

Written evidence from Working Chance

Working Chance¹ is the UK's only employment charity for women with convictions. We support women leaving the criminal justice system (CJS) to develop the confidence, skills and self-belief they need to overcome barriers to employment, find jobs, and build careers. Since 2009, Working Chance has supported thousands of women into employment and many more on their journeys towards financial independence.

In response to the call for evidence, we will be addressing points 2, 3, 6, 8 and 10 of the terms of reference with specific attention paid to what could be done to improve employment outcomes for women with convictions.

REDUCING THE NUMBER OF WOMEN IN CUSTODY

2. What has been done to reduce the number of women serving short prison sentences?

- **Do community sentences currently offer a credible alternative to custody? (If no, why not?)**
- **What more could be done?**

Short sentences do little to rehabilitate women but can cause a woman to lose her job, home, or custody of her children, resulting in long-term disruption to her life. Alternatives to custodial sentences allow women to maintain connections with the community. Community orders, when done well, can lead to positive employment outcomes which, in turn, reduce reoffending.¹ Since the onset of the pandemic, delays to unpaid work hours due to restrictions may be delaying completion of community orders, and thus burdening women with a longer-lasting criminal record.

The problem with community orders in the pandemic

Just 5% of unpaid work was delivered in April and May 2020.² This has resulted in a huge backlog in uncompleted hours. For women serving community orders, the reduction in unpaid work means that their criminal records may last longer, and thus impede their chances of finding employment, possibly impacting reoffending. This is because the rehabilitation period for community orders only begins once the sentence itself is finished, which relies on unpaid work hours being completed. Women waiting to complete unpaid work will wait longer for their convictions to become spent, with a huge impact on their employment prospects.

Examples of best practice

¹ Ministry of Justice (2013) *Analysis of the impact of employment on re-offending following release from custody, using Propensity Score Matching*.

² Her Majesty's Inspectorate of Probation (2021) *A thematic review of the quality and effectiveness of probation services recovering from the impact of exceptional delivery models introduced owing to the Covid-19 pandemic*.

Following the first lockdown, there was a national agreement that 30% of unpaid work hours could be used to instead undertake education, training and employment (ETE) activity, a positive adaptation to invest those hours in individuals' futures and reduce reoffending.

There have been some positive examples of innovation in unpaid work, to enable women to complete their sentences. For instance, a project in Essex provided an alternative work placement that could be completed remotely. Service users made greeting cards or face coverings which were sold for charity. This practice could be continued, benefitting women with childcare responsibilities, disabled people or those living in rural areas.³

There is encouraging evidence that supervision of women could become more flexible following the example of adaptations during the pandemic. In terms of rehabilitative elements of community orders, several service providers are offering a wider and more flexible range of support for women on probation.⁴

After the onset of the pandemic, here at Working Chance we adapted our services to deliver 100% of our support online. We now deliver our employability workshops via Zoom, as well as increasing the number of 1:1 sessions with women to provide tailored disclosure and CV support. We developed an online employability toolkit that our clients can access at any time. Feedback from our clients has been extremely positive, and we will retain some of these practices even after restrictions are lifted. This demonstrates that flexibility and tech solutions⁵

3. What progress has been made on the development of Residential Women's Centres?

- **Do these offer a suitable alternative to custody?**

A suitable alternative to custody?

The Residential Women's Centre (RWC) pilot represents a step in the right direction for rehabilitation of women with convictions, allowing them to get appropriate support closer to home as an alternative to a prison sentence. The importance of being held close to home, to maintain regular visitation and family ties, cannot be overstated. Women in prison are held, on average, 63 miles from their home, with a significant number held more than 100 miles from their home.⁶

It is encouraging that the MoJ has recognised the ongoing needs of women with convictions by extending support beyond the 12-week residential period through the Support Hub, and that they envision this as a gender-based, trauma-informed service that will meet the needs of women with protected characteristics and include peer support.

³ Ibid., p. 40.

⁴ Ibid., p. 46.

⁶ Lord Farmer (2019) *The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime*.

