



Ministry of
JUSTICE

The Government's Response to the
Report by Baroness Corston of a Review
of Women with Particular Vulnerabilities
in the Criminal Justice System

Presented to Parliament by the Lord Chancellor and Secretary
of State for Justice by Command of Her Majesty

December 2007



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Foreword



It is a simple and disturbing fact that there are today too many women in prison, that many with varied and complex needs sadly go through a revolving door of re-offending, and that many women offenders are, and continue to be victims of crime themselves.

The first duty of government is to protect the public but it is right that we continue to look at how the penal system treats women, and importantly to look at what is most effective in preventing re-offending. It was for those reasons that my colleague, former Home Office Minister Patricia Scotland, initiated a review of women with vulnerabilities in the criminal justice system in 2006, and asked Baroness Jean Corston to examine this issue in detail.

As the current Minister, I am determined to make sure that more is done to ensure that we have in the 21st Century a system that is properly responsive to the needs and characteristics of women.

I am therefore delighted to be able to present on behalf of the Government the response to the review by Baroness Jean Corston. I am very grateful for her report which provides a detailed and comprehensive analysis of the many and complex issues affecting women offenders and women at risk of offending and contains some important recommendations for change.

The 43 recommendations contained in the Corston Report reflect the breadth and complexity of the issues it addresses. The recommendations fall to a number of different government departments and agencies and include some challenging and radical proposals. They have been answered by Ministers across government and I am delighted that it has been possible to accept almost all of the recommendations.

The Government has for some time recognised that improvements to interventions for women offenders were needed. In March 2004 we launched the Women's Offending Reduction Programme and in 2005 announced £9.15 million for the Together Women Programme to demonstrate how a multi-agency approach in the community could address women's complex needs more effectively. Baroness Corston welcomed these initiatives but it is clear that more needs to be done, and her report provides the basis for improving future policy and practice.

Baroness Corston identified a number of key issues:

- The need for high level governance and better mechanisms for cross-departmental working;
- That there should be an Inter-Ministerial Group to provide governance;
- A 'Women's Commission' should be established to bring together officials from the relevant departments; and
- A 'champion' for women should be appointed with the profile and authority to drive forward the changes.

She made it clear that these over-arching recommendations were key to the successful delivery of her other proposals. I am therefore very pleased that we are able to set out in the Government's Response the action that will now be taken to improve governance arrangements. An Inter-Ministerial Group will provide the governance for this work, we will establish a cross-departmental Unit within the Ministry of Justice to co-ordinate and monitor work on taking forward Baroness Corston's recommendations, and we have identified a ministerial Champion – my colleague Maria Eagle MP in the Ministry of Justice – who will be responsible for women and criminal justice matters.

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The Government also agrees wholeheartedly with Baroness Corston's conclusion that a further key to success lies in building on the good work that is already going on in the community and looking at what more can be done to better co-ordinate and support this work.

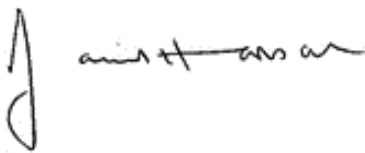
The Government's Response sets out a number of ways in which community based provision and services for women will be developed. An important focus will be on how to make greater use of women's community centres and building capacity within existing services. The Together Women projects are designed to demonstrate the benefits and effectiveness of such an approach. I have also commissioned a specific project to look at what more could be done across government to support and develop the use of centres more widely for women offenders and women at risk of offending.

We need to explore what more can be done to avoid the use of custody for those women who do not need to be there because they have not committed serious or violent offences and do not present a risk to others. And for those for whom custody will remain an appropriate sentence, it is right to consider whether existing custodial settings are the most suitable and effective way of dealing with them.

The Government has recently published a Review by Lord Carter of Coles, 'Securing the Future: Proposals for the Sustainable and Efficient Use of Custody in England and Wales'. As a result of that Review I will be considering, with government colleagues, our response to the broad thrust of Lord Carter's recommendations in relation to the issue of women in prison.

