

Written Evidence submitted by Changing Lives

1. Introduction

- 1.1. Changing Lives welcomes the opportunity to submit evidence to the Public Accounts Committee's inquiry into improving outcomes for women in the criminal justice system.
- 1.2. Changing Lives is a national charity, helping over 14,000 people change their lives for the better each year. We have around 100 projects in England, supporting people in the most challenging of circumstances including homelessness, addictions, contact with the criminal justice system, sexual exploitation, domestic abuse, long-term unemployment and more.
- 1.3. Changing Lives has delivered services to women in the criminal justice system, both in and out of prison, for a number of years and were one of the first charities to be commissioned by the Ministry of Justice to work with women following the Corston Report 2007. Our current services include:
 - 1.3.1. Specialist women's services commissioned through the Ministry of Justice's Dynamic Framework across Northumbria, Cleveland, South Yorkshire, the Midlands, Warwickshire, Leicestershire and Staffordshire.
 - 1.3.2. CFO3 and CFO4 hubs in the North East and Midlands offering employability support to women in custody or on licence within the community who have difficulty accessing mainstream services.
 - 1.3.3. Out of Court Disposal programmes in Northumbria, West Midlands and Nottinghamshire, offering support to women in receipt of conditional cautions and other out of court disposals.
 - 1.3.4. Community Hubs and Women's Centres in Doncaster and York, offering trauma-informed, female-only environments where women can access a range of services under one roof.
- 1.4. Key points:
 - 1.4.1. We welcome many of the objectives in the Female Offender Strategy but have been disappointed to see a lack of progress in delivering these objectives.
 - 1.4.2. Not enough is being done to reduce the number of women in prison but we see the unification of probation services and the increased use of specialist services through the Dynamic Framework as an opportunity to improve judicial confidence in community disposals, as well as to improve the disposals themselves.

- 1.4.3. There are multiple opportunities to divert women from a path which often leads to custody and further offending, but funding for diversion and out of court disposal (OCD) schemes is inconsistent and women face a postcode lottery of support.
- 1.4.4. Community sentences could be made more effective through meaningful requirements and meaningful relationships. Simply making them more punitive is likely to be ineffective in reducing reoffending.
- 1.4.5. Accommodation is often either not provided in a timely manner and/or is not conducive to effective resettlement. We propose an alternative housing-led model.

2. Reducing the number of women coming into the criminal justice system

- 2.1. The number of women entering the criminal justice system has reduced over the past ten years, but this continues a trend that began before the publication of the Female Offender Strategy¹. We remain concerned that not enough is being done to address vulnerabilities experienced by women that often lead to crime or women becoming trapped in cycles of reoffending.
- 2.2. We welcome much of the Covid-19 response in supporting people with vulnerabilities, including the 'Everyone In' programme and efforts to offer vaccinations to people experiencing homelessness, but we also know that many women experienced increased vulnerability and isolation from support. For example, whilst overall sexual offences fell during the first lockdown in part due to the closure of nightclubs and bars, we saw a 179% increase in reports of sexual violence experienced by women accessing our services during the first four months of lockdown².
- 2.3. We also saw a worrying number of women turning to survival sex³ at the beginning of the pandemic. There was an increase in women advertising online to sell or exchange sex as a direct result of financial hardship created by Covid-19⁴, and an 83% increase in the number of women accessing our specialist services for women selling sex and experiencing sexual exploitation for the first time in the first four months of lockdown⁵.

¹ Criminal Justice System statistics quarterly: March 2021 - Offending Histories - <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-march-2021>

² Changing Lives (2020). *Nowhere to Turn: Sexual violence among women selling sex and experiencing sexual exploitation during Covid-19*. Available from: <https://www.changing-lives.org.uk/news-stories/nowhere-to-turn/> [Accessed Jan 2022]

³ Survival sex refers to the sale or exchange of sex in order to meet immediate needs such as food, a place to stay, or to provide for children.

⁴ Changing Lives (2020). *Net Reach: Learning from online outreach with women selling sex during Covid-19*. Available from: <https://www.changing-lives.org.uk/news-stories/net-reach-report-launch/> [Accessed Jan 2022]

- 2.4. As the cost of living is expected to increase substantially across 2022, we are concerned that more women will be exposed to exploitation – both criminal and sexual – and more will resort to desperate measures including crime and survival sex.

