact Sofia Buncy via: <https://muslimhands.org.uk/>
- 42 Home Office (2012) Assessing young people in police custody: An examination of the operation of Triage schemes, p.6
- 43 Ibid
- 44 Allen, R (2011) Last resort? exploring the reduction in child imprisonment 2008-11 Rob Allen. London: Prison Reform Trust. p.13
- 45 Prison Reform Trust (2016) Leading change: the role of local authorities in supporting women with multiple needs. London: Prison Reform Trust
- 46 House of Commons Home Affairs Committee Out-of-Court Disposals Fourteenth Report of Session 2014– 15

- 
- 47 See [www.Unlock.org.uk](http://www.Unlock.org.uk) for details about when convictions are 'spent' and when they must be declared.
- 48 College of Policing, Authorised Professional Practice: Prosecution and case management; Possible justice outcomes following investigation
- 49 Ibid
- 50 Ibid
- 51 HM Government and College of Policing. Out of Court Disposals Consultation Response, 3 November 2014.
- 52 Weisburd D, Telep CW, Hinkle JC, Eck JE. (2008) The effects of problem-oriented policing on crime and disorder. *Campbell Systematic Reviews* 2008:14.
- 53 College of Policing. The effects of problem-oriented policing on crime and disorder: What Works Briefing [http://whatworks.college.police.uk/Research/Briefings/Documents/CoP\(What%20works\(online\\_land\\_PO\\_PV3\).pdf](http://whatworks.college.police.uk/Research/Briefings/Documents/CoP(What%20works(online_land_PO_PV3).pdf)
- 54 National Audit Office (2014) The criminal justice system: landscape review. Report by the Comptroller and Auditor General. London: HMSO.
- 55 Chowdry, H and Fitzsimons, P (2016) The Cost of Late Intervention: EIF Analysis 2016. London: Early Intervention Foundation
- 56 Make Justice Work (2011) Community or Custody? A National Enquiry, p.18
- 57 Women in Prison (2015) State of the Estate: Women in Prison's Report on the Women's Custodial Estate. London: Women in Prison
- 58 National Audit Office (2016) Transforming Rehabilitation. HC 951 SESSION 2015-16 28 APRIL 2016, p.9
- 59 Ministry of Justice (2015) Justice Data Lab Re-offending Analysis: Women's Centres throughout England London: MoJ
- 60 Prison Reform Trust (2016) Leading change: the role of local authorities in supporting women with multiple needs. London: Prison Reform Trust., p.1
- 61 See for example Clinks (2011) Service User Involvement <http://www.clinks.org/sites/default/files/Service%20User%20Findings%20Sept%2011.pdf>, Llamau and NOMS (2014) The Llwybrau Project: Service User Consultation Toolkit <http://www.llwybrau.cymru/pdf/Llamau-Toolkit.pdf>
- 62 Prison Reform Trust (2016) Leading change: the role of local authorities in supporting women with multiple needs. London: Prison Reform Trust. p.26
- 63 Operation Turning Point: interim report on a randomised trial in Birmingham, UK.
- 64 College of Policing, Operation Turning Point [http://whatworks.college.police.uk/Research/Research-Map/Documents/TP\\_Storyboard.pdf](http://whatworks.college.police.uk/Research/Research-Map/Documents/TP_Storyboard.pdf)
- 65 Restorative Justice Council (2016) Restorative justice and policing – what you need to know.
- 66 Women Centred Working (2016) Taking Forward Women Centred Solutions.
- 67 <http://news.npcc.police.uk/releases/acpo-comment-on-new-legislation-for-out-of-court-disposals>







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This discussion paper builds the case for greater use of ‘problem-solving approaches’ for women at the point of arrest in cases where the harm caused by an offence is low but the needs of the individual may be multiple and/or complex. It is intended to inform and encourage the adoption of effective early interventions for women at the point of arrest.

Drawing on detailed research and interviews with the police, probation staff, women’s voluntary sector providers and national policy-makers. It reflects upon present outcomes for women in the criminal justice system and considers how a problem-solving approach can align with recent policy and practice developments in England and Wales. It reviews existing guidance on the use of out of court disposals and considers five illustrative studies from Durham, Hull, Manchester, Surrey and Wales. The paper concludes with a review of promising practice and identifies a number of building blocks that are critical to the successful delivery of problem-solving early interventions for women.