It is important to continue to challenge how we deliver services and interventions for women and to identify new and more creative approaches if we are successfully to address women's complex and multiple needs. I see the work set out in this Government Response as the start of a long-term and sustainable strategy to deliver a more sophisticated, intelligent, visibly led and better co-ordinated approach to address the issues for women that Baroness Corston has identified in her report.

I would like to thank my ministerial colleagues and officials in their departments who have contributed to the development of this response. I look forward to working with them, and our non-government stakeholders, in taking forward these commitments together.



**DAVID HANSON MP
MINISTER OF STATE**

Summary

Baroness Jean Corston was commissioned in March 2006 by the then Home Office Minister Baroness Scotland to conduct a review of women in the criminal justice system who have particular vulnerabilities. This followed a series of six self-inflicted deaths of women prisoners at HMP Styal between August 2002 and August 2003 and subsequent reports on those deaths by the Cheshire coroner, Nicholas Rheinberg, and the Prisons and Probation Ombudsman, Stephen Shaw. These reports highlighted that, although the circumstances surrounding the deaths had been fully investigated, there was a need to look more broadly at the reasons and circumstances that can lead women to the point where they are in custody and at risk of harming themselves. This raised questions as well about whether prison was a justifiable and appropriate response for women with particular vulnerabilities, such as mental health problems, drug misuse or histories of violent and sexual abuse.

The review was commissioned to examine women's pathways through the criminal justice process and the interventions and services available at each stage, to identify what more could be done to tackle problems at an earlier point and, where possible, avoid women with vulnerabilities ending up in prison.

Baroness Corston conducted her review over a 9 month period and her report was published on 13 March 2007. It contains 43 recommendations aimed at improving the approaches, services and interventions for women offenders and women at risk of offending. The recommendations fall to a number of different departments and agencies as they reflect the need for a co-ordinated cross-government response to address the multiple and complex needs of women, including health, housing, drugs, victim support, childcare, training, skills and employment, as well as criminal justice interventions.

In developing the Government's Response, Baroness Corston's proposals have been explored with the departments and agencies concerned and this paper sets out the commitments that have been agreed to take the recommendations forward. Nearly all of the recommendations have been accepted. A summary of the main actions that will be taken to implement these proposals is provided below.

Detailed responses to each of the recommendations are given in the next section of this paper. Where it has not been possible to accept a recommendation, or where it can only be partially accepted, we have explained the reasons why and, where possible, identified other ways in which it would be possible to address the issue it relates to.

In order to summarise the Government's approach and main areas for action, we have grouped the Corston Report recommendations into the following five themes and set out below how the Government will take forward the recommendations in each of these areas:

- Governance
- Sentencing
- Community provision
- Prison
- Health

The actions set out below are just a summary of the main areas of activity which will take forward the recommendations. Further detail on each of these actions is given in the following section which also provides the full response to every recommendation. One of the first crucial steps will be to produce a detailed Delivery Plan that will provide the mechanism by which all of the commitments identified in this Response will be implemented.

Governance

The Corston Report contains a number of over-arching recommendations for improving high level governance and cross-departmental working on issues relating to women offenders and women at risk of offending. In response to these, the Government will commit to the following actions:

- The Reducing Re-offending *Inter-Ministerial Group (IMG)* will provide governance to drive forward the response to the Corston Report and will ensure cross-departmental commitment at ministerial level to the actions required.
- Establishment of a new *cross-departmental Unit* responsible for women and criminal justice, headed by a senior civil servant, to co-ordinate, drive forward and monitor the work on behalf of the Minister. It will consist of a core team of Ministry of Justice officials, with representatives from the other key departments, which will include the Government Equalities Office and Department of Health. The Unit will report progress to the IMG.
- A ministerial *Champion for women in the criminal justice system* will ensure that the actions to address issues for women are given the necessary priority and that commitments are delivered. The Champion will be Maria Eagle MP, Parliamentary Under-Secretary-of-State at the Ministry of Justice.
- The Reducing Re-offending IMG will be supported in providing governance by a *Ministerial sub-group* which will be convened by Maria Eagle MP, as Champion for women in the criminal justice system, and will include the Solicitor General, Vera Baird QC MP, and the Government Equalities Minister, Barbara Follett MP. This Ministry of Justice led sub-group will ensure that the cross-departmental work to take forward the Government's commitments in response to the Corston Report is driven forward, and it will report to the IMG.
- Involvement of the Government Equalities Minister in these governance arrangements, and representation of Government Equalities Office officials on the cross-departmental Women's Unit, will ensure links with the *Minister for Women's second priority*, which relates to violence against women and women offenders.
- In order to give priority to the *implementation of the Gender Equality Duty*, the National Offender Management Service (NOMS) Equality and Diversity Action Plan will set out how the requirements of the Duty are to be met and mechanisms for monitoring compliance within NOMS. The Ministry of Justice will also develop a Gender Equality Scheme to ensure that the Duty is implemented across the Ministry.