Impact on employment

However, there are some concerns about the negative impact the RWC may have on women's employment outcomes. It is anticipated that courts will sentence women to attend the RWC as a community sentence order (CSO) or a suspended sentence order (SSO) with a residential requirement for the RWC. We are concerned that these orders appear on a criminal record for considerable amounts of time, especially in the case of SSOs. This undermines the MoJ's aim to support women through the transition to life back in the community, since a criminal record acts as a serious barrier to women applying for jobs and securing employment. We strongly recommend that a stay in the RWC does not appear on criminal records.

For the RWC pilot to be a success, it needs to be delivered in full and equal partnership with women-specific organisations, including those providing employability services, including by setting up processes for information sharing and referrals.

Lived experience

It is imperative that the RWC hire paid staff with lived experience of the CJS. Staff members with lived experience make resilient, highly motivated, empathetic and knowledgeable employees who can effectively engage service users and make credible links with communities.⁷ They should inform policy and practice at the RWC, and would doubtless be integral to achieving effective outcomes for women.

Resettlement

There is a risk that a stay at the RWC will replicate the harms of short prison sentences, which include the risk of losing a job and/or housing, or custody of children, which would be counterproductive to rehabilitation. It may be a very difficult decision for women to commit to a 12-week residential programme, given that most will have caring responsibilities, especially when the alternative is likely to be a shorter prison sentence.

WOMEN IN CUSTODY

6. Does the female prison estate take a Whole System Approach (that considers all of the offenders needs) to those in their care?

- **What does this look like in practice?**
- **Are there any barriers in achieving a Whole System Approach to female offending?**

Progress on a Whole System Approach

Encouragingly, responsibility for women who offend or who are at risk of offending has begun to extend beyond the Ministry of Justice (MoJ) to health, housing, communities and local governance. The 2018 Female Offender Strategy⁸, influenced by the Corston report,

⁷ Criminal Justice Alliance (2019) *Change from Within: Insights from people with lived experience working to improve the criminal justice system.*

committed to a cross-departmental, joined-up approach. Crucially, it recognised that prison exacerbates the conditions that lead women to come into contact with the CJS.

A plan for the implementation of the Strategy was finally delivered in the [Concordat on women in or at risk of contact with the Criminal Justice System](#)⁹, released in January 2021. The Concordat sets out how Government departments should work together nationally to identify and respond to the needs of women, and how outcomes can be improved at a local level, including through establishing a Whole System Approach. However, while the Concordat sets out a vision for a mix of funding with local co-commissioning, it lacks allocation of resources or targets to achieve this model.

What does this look like in practice?

There are some positive examples of joined-up working around women's offending. London's Blueprint for a Whole System Approach to Women in Contact with the Criminal Justice System 2019-2022,¹⁰ set up by the Mayor's Office for Policing and Crime (MOPAC) has brought together stakeholders from the voluntary sector, prison, probation, and the police. The group is in the process of creating an action plan which will bring stakeholders together to implement actions to alleviate the challenges faced by women leaving prison in London.

In addition, the Greater Manchester Whole System Approach for Vulnerable and Marginalised Women is an example of how joined-up working can be used to reduce the number of women in prison. The scheme has been used to identify women at the point of arrest, sentence and release from custody and, where appropriate, to divert women away from justice interventions into support that meets their wider needs. The scheme has consistently proven to reduce reoffending and improve outcomes for women.

Barriers to a Whole System Approach

However, we are still lacking a joined-up working on a national scale, which results in women falling through the gaps. The current policy framework lacks the vital element of a ministerial group similar to the Youth Justice Board which has wide-ranging powers, including to commission research and distribute grants.

The disconnect between the Department for Work and Pensions (DWP), HMPPS, and local authorities can leave women in dire straits and at risk of reoffending after leaving prison. For instance, many women will be placed in temporary or supported housing with the rent covered by Universal Credit (UC). When this housing is unsuitable (for instance, if women with former substance abuse issues are placed in accommodation where residents are using drugs), they are in the difficult position of remaining there or leaving and being declared 'intentionally homeless'. For others, transitioning from UC into what is usually low-paid employment is difficult given the high costs of supported housing.

⁸ Ministry of Justice (2018) *Female Offender Strategy*.