3. Reducing the number of women in custody

- 3.1. One of the objectives of the Female Offender Strategy was to see “fewer women in custody (especially on short-term sentences) and a greater proportion of women managed in the community successfully”⁶.
- 3.2. Whilst the number of women in custody reduced during the pandemic⁷, in part due to reduced opportunities for certain crimes (e.g. shop closures resulted in reductions in shoplifting) and court closures creating delays, we see no indication that this reduction will be sustained.
- 3.3. Indeed the promise of 500 additional prison places shows that the Ministry of Justice has no expectation of meeting this objective. One of the reasons cited is that the additional 20,000 police officers may result in more women being liable to prosecution. We would argue that it does not necessarily follow that more women will subsequently end up in custody if more is done to promote and improve alternatives to custody, both as part of OOCd and diversion schemes, and in offering quality community sentences.
- 3.4. Women also continue to be given short sentences for low level offences. A common explanation given for this is that, in cases such as repeat shoplifting offences, all other options have been exhausted – women have been given cautions, fines, community sentences etc. and continue to offend. The blame is placed firmly on the women – they have been given opportunities but have failed to take them. We would argue that instead we have failed the women through lack of investment in early intervention and consistent, trauma-informed support. There is not an easy solution for women who have been failed by the system, but every custodial sentence given to a woman for a low level offence should be taken as an indication of failure earlier in the system.

4. Out of court disposals and diversion schemes

- 4.1. In order to reduce the number of women in custody, we strongly advocate for an increased and more consistent use of OOCd and diversion schemes where women are able to address their offending behaviour in the community and ideally in safe, trauma-informed, gender-specific spaces.

⁵ Changing Lives (2020). *Nowhere to Turn: Sexual violence among women selling sex and experiencing sexual exploitation during Covid-19*. Available from: <https://www.changing-lives.org.uk/news-stories/nowhere-to-turn/> [Accessed Jan 2022]

⁶ Ministry of Justice (2018). *Female Offender Strategy*, p.7.

⁷ National Audit Office (2022) *Improving outcomes for women in the criminal justice system*. p.12 Available from: <https://www.nao.org.uk/wp-content/uploads/2022/01/Improving-outcomes-for-women-in-the-criminal-justice-system.pdf> [Accessed Jan 2022]

- 4.2. For many women, an O OCD or diversion scheme may directly avert a custodial sentence, whilst for others it diverts them from the revolving door that starts with a fine or a community sentence but often ends up in custody.
- 4.3. Whilst all police forces make use of O OCDs, not all forces have access to diversion schemes or services that will support women who have received O OCDs. O OCDs and diversion schemes work best when there is something for women to be 'diverted to', yet there is currently a postcode lottery with regard to both police diversionary practices and the level of support available to women, meaning women are not being given fair access to justice across the country.
- 4.4. Support alongside O OCDs such as conditional cautions is important in order for the conditions to be meaningful and to increase compliance. We have seen a number of significant benefits to this way of working:
 - 4.4.1. It provides opportunities to holistically address the underlying causes of offending, particularly when offending is associated with unmet support needs.
 - 4.4.2. Support workers have the ability to build strong, trusted relationships which is key to not just desistance from crime but to building towards a flourishing life.
 - 4.4.3. We have seen many women voluntarily engaging with support well beyond the mandatory period required by the O OCD.
 - 4.4.4. Effective support can produce cost savings down the line, including but not limited to court costs, probation costs and the costs of future crimes.
- 4.5. Where such schemes do exist, funding is precarious and is heavily subsidised by the voluntary and community sector where there are existing services.
- 4.6. Police and Crime Commissioners (PCCs) can play a key role in funding services that divert women from prison but they face many competing funding priorities, with the current push from government being to get more police officers on the streets. Whilst some PCCs have chosen to invest in early intervention and diversionary work for women, others have very limited commissioning and grant-making budgets, with most funding going direct to policing.
 - 4.6.1. For example, Changing Lives receive funding to deliver support to women in receipt of conditional cautions in Northumbria. This was originally funded through the Home Office Violence Against Women and Girls fund but, once this ended, funding was halved and had to be moved to the Violence Reduction Unit. Since then Northumbria Police has stopped issuing simple cautions, meaning referral numbers have increased as all women given cautions are subject to conditions. As Changing Lives deliver other women's

services in the area we have been able to access resources from these services to continue to provide a viable and meaningful service for women receiving conditional cautions, but the funding instability makes it difficult to recruit and retain staff.