Sentencing

Several of the recommendations relate to the use of custody for women and call for custodial remands and sentences to be reserved only for serious or violent women offenders. Baroness Corston was clear that custody should not be used for women's own good, for their safety or to access services such as detoxification. The report calls for community sentences to be the norm and that they should, therefore, be designed to take account of women's needs, vulnerabilities and domestic responsibilities.

The Government has recently published a Review by Lord Carter of Coles, 'Securing the Future: Proposals for the Sustainable and Efficient Use of Custody in England and Wales'. As a result of that Review, Ministers will consider the Government's response to the broad thrust of Lord Carter's recommendations in relation to the issue of women offenders. The intention is to ensure that, in making any changes in response to Lord Carter's recommendations, the approach is appropriate for women and complements the commitments in this Response to the Corston Report.

The responses to Baroness Corston's recommendations on sentencing also include:

- The use of the ***community order will be maximised*** by re-emphasising to the courts how intensive packages of requirements (coupled with supportive interventions) can be more effective at responding to women's needs and reducing their re-offending.
- As part of publicity initiatives to ***promote the appropriateness and benefits of community sentences***, there will be a focus on the use of community sentences for women.
- ***Sentencers will be better informed*** about community provision for women, what is available in their areas and how it can address women's needs more effectively than custody – for example through formal liaison arrangements between probation areas, Regional Offender Managers (ROMs) and sentencers.

Community Provision

The main recommendations on community provision relate to the development of one-stop-shop community centre provision, including the extension of the Together Women Programme, and making use of existing centres to provide a wider network of women's centres to which women offenders and those at risk of offending can be referred. The report suggests that such centres should be used as part of a package of measures to support court and police diversions and community sentences.

In response to these proposals:

- The ***Together Women Programme (TWP)*** is testing out how a co-ordinated multi-agency one-stop-shop approach in the community can be more effective for women and avoid the use of custody wherever possible. An evaluation of the outcomes will be undertaken when the Programme comes to an end in 2009 and the full impact of the projects on the women going through them can be assessed. However, ahead of that, lessons learnt along the way on providing effective multi-agency wrap-around services for women with multiple complex needs will be disseminated so that other areas can consider whether elements of the TWP approach might help them to deliver better community services and interventions for women.
- A NOMS ***National Service Framework for Women*** will be developed by April 2008 which will set out the national policy for commissioning services for women and contain specific actions for commissioners to ensure that locally commissioned services address the identified needs of women. This will include appropriate linkages and co-ordination with other commissioning frameworks (e.g. on health, drugs, communities) and secure input from local and regional commissioning partnerships. The Framework will be implemented across all regions through a national notice of change from June 2008.
- A revised guide to replace the National Probation Service ***Good Practice Guide on 'Delivering Effective Services for Women Offenders in the Community'*** will be produced by April 2008. This will be a practical guide, supported and implemented through the National Service Framework for women which will ensure that the necessary changes are made to improve interventions and services for women in the community.
- A cross-departmental project will examine the extent and nature of current ***women's centre provision*** and develop proposals for building on existing services and support which can be accessed by women offenders and women at risk of offending. The project will explore the benefits that women's centres could deliver to meet a range of Government objectives, not just relating to tackling offending – e.g. improving women's education and training, health, housing, finance etc – and will therefore look as well at the scope for departments and agencies to jointly contribute to the development of such provision.