⁹ Ministry of Justice (2021) *Concordat on women in or at risk of contact with the Criminal Justice System*.

¹⁰ Available at: <https://barnet.moderngov.co.uk/documents/s56437/Blueprint%20for%20Women.pdf>

Further, the MoJ's plan to build 500 new prison places for women runs counter to the aims of the Female Offender Strategy and Concordat to reduce the number of women in prison. The plan will undermine any progress made through a Whole System Approach, and is bound to sweep more women in to the CJS. We would strongly recommend that these plans are halted so that the benefits of the Whole System Approach can be felt.

8. What factors contribute to the high levels of self-harm in the female estate?

- **What is being done to address the high levels of self-harm in the female estate?**
- **What more could be done?**

Causes of self-harm in women's prisons

The already high rate of self-harm among women in prison reflects the devastating impact caused by deprivation of liberty and separation from family members. The pandemic has exacerbated the problem, with a significant rise in self-harm over the past year.

There were 11,988 incidents of self-harm in women's prisons in 2020, with 3.6 self-harm incidents for every woman in prison.¹¹ For most of 2020 and up to the present, women have been confined to their cells for up to 23 hours a day, with meaningful activity and rehabilitative programmes on hold. Women cannot be visited by support services or attend educational skills and training programmes. Only essential work is taking place.

The Criminal Justice Chief Inspectors have expressed concern about the highly restrictive regimes for a majority of prisoners which have continued for many months without respite, impacting negatively on their physical, emotional and psychological wellbeing and also more generally on prospects for effective rehabilitation.¹²

What more could be done?

Gender-responsive, trauma-informed mental health services need to be a core team in every women's prison, and granted priority over other prison processes, to ensure that they reach women.

The use of Compassionate Release on Temporary License (ROTL) should be expanded, to ensure that, at the very least, pregnant women and mothers of young children are released from prison to finish their sentences in the community.

All women in prison should be provided with the means to stay in touch with their families and loved ones, via phone and video communication. Visitation of young and pre-verbal children should be prioritised when visits resume.

¹¹ Ministry of Justice and Her Majesty's Prison and Probation Service (2021) *Safety in custody quarterly: update to December 2020*. London: Ministry of Justice and HMPPS.

¹² Criminal Justice Joint Inspection (2021), *Impact of the pandemic on the Criminal Justice System A joint view of the Criminal Justice Chief Inspectors on the Criminal Justice System's response to Covid-19*.

The number of women remanded in prison must be reduced. Due to delays in the court system, women are being held on remand for much longer. The total remand population has increased by 22% over the past year, and now stands at 16%.¹³ Two thirds of women in prison on remand are acquitted or given a non-custodial sentence.¹⁴

The number of women recalled to prison should be reduced by ensuring probation maintains strong communication with prison leavers and adequate holistic support is given to women after release.

10. What support is available to ensure that women are successfully resettled into the community upon release and reduce reoffending?

- **Are there any barriers to effective resettlement, and reduced reoffending?**

We were happy to hear that the discharge grant for people leaving prison will increase from £46 to £76. For prison leavers to get back on their feet and be in a stable enough position to find a job on release, their basic needs must be met. Nearly half of women leave prison without settled accommodation.¹⁵ This is why it is imperative that the MoJ ensures that every woman leaving prison has access to a smart phone, an ID document, a bank account, and an appointment to claim UC at the JobCentre. We recommend that rules be changed so that people in prison can claim UC four weeks before their release date, to prevent them being plunged into poverty or debt on release.

Employment support

To improve employment outcomes for prison leavers, the DWP has deployed Prison Work Coaches (PWCs) in all prisons in England and Wales, mandated to provide employment support to women nearing the end of their sentence. However, PWCs often have caseloads that make it difficult for them to fulfil all of the specifications of their job. For example, there is only one PWC stationed at Downview for over 300 women. If more PWCs were stationed at women's prisons, this could help combat the problem of high caseloads and ensure more women receive employability support.