- 4.7. As long as there is no funding ring-fenced for diversion work or a push from government to prioritise this, it is very much a postcode lottery and dependent on individual PCC's interests. We are also concerned that this will be further exacerbated by the new OOCs that are being introduced through the Police, Crime, Sentencing and Courts Bill. Women who might previously have been given a community resolution or simple caution will now have conditions attached to their caution, which may inadvertently drive women further into the criminal justice system if support is not provided to help them comply with these conditions.
- 4.8. **CASE STUDY:** Alice (name changed for anonymity) was given a conditional caution following a domestic dispute. In conversation with her support worker, it transpired that she was in a verbally and sexually abusive relationship, although she did not recognise it as such, and was using drugs and alcohol to cope. From the onset she engaged fully with Changing Lives and was able to identify the characteristics of a harmful relationship, and the effects on her and her children. Her support worker was able to build trust with Alice, assisting her to engage with other services for domestic abuse support, addiction support, and talking therapy. She also helped her submit a PIP claim which allowed her some financial independence and she is gradually making the move to independent living thanks to all the support systems in place. Alice admits that the offence was a cry for help, as she knew she needed support but was too fearful to access it on her own. There are many women like Alice who pass through the criminal justice process and need assistance to engage with supportive connective services.

5. Gaps in support

- 5.1. There are still several gaps in support available for women, even in areas where there are well-funded OOC or diversion schemes. These gaps are at the following times:
 - 5.1.1. When a woman is released under investigation or on bail
 - 5.1.2. When a woman is awaiting trial and/or sentencing
 - 5.1.3. When a woman has received a discharge or fine in court
 - 5.1.4. When a woman completes mandatory probation supervision
- 5.2. For example, our staff have reported that, for several women, the period of lockdown caused by COVID-19 has given them time to reflect and they are now engaging far better than ever before, where previously they were in and out of custody. However, many of these women are

also reaching the end of their orders, yet are likely to require ongoing support to maintain the positive progress that they have made.

- 5.3. In order to meet the objectives of the Female Offender Strategy, support should be available for women to voluntarily engage with wherever they are on their criminal justice journey.
- 5.4. This is a missed opportunity and, for many women, being offered support at any of these stages could be a crucial factor in preventing them from entering the cycle of increasingly punitive sentences, often resulting in custody.
- 5.5. Indeed for many women we support there may often only be brief windows of opportunity to bring about lasting change and these may not always coincide with the existing periods of mandatory engagement. Women experiencing multiple disadvantage often experience chaotic lives with many factors outside of their control. Immediate survival needs will often take priority over other areas such as employment or addressing substance misuse. Windows of stability may come but will not always last – we need to make sure that support is ready and available to grasp these opportunities.
- 5.6. Funding services that offer support across a woman’s criminal justice journey would also offer greater consistency and time to build up trust and relationships – a factor that is known to be crucial in helping women desist from crime. If a woman engages with but is unable to successfully complete an O OCD or diversion scheme or subsequently reoffends, they could continue to work with their support worker as they progress further through the criminal justice system, until they are ready and able to engage with support to desist from crime. Currently once a woman leaves an O OCD or diversion scheme they likely will not receive any further support until they commit a crime serious enough to warrant a community, suspended or immediate custodial sentence, at which point they must begin the process again of building a relationship with a new person.
- 5.7. This is not a new idea. Changing Lives previously received funding from the Ministry of Justice in 2009 to support women from the point of arrest, with the intention of reducing the number of women receiving custodial sentences. Judges and Magistrates were able to make sentencing decisions not based on hypotheticals, but on being able to see how well women were engaging with support in the community and the progress they were already making. This increased judicial confidence in community sentences.
- 5.8. Unfortunately funding for these services was reduced and eventually ceased. We would advocate for a return to funding schemes such as this.

6. Pre-sentence reports

- 6.1. The Female Offender Strategy aimed to improve the quality of pre-sentence reports and we have seen some progress in this area. We welcome the renewed focus on Pre-Sentence Reports (PSRs) outlined in the White Paper on sentencing and the pilot to increase the quality of PSRs.
- 6.2. PSRs are crucial to addressing the bias against women in the criminal justice system. Women are seen as doubly deviant because not only have they committed a crime but they are not acting in a way that society expects from their gender. This is particularly true for mothers - indeed we would argue that there is no one more stigmatised than a mother in the criminal justice system.
- 6.3. Probation staff used to have much more contact with Magistrates than they do now, with the system becoming very bureaucratic and focused more on timeliness targets than quality assessments. This disconnect was further exacerbated by the fact that most community sentences were delivered by Community Rehabilitation Companies, yet only the National Probation Service were present in court. We hope that the reunification of probation services will remedy this problem but cannot offer any insight on how this is progressing.
- 6.4. We would also argue that it would be a good use of money to allow service providers opportunities to meet with magistrates, judges and probation court staff to ensure that they are able to make decisions with full knowledge of the current support available.