- National Offender Management Service funding (£120K) has been provided to help take forward one of the recommendations by contributing to the set up costs of a demonstrator project for women offenders in Wales. The **'Turnaround' project** will provide a women's centric support service focusing on the needs of women offenders and their children, and women in the community who are at risk of offending. It will provide Wales with a good example of future joined-up commissioning for women through multi-agency provision of services.
- National Offender Management Service funding has also been allocated to the South West Region (£35K) to develop a specification and commissioning model for **accommodation services for women offenders** (to be launched in Spring 2008), and to the South East Region (£60K) to develop a commissioning model for appropriate and effective **end-to-end offender management of women offenders**.
- Communities and Local Government, Department for Work and Pensions, Department of Health and the Home Office are jointly funding three projects for women as part of the **Adults facing Chronic Exclusion Programme**. For example, £566K over three years has been provided to the Calderdale Women's Centre in Halifax to pilot a project for women experiencing chronic social exclusion as a result of domestic violence.

Prison

Baroness Corston's most significant recommendation in relation to women in prison is that existing women's prisons should be replaced with suitable, geographically dispersed, small, multi-functional custodial centres, and that these should be phased in over a period of 10 years.

In response to this the Government will:

- Set up a short project, chaired at Director level, to consider the **future of the women's custodial estate** and explore Baroness Corston's recommendation. It will examine the scope, aims and objectives of the proposed new units, as well as taking into consideration issues around physical size and factors around resettlement such as closeness to home. The project will look at the merits of establishing a pilot unit to test out how this might work for women prisoners. It will report to Ministers by April 2008.
- In relation to Baroness Corston's other recommendations around women prisoners, one of the most significant areas of progress will be the implementation of **Gender Specific Standards for women in prison**, which will be introduced in 2008. These standards will cover the full range of issues for women prisoners and will provide the over-arching framework for taking forward the group of prison recommendations. They will also provide a mechanism for monitoring progress.

Health

There are a number of significant recommendations aimed at improving health services and support for women in the criminal justice system. These relate to: provision of court diversion and liaison schemes for women with mental health problems; psychiatric reports to courts; implementation of commitments in the Department of Health Women's Mental Health Strategy on women offenders; provision of women-only day services; health care in police custody suites, and; NHS care for self-harming women in custody.

In response:

- Implementation of the recommendations relating to meeting the health and well-being needs of women in the criminal justice system, or those at risk of offending, will be taken forward as part of the newly developing **Offender Health Strategy** which will replace the current Prison Health Strategy and will cover the next 3-5 years. Wide consultation on the Strategy will take place over the coming months and it will then be published in mid 2008.

- Included in the Strategy will be a distinct *pathway for women offenders*, and crucially it will cover not just health care for women in prison but will outline the initiatives and provision required to address health needs in the community too, from arrest, to health support for those on community sentences and through to resettlement in the community for those released from custody. The new Women Offenders Health Pathway will be key, therefore, to developing and implementing the improvements in this area recommended by Baroness Corston.
- A *Minister from the Department of Health* will sit on the Inter-Ministerial Group providing governance for the work on women offenders and women at risk of offending. The new cross-departmental Criminal Justice Women's Unit will also include representation from the Department of Health.
- The Offender Health Strategy will include a *work strand on court diversion*. Guidance on this, using existing evidence on the effectiveness of current schemes for women, will be published for the National Health Service, courts service and other stakeholders.
- The Department of Health guidance on court diversion will build on partnerships (Service Level Agreements) between the NHS and the courts to deliver *more timely psychiatric reports*. The Department of Health will review how this SLA requirement could be used to best effect to ensure that psychiatric reports for women defendants are effective at identifying what mental health provision is required to meet their needs.
- Provision of *NHS care in police stations* will be examined as part of the Offender Health and Social Care Strategy with a view to developing recommendations for future models. Department of Health funding is being provided, for example, to pilot a service in the South West to test out a form of in-reach to local custody suites. However, the type and extent of the cover provided in other areas will need to be commissioned depending on local need.

Timescales

Below is a summary of the timescales over the next year for taking forward the main actions described above in response to the Corston Report recommendations.