The New Futures Network (NFN) sit within the Reducing Reoffending team at the MoJ and are tasked with brokering relationships between prisons and employers. However, its employment brokers are responsible for large geographical areas based on prison location, making it uncertain how effectively they can scope job opportunities in release areas. Since women in prison are held much further than men from their homes, it seems likely that they are at a disproportionate disadvantage. It is not clear how much progress has been made through the NFN so far, and no intention to publicly report on progress has been announced.

¹³ Ministry of Justice (2021) *Offender management statistics quarterly: October to December 2020 and annual 2020*.

¹⁴ The Howard League for Penal Reform (2020) *Reset: Rethinking remand for women*. Available at: <https://howardleague.org/wp-content/uploads/2020/07/Rethinking-remand-for-women.pdf>

¹⁵ Ministry of Justice (2020) *Community performance quarterly MI, update to March 2020*.

We want to see how the NFN's strategy for women's prisons differs to that for the male estate.

Employment and preventing reoffending

One of the most significant and lasting consequences of conviction is the barrier a criminal record presents to employment. This makes desistance from crime less likely, since it is long established that there is a positive link between employment and preventing reoffending.¹⁶ Before custody, 81% of women are unemployed.¹⁷ Unemployment is a major risk factor for women's offending.¹⁸ Yet women are less than half as likely than men to be employed six weeks after release.¹⁹

Criminal records

The UK has one of the most punitive criminal record disclosure systems in the world. A study from Unlock has shown that employment is the most frequent problem identified by women with convictions.²⁰ While women are less likely to have a criminal record than men, the women who do are more likely to face barriers when accessing employment, being almost twice as likely as men to have their criminal records disclosed on a Disclosure and Barring Service (DBS) check.²¹ This could partly be because women are overrepresented in professions that require enhanced DBS checks.

Half of employers claim they wouldn't employ someone with a criminal record.²² The Department of Work and Pensions (DWP) found that four in five employers failed to provide a tailored recruitment process for disadvantaged groups, including women leaving prison²³. However, a Cabinet Office call for evidence showed that of employers who had experience hiring individuals with convictions, 84% rated it as positive.²⁴

Due to proposed changes to rehabilitation periods in the Police, Crime, Sentencing and Courts Bill, it may become easier for some women who receive longer custodial sentences to find employment. However, by retaining the structure of existing legislation, the proposed changes will retain the unequal impact of criminal records discrimination faced by women.

Release on temporary licence (ROTL)

¹⁶ Ministry of Justice (2013) *Analysis of the impact of employment on re-offending following release from custody, using Propensity Score Matching*.

¹⁷ Prison Reform Trust (PRT) (2021) *Bromley Briefings Prison Factfile: Winter 2021*.

¹⁸ Her Majesty's Prison and Probation Service (2019) *Women convicted of crime*.

¹⁹ Prison Reform Trust (2021) *Bromley Briefings Prison Factfile: Winter 2021*.

²⁰ Unlock (2021) *"Angels or Witches": The impact of criminal records on women*.

²¹ Ibid.

²² YouGov (2016) *Survey Results, Fieldwork 26 June–14 December*. London: YouGov. Available at: <http://bit.ly/YouGovDWP>

²³ Department for Work and Pensions (DWP) (2019) *From jail to a job: women take bold steps with forward thinking charity*. Available at: <https://www.gov.uk/government/news/from-jail-to-a-job-women-take-bold-steps-with-forward-thinking-charity>

²⁴ Cabinet Office (2019) *Supporting Ex-Offenders on their Path to Employment Call for Evidence: Summary of Responses*.

Due to the pandemic, use of ROTL is down 76% on the previous year.²⁵ Use of ROTL for women has already been falling over the years, by 40% between 2007-2017 compared to an 18% decrease for men over the same period.²⁶ The fact that women are often imprisoned far from their home adds to the cost and complexity of ROTL and limits women's ability to obtain employment or voluntary work that they can continue on release.

Evidence shows that investment in ROTL helps women to resettle, since it provides a bridge from prison to the community and enables women to make local connections, gain work experience, and transition into employment on release.

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²⁵ Ministry of Justice (2021) *Offender management statistics quarterly: July to September 2020*. London: Ministry of Justice.

²⁶ Ministry of Justice (2018) *Statistics on Women and the Criminal Justice System 2017*.