7. Community sentences

- 7.1. We welcomed the emphasis in the Female Offender Strategy and the efforts of previous Justice Secretaries such as David Gauke to push for the greater use of community sentences and to undo the damage in judicial confidence in community sentences caused by Transforming Rehabilitation. However it seems like the push from the Ministry of Justice has reduced substantially.
- 7.2. In the following sections we set out the two main ways that we believe community sentences could be made more effective – meaningful requirements and meaningful relationships.

8. Community sentences – meaningful requirements

- 8.1. In our experience working with women in the criminal justice system, if sentencers do not send women to custody then the default is to put extremely onerous conditions onto a community sentence without sufficient understanding of how this will impact women or whether it is likely to actually address the reasons for their offending. If a women presents with multiple areas of need and disadvantage, there is a tendency to impose conditions to address all these areas. Whilst coming from a place of good motives, this is often not the right approach and sets women up to fail.

- 8.2. We are concerned about the Government's intention to make community sentences more 'robust, often used as a euphemism for punitive. Whilst we acknowledge the need for a level of punitive measures within sentences, such punitive measures can often work counter to the aims of supporting women to desist from crime. The Government's rhetoric across its Beating Crime Plan and the recent Prison Strategy White Paper betrays a move away from the ethos of the Female Offender Strategy which gave more weight to understanding and addressing vulnerabilities.
- 8.3. The Female Offender Strategy opened up the opportunity to begin changing the narrative around what constitutes justice – an opportunity that has not been built upon. By acknowledging the victimisation, vulnerabilities and inequalities that women often experience, the Strategy acknowledged that the crime committed is not the only injustice to be considered. It is not just when a woman is exposed to abuse and exploitation. It is not just when a woman struggles to access a benefits system that even professionals struggle to navigate. It is not just when a woman reaches out for help but does not meet the criteria because she is too 'complex' for support, or not complex enough. It is not just to hold a woman 100% responsible for her actions when a whole host of injustices have led her to this point. Overly punitive measures may right the injustice of the crime, but only add to the wider injustices.
- 8.4. We accept that some will still argue that justice can only be achieved through more punitive measures – in that case we need to also consider what our end goal is. In order to reduce crime and reduce the number of victims whose lives are damaged by crime, we have to choose between whether we want 'justice' or whether we want to actually help women experiencing multiple disadvantage move away from a life of crime.
- 8.5. We acknowledge that those delivering the sentences are amongst those calling for more robust sentences. Whilst even a punitive community sentence is preferable to a custodial sentence, we are concerned that we are heading in a direction where sentencers will be given the option between a community sentence that many women will struggle to comply with or a prison sentence that we know has a high chance of embedding them deeper in criminality – a lose-lose situation.
- 8.6. Instead of talking about 'robust' sentences, we prefer to talk about meaningful sentences. Time needs to be taken to understand what the most meaningful and timely interventions would be, and trust that, if these are successful, then women will be in a better place to voluntarily engage in other areas where they need support.
- 8.7. Many women supported by Changing Lives experience multiple disadvantage, vulnerabilities and lack of stability in their lives. Community sentences do not exist in a vacuum but must be delivered alongside the other demands of a woman's life. When COVID-19 hit and

many services moved to online and telephone support, a number of women said that it was such a relief because previously they were having to jump through so many hoops – caring for family, probation appointments, unpaid work requirements, drug and alcohol appointments etc. Combined, this is often too much. The question that needs to be asked is: Who does this meet the needs of? Is it about services ticking a box or meaningful interventions for women?

9. Community sentences – meaningful relationships

- 9.1. Another key factor in effective community sentences is for women to be able to form meaningful trusted relationships, whether this is with their responsible officer or another support worker. It is our experience that whilst most probation staff are highly skilled to do this, few have the capacity with their existing caseloads.
- 9.2. When services moved to telephone and online support during the pandemic, women told our staff that this was the very first time that their Probation Officer had rung up and asked how they were doing and if they needed a food parcel. This was so meaningful for them and really changed how they felt about the relationship.