Over the *next 6 months* we will:

- Establish Inter-Ministerial Group governance for work on women offenders and women at risk of offending.
- Appoint a ministerial Champion for Women and Criminal Justice (already identified Maria Eagle MP at the Ministry of Justice).
- Establish a sub-group to the IMG to focus on driving the work forward, which will be convened by Maria Eagle MP and include the Solicitor General, Vera Baird QC MP and the Government Equalities Minister, Barbara Follett MP.
- Set up a new cross-departmental Criminal Justice Women's Unit.
- Produce a more detailed Delivery Plan for taking forward the commitments in the Government's Response.
- Publish and begin implementation of the NOMS Equality and Diversity Action Plan (to implement the Gender Equality Duty).
- Publish the Ministry of Justice Gender Equality Scheme.
- Set up a project to review current women's centre provision and identify how to build on existing services.

- Provide NOMS funding to contribute to the setting up of new demonstrator projects for women offenders in Wales and for the development of commissioning models, one on accommodation services for women in the South West Region and one on end-to-end offender management in the South East.
- Set up a project to review the future of the women's prison estate and the merits of small custodial units for women (to report by April 2008, although implementation of any changes to the women's estate will be a long term initiative).
- Introduce Gender Specific Standards for women in prison.
- Pursue opportunities for publicity and liaison with sentencers to promote greater use of community sentences for women.
- Produce a NOMS guide for Delivering Effective Services for Women Offenders in the Community (April 2008).
- Consult on the new Offender Health Strategy, including the Women Offenders Health Pathway, and publish the Strategy by mid-2008.

Over the *next 6 to 12 months* we will:

- Publish a National Service Framework for Women (for commissioning appropriate provision and services), by April 2008, and begin implementation in June 2008.
- Following consultation, we will produce the Reducing Re-offending Strategic Plan which will address particular issues for women offenders, and seek to improve the strategic response to the needs of this group.
- Produce revised guidance for pre-sentence report writers on targeting offenders, including women, for community orders.
- Work to ensure Sentencing Guidelines Council guidelines on 'Seriousness' and 'Drug Couriers' address issues for sentencing of women.

This work over the coming year, as well as implementing a number of Baroness Corston's recommendations, will also establish the foundations for taking forward the longer-term commitments and changes needed to accomplish other improvements that her report calls for. We will produce reports annually on progress and achievements with this.

Resources required for implementation

Where additional funding has already been identified for new initiatives to take forward the recommendations, this has been highlighted above.

Further resource requirements are likely to be identified during the course of other projects that will be established, for example to review women's centre provision and how to build on existing services and the project to review the future of the women's prison estate. Consideration will need to be given in the light of the outcomes of these projects to the funding and other resources that may be required to take them forward, and the feasibility of doing so given likely future funding pressures. There is currently no additional funding available for implementation of these proposals so part of the work of the projects to consider their feasibility will need to include an assessment of the likely investment that would be needed and whether the benefits of doing so would justify the disinvestment that would be required in other areas.

The Government's Response to the Recommendations

The following section sets out the detailed response to each of the recommendations and the actions for taking these forward. For ease of reference, the Government's Response follows the arrangement of Baroness Corston's Report according to each chapter and accompanying recommendations.

CHAPTER 2. MEN AND WOMEN; EQUAL OUTCOMES REQUIRE DIFFERENT APPROACHES – THE NEED FOR A DISTINCT APPROACH

Recommendation 1

Every agency within the criminal justice system must prioritise and accelerate preparations to implement the gender equality duty and radically transform the way they deliver services for women.

Response

The Government accepts this recommendation. The Government is committed to promoting a fair and equal society, where everyone has an opportunity to prosper and reach their full potential. The new Gender Equality Duty is one of the principal mechanisms (along with the race and disability duties) by which equality can be integrated into the mainstream business of the criminal justice system. The Duty confers obligations on all public authorities, including central government departments, National Offender Management Service (NOMS), the Prison Service, and the criminal justice inspectorates, to pay due regard to the promotion of gender equality in all of their functions. All of those bodies therefore have an obligation to ensure that other public bodies within their remit meet their legal obligations under the Duty. As part of those obligations, they should take into account the Corston Report findings and recommendations.

