

Fifty-First Report of Session 2021-22

The Ministry of Justice

Improving outcomes for women in the criminal justice system

Introduction from the Committee

The Ministry published its Female Offender Strategy in 2018 after many years of concern about the experience of women in the Criminal Justice System (CJS). Women in the CJS have a higher incidence of prior domestic abuse and mental health issues compared to men; their offences are generally less serious and present lower risk of serious harm to the public; they are more likely to be in custody for shorter periods (including the use of remand) with poor rehabilitation outcomes; and a self-harm rate nearly five times as high in women's prisons as in men's. The impact of women's imprisonment is greater on children as women are more likely to be their main carers. The strategy's aims are to reduce the number of women entering the CJS by intervening earlier with support in the community; have fewer women in custody (especially serving short sentences) and a greater proportion of women managed in the community; and have better conditions for women in custody, including improving and maintaining family ties, reducing self-harm and providing better support on release. The Ministry set up its female offender programme (the programme) to oversee delivery of the commitments in the strategy. While the Ministry leads the programme, several other organisations across government also have a key role in implementing it.

Based on a report by the National Audit Office, the Committee took evidence on 2 February 2022 from the Ministry of Justice. The Committee published its report on 28 April 2022. This is the government's response to the Committee's report.

- NAO report: [Improving outcomes for women in the criminal justice system](#) – Session 2021-22 (HC 1012)
- PAC report: [Improving outcomes for women in the criminal justice system \(parliament.uk\)](#) – Session 2021-22 (HC 997)

Government response to the Committee

1: PAC conclusion: The 2018 Female Offender Strategy was widely welcomed but progress since then has been limited and it is unclear how much of the additional money allocated to the Ministry will be spent on services for women.

1: PAC recommendation: The Ministry should publish how much of its resource and capital spending it has allocated to work on improving outcomes for women as soon as it has completed its budget allocations for 2022–23. It should include details of funding for this work for future years where available, and how it will filter down to funding community services.

1.1 The government agrees with the Committee's recommendation.

Target implementation date: Summer 2022

1.2 The Ministry of Justice (the department) will publish a Female Offender Strategy Delivery Plan for 2022-25 by Summer 2022, setting out the department's priorities for delivery of the aims of the Female Offender Strategy.

1.3 The Delivery Plan and an accompanying Impact Assessment will set out the department's investment to improve the outcomes for women in, or at risk of, contact with the

criminal justice system, including funding being made available to community services who work closely with women in the justice system.

2: PAC conclusion: Despite its emphasis on community provision in its strategy, the Ministry has not yet quantified how much funding is required or invested heavily in community services for women.

2: PAC recommendation: The Ministry should assess the level of funding required in the community. To do this, it should estimate and publish:

- **the proportion of women that are currently arrested or prosecuted, and the proportion of women currently remanded or sentenced to prison, who could appropriately be supported in the community instead; and**
- **how much it would cost to provide support for these women via women's services in the community.**

2.1 The government disagrees with the Committee's recommendation.

2.2 It is not possible to estimate a counterfactual to determine where an alternative intervention may have been respectively more successful. In addition, it would not be appropriate for the government to do so given that the police, Crown Prosecution Service and judiciary are all independent and responsible for decisions relating to arrest, charge and sentencing.

2.3 As an alternative, the department has instead estimated the number of women that could be supported through women's services as a result of the funding available.

3: PAC conclusion: Effective implementation of the strategy has been undermined by insufficient joined-up working.

3: PAC recommendation: The Ministry should set out how it plans to influence more joined-up working. It should write to the Committee alongside its Treasury Minute response with an assessment of any barriers to local areas implementing 'whole system approaches' and how it plans to work with other government departments and organisations to address these barriers.

3.1 The government agrees with the Committee's recommendation

Target implementation date: Summer 2022

3.2 The Female Offender Strategy Delivery Plan will be cross-departmental, led by an inter-ministerial board chaired by the Prisons Minister, which will drive forward action across government and hold individual departments to account.

3.3 A delivery board of senior officials from across government responsible for delivery of the activities outlined in the Delivery Plan will report on progress to the inter-ministerial board. The Women in the Criminal Justice System Expert Group, which brings together stakeholders and criminal justice agencies, will monitor progress, providing oversight, support and constructive feedback on the Delivery Plan and the Concordat on Women in or at Risk of Contact with the Criminal Justice System.

3.4 The department will publish a report setting out progress to date against the actions in the Concordat, with next steps of further expanding local and national partnership working being set out in the Female Offender Strategy Delivery Plan. The contents of this report have been discussed with interested stakeholders during its development and the department has

agreed next steps for ensuring that their views continue to inform the department's work in this area.

3.5 The department continues to gather best practice on existing partnership working. The department is working with partners to understand how best to share advice and resources for areas looking to integrate local services or set up a whole system approach to addressing the needs of vulnerable women. The department has written to the Committee on 6 July 2022 with further details, as requested.