10. Specialist services

- 10.1. For these reasons, we welcome the fact that more support for women serving community orders or licence periods in the community is being provided by specialist organisations through the Dynamic Framework, who have the skills and knowledge to build these meaningful relationships and to identify which interventions would be most meaningful for women. We are hopeful that there will be more opportunity for innovation under the new contracts, where in the past this has been stifled.
- 10.2. We are however concerned that several specialist organisations are being put off and excluded from the overly complicated Dynamic Framework process. Organisations with specific specialisms (e.g. working with racially minoritised, disabled or LGBT women; working with women who are neurodivergent) tend to be smaller and therefore have reduced capacity to navigate a complicated registration and tendering process. In order to ensure that money is well spent we would encourage looking at the process by which funding is awarded.
- 10.3. There are also limits placed on who specialist services can work with in custody when commissioned through the Dynamic Framework. Changing Lives delivers women's service in several probation areas and whilst we are commissioned to provide a fully holistic package of support in the community, we are only commissioned to work with women in custody who have been sentenced and have an identified need for accommodation and/or social inclusion. This excludes women who may not need support in those areas but do need support in areas such as domestic abuse, and fails to address the ways in which needs can be

intrinsically linked (e.g. domestic abuse is a causal factor for homelessness).

- 10.3.1. The Ministry of Justice is current exploring providers also working with women on remand in prisons, which we would welcome provided there is adequate funding for the additional staff that would be required.

11. Continuity of care for resettlement into the community

- 11.1. Continuity of care between prison and the community is vital to effective resettlement and we have seen both good and bad practice in this area.
- 11.2. Prisons often provide great services, but the progress that the women have made in custody is lost if the transition to community-based services is not managed well. For example, it is very hard to access mental health treatment in the community with long waiting lists.
- 11.3. We have seen good practice when women are able to meet people that they will work with in the community prior to release. This is done in some areas through Enhanced Through the Gate contracts. For example, Durham Tees Valley CRC commissioned Changing Lives to work with women prior to release and up to 3 months post release. In other areas it is not the same person all the way through, but a support worker who has worked with the women in prison will be with them on the day of release and facilitate handover to a community-based support worker.
- 11.4. This continuity of care is not provided across the board, and cannot be provided when women are in a prison far away from their home.

12. Housing

- 12.1. Whilst some delays in meeting the objectives of the Female Offender Strategy could arguably be put down to the onset of the Covid-19 pandemic, the pandemic actually showed that, where there is political will, meaningful action can be taken to address homelessness. Unfortunately, we still often find that homelessness reduction efforts do not understand or address the unique way in which women are more likely to experience homelessness (e.g. more likely to experience hidden homelessness).
- 12.2. Secure and suitable accommodation is the base needed for women to address other areas of their life that may be contributing to their offending. For example, it is immensely more difficult for someone to achieve and sustain recovery from addiction when they are housed in an environment that causes large amounts of stress and triggers trauma responses.
- 12.3. Many women will not have confirmed accommodation on the day of release which creates further stress. It is very difficult to plan in advance when most accommodation providers are unable to hold beds. Changing

- Lives used to have a small pot of money which could be used to hold a bed for women coming out of prison but the funding for this ended.
- 12.4. Women are often still regarded as intentionally homeless due to going into prison, which means the support they receive from the local authority is reduced.
 - 12.5. Large scale hostel accommodation is often not suitable for women leaving prison, yet is commonly used as the default option. Although these services are clearly much better than sleeping on the streets, we find that women can become 'stuck' in the system for years in an environment that is not conducive to substance misuse recovery or desistance from crime, or they find the environment so challenging that homelessness feels like a better option.
 - 12.6. Women are more likely to experience hidden homelessness, such as sofa surfing. Whilst there is general understanding that they remain vulnerable to losing their accommodation in such cases, we find that there is less understanding about the other ways in which women are vulnerable when sofa surfing. When women are dependent on someone else for the roof over their head, they are vulnerable to criminal and sexual exploitation, and they are also more likely to have to accept somewhere to stay with someone who may still be involved in crime or active addiction. We see women being proactively targeted by people who offer them a place to sleep with the aim of exploiting them. They may have a roof over their head but it is not necessarily safe.
 - 12.7. The lack of understanding of the dangers faced by women experiencing hidden homelessness means that most homelessness funding and projects are aimed at rough sleeping.
 - 12.8. We believe that people should be given their own home and their own front door, not just a room in a hostel. Often people with experience of multiple disadvantage are assessed as not being ready for housing and they have to jump through multiple hoops before they can get there, but in our experience giving someone their own front door and the support to manage a tenancy can be highly effective and provides women with a secure base from which they can address other needs such as substance misuse or mental health.
 - 12.9. We recommend investment in a housing-led, dispersed accommodation model for women leaving prison where they are given either regular homes in the community or self-contained flats in a supportive, trauma-informed environment.
 - 12.10. Changing Lives is pioneering this model in the North East of England and evaluation of this model is already demonstrating success: timeframes for people moving towards increasingly independent living have reduced by an average of 66% and positive move-ons have increased from 51% to 70%.

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