The Ministry of Justice (MoJ) is gathering information from all its business areas and will analyse this with the view to publishing the Ministry of Justice Gender Equality Scheme by the end of this financial year. The MoJ will identify key priorities through the information gathering exercise and in consultation with all business areas and stakeholders. The Corston Report and action to ensure implementation of the Gender Duty across the criminal justice system is likely to be one of the key priorities.

NOMS will develop and publish an Equality and Diversity Implementation Plan which will ensure the requirements of the Gender Duty are fully implemented, both as a commissioner of services and as an employer. The NOMS Implementation Plan will consider the experiences of British black and minority ethnic women quite separately from non-UK nationals as there are distinct and different circumstances and needs.

The Gender Duty will provide the impetus needed to ensure the commitments made in this Government Response are fully met.

The introduction of Gender Specific Standards for the Prison Service, currently being worked on by the Prison Service Women and Young People's Group will set the over-arching framework for taking the prison recommendations forward and will provide a mechanism for monitoring progress (see Recommendation 10).

A NOMS National Service Framework for Women will be produced by 2008 which will set out the national policy for commissioning services for women and specific actions for commissioners to ensure that locally commissioned services address the identified needs of women (see Recommendation 31).

The newly established Equality and Human Rights Commission, which works with organisations in the public, private and voluntary sectors to reduce discrimination and promote equality of opportunity, will also monitor the performance of the Government in relation to its legal obligations under the Duty. This independent Commission has significant powers to enforce the equality duties by organisations and authorities, including launching official enquiries and formal investigations. It will use those powers strategically, with a particular emphasis on ensuring leadership and action by key bodies in the public sector.

CHAPTER 3. LIFE AND DEATH. HOW WOMEN EXPERIENCE PRISON – THE NEED FOR A RADICALLY DIFFERENT APPROACH

Recommendation 2

The Government should announce within six months a clear strategy to replace existing women's prisons with suitable, geographically dispersed, small, multi-functional custodial centres within 10 years.

Response

Further work will need to be undertaken to consider whether small custodial centres would be the most appropriate and effective way forward for women sentenced to custody. However, the Government accepts in principle the underlying intent that custodial provision in the women's estate must be configured appropriately to meet women's needs. We will set up a short project, with clear terms of reference; specified timescales; and chaired at Director level, to look at the future of the women's custodial estate and consider Baroness Corston's recommendation. This will report to Ministers by April 2008.

The Carter Review 'Securing the Future: Proposals for the Sustainable and Efficient Use of Custody in England and Wales', published on 5 December 2007, recommends that the Government should continue to develop a strategy that deals with the specific needs of women and suggests that in the future consideration could be given to reconfiguring some of the smaller prison sites to accommodate female offenders, allowing for a different approach appropriate to their needs.

Recommendation 3

Meanwhile, where women are imprisoned, the conditions available to them must be clean and hygienic with improvements to sanitation arrangements addressed as a matter of urgency.

Response

The Government accepts this recommendation. The Prison Service accepts that high standards of hygiene must be maintained and Gender Specific Standards in this area are soon to be introduced (see response to Recommendation 10). The Standards will include the following:

- Women should ideally have a shower in their room, and if this is not possible they should be able to have a shower or bath daily.
- Women must be able to wash their underwear in sinks that are not used for crockery washing or body washing.
- Women should be able to change their bedding at least weekly and immediately if soiled.
- Women should be provided on a regular basis with haircuts, safety razors or depilatory cream, and a choice of sanitary products.

Recommendation 4

Strip-searching in women's prisons should be reduced to the absolute minimum compatible with security; and the Prison Service should pilot ion scan machines in women's prisons as a replacement for strip-searching women for drugs.

Response

The Government partially accepts this recommendation. The Prison Service is carrying out a review of the way in which women are searched. This actually goes further than what Baroness Corston proposes, as her report suggests fewer full searches (as strip searching is now called) using the existing model, but the new approach will test whether it is necessary to conduct mandatory full searches for all women, even in local prisons. It is proposed that full searching will change to a process that will not require women to remove their underwear unless there is intelligence that she is concealing something. A six month pilot will run in HMP Downview and HMP Eastwood Park, which includes women on remand. Following the pilot, provided negotiations with staff associations are successful, this will become standard policy. This represents a significant change in security procedures, and it is, therefore, important to properly test the impact on prisoners and staff.