4: PAC conclusion: The Ministry is taking some steps to address the needs of ethnic minorities in the CJS, but it recognises that it has not yet done enough to achieve equality of outcomes for ethnic minority women.

4: PAC recommendation: The Ministry should work with specialist providers and experts to establish a set of actions it needs to take to deliver equality of outcomes for ethnic minority women. This should include its arrangements for supporting smaller specialist organisations that support them. It should publish the set of actions with a timetable so that Parliament, stakeholders and others can hold it to account. It should confirm in its response to this report a planned timescale for publishing this action plan.

4.1 The government agrees with the Committee's recommendation.

Target implementation date: Summer 2022

4.2 The Female Offender Strategy Delivery Plan, to be published by Summer 2022, will be the mechanism by which the department sets out its commitments for ethnic minority women, with key milestones, reflecting the work of the Female Offender Minority Ethnic working group, which brings together officials and stakeholders with specialist expertise.

4.3 Her Majesty's Prison and Probation Service (HMPPS) has begun work to increase the capacity of ethnic minority specialist voluntary organisations. This includes the establishment of the Voluntary and Charity Sector Stewardship Fund in November 2020 to strengthen the capacity of ethnic minority specialist voluntary organisations to be able to engage in probation commissioning. The HMPPS Race Action Programme (RAP) is conducting an evaluation of the Stewardship Fund to determine the efficacy of the approach. Following evaluation, RAP will make recommendations to optimise the framework with a view to securing the future of the Stewardship Fund across HMPPS

4.4 The department is exploring options to increase the use of grant funding for the voluntary sector to provide services for disadvantaged groups, including women from ethnic minority groups. To support this, HMPPS has developed guidance that makes clear that grants should be the presumptive choice for funding where possible.

4.5 In summer 2022, the department will commence work with Clinks to support ethnic minority specialist organisations to improve their capacity to share best practice and form networks through facilitated events and more structured communication of policy developments. Clinks supports, promotes and represents the voluntary sector working with people in the criminal justice system and their families.

5: PAC conclusion: It is not clear how Parliament, the public and other stakeholders can hold the Ministry to account for delivery of the strategy's commitments.

5: PAC recommendation: The Ministry must clarify what it aims to deliver via the strategy and its progress to date. It should:

- **publish forthwith the 66 commitments in the strategy that it has assessed the progress of using Red/Amber/Green ratings, with the details of the progress that underpin the ratings;**
- **write to the Committee alongside its Treasury Minute response setting out what it will achieve and by when in implementing the strategy over the next 3 years so it can be held to account; and**
- **write to us by the end of July 2022 setting out the new governance arrangements including how it will improve transparency for specialist providers, experts and other external stakeholders.**

5.1 The government agrees with the Committee's recommendation

Target implementation date: Summer 2022

5.2 The Female Offender Strategy Delivery Plan will include a list of the commitments in the Female Offender Strategy with an assessment of whether those commitments are complete, will be taken forward in the Delivery Plan, or are now part of business as usual.

5.3 The Female Offender Strategy Delivery Plan will also set out the department's commitments for the next three years, including an outcomes delivery framework, and will include details of the Delivery Plan's new governance structure. The department will report to the Expert Group of stakeholders and the inter-Ministerial Board on progress in delivering its action plan.

5.4 The department has written to the Committee on 6 July 2022 alongside this Treasury Minute with further details, as requested.

6: PAC conclusion: The Ministry does not yet know the effectiveness of its interventions, or whether it is achieving its aims. This limits its ability to identify and share best practice and to understand where it needs to invest to achieve its aims.

6: PAC recommendation: The Ministry should publish a monitoring and evaluation plan by September 2022. This should include the following:

- **how it will work with other government departments to evaluate the main strategy commitments and build on the evidence of what works to aid funding decisions;**
- **the specific performance measures it will use to assess progress towards its aims. For example, how women are dealt with at various stages – before court proceedings are started, while they are progressing through the courts, and when they are sentenced; and whether they offend in future; and**
- **how it will use performance measures, along with other qualitative methods to identify good practice in local areas and what it will do to support its adoption widely.**

6.1 The government agrees with the Committee's recommendation

Target implementation date: Summer 2022

6.2 The Female Offenders Strategy Delivery Plan intended for publication in Summer 2022 will contain an outcomes framework, which will include clear metrics for measuring progress against commitments, drawing on a range of data sources including published evaluations, where there are sufficient samples of females for reliable analysis.

6.3 Separate from the Female Offender Strategy Delivery Plan, the department plans to publish an Evaluation and Prototyping Strategy later this year that reflects the strong commitment to maintaining and developing a robust evidence base that can tell us what works, for who, how and why. In line with Government Social Research Publication Protocol, the department publishes all research that generates robust and reliable information, including evaluation of interventions for female offenders.