The use of ion scan machines will not be considered at this time as the research has shown their tendency to produce false positives for heroin and cannabis.

Recommendation 5

The work underway in respect of foreign national offenders should take account of the views expressed in my report. The strategy being developed should include measures designed to prevent prison becoming a serious option.

Response

The Government accepts this recommendation. The Government will work to ensure that the Sentencing Guidelines Council guidance on Drug Couriers reflects the Corston recommendations and addresses issues for women in this area. See response to Recommendation 18.

In June 2007 the Prison Service signed a Prison Transfer Agreement with Jamaica which will allow a limited number of low risk prisoners a year to be returned to continue serving their sentences. During negotiations it was agreed that female drug couriers are likely to be the principal beneficiaries of this agreement. The Prison Service is currently in negotiation with Nigeria and Ghana about similar Prison Transfer Agreements.

Closer links between the Border and Immigration Agency and HM Prison Service have been established and a senior level liaison group looks at individual cases of detention on a monthly basis. Improved casework has meant that the Border and Immigration Agency are now considering cases for deportation 8 months before the estimated release dates.

The Facilitated Returns Scheme launched on 12 October 2006 has meant that over 110 women to date have benefited from assistance with the cost of accommodation, education, business set-up or healthcare provided through the International Organisation for Migration. This Scheme will be reviewed in 2008.

Recommendation 6

Public funding must be provided for bereaved families for proper legal representation at inquests relating to deaths in state custody that engage the state's obligations under Article 2 of the European Convention on Human Rights. Funding should not be means tested and any financial eligibility test should be removed whenever Article 2 is engaged. Funding should also cover reasonable travel, accommodation and subsistence costs of families' attendance at inquests.

Response

The Government does not accept this recommendation. The Government is sympathetic to the need for families of the deceased to participate fully in inquests. It recognises that, although inquests are designed to be non-adversarial in nature and legal representation is not a requirement for a coroner to carry out an Article 2 inquest, in practice many death in custody inquests have become longer and more complex, with all that brings for bereaved families.

Whilst inquests are out of the usual scope of funding for legal representation, funding for death in custody inquests is within scope where certain guidance criteria are met. Most death in custody cases meet these criteria, and the Government has delegated the authority to grant funding in these cases to the Legal Services Commission. However, the Government does not agree that the means test for families whose relatives have died whilst being cared for by the State should automatically be waived. Legal aid should not generally, as a matter of principle, cover travel and subsistence and routinely granting it in death in custody cases would lead to much greater expenses in inquests and other legally aided cases. However, such expenditure is sometimes met or contributed to and each case will continue to be examined on its merits.

More generally, the Government seeks to help the families of those who die in State custody through the provision of timely, sympathetic information and support. HM Prison Service, for example, is developing a highly praised system of well-trained family liaison officers which is helping to transform its approach to families in these circumstances, and the Prisons and Probation Ombudsman assigns a family liaison officer in every case he independently investigates.

CHAPTER 4. WHO'S IN CHARGE? THE NEED FOR VISIBLE LEADERSHIP AND A STRATEGIC APPROACH

Recommendation 7

I recommend the immediate establishment of an Inter-Departmental Ministerial Group for women who offend or are at risk of offending to govern a new Commission and to drive forward the Commission's agenda within their individual departments. Ministers from the Home Office, DCLG, DH, DfES, DCA and DWP should sit on the Group. There should be close links between the new Group, the Inter-Ministerial Group for Reducing Re-offending and the Inter-Ministerial Group on Domestic Violence. The Group should be led by the Home Office Minister initially but transferred to the DCLG Minister within three years because the focus of the Group is more closely aligned to the community agenda.

Response

The Government accepts this recommendation in principle. It is important to have cross-departmental ministerial governance to ensure a co-ordinated approach to tackling issues for women who offend or are at risk of offending. The existing Inter-Ministerial Group (IMG) on Reducing Re-offending will provide governance to drive forward the Government's Response to the Corston Report. It will be responsible for issues relating to the management of, and services for, women offenders and provide oversight of progress towards delivering the commitments in the Government's Response, resolving cross-departmental issues at ministerial level where necessary.

The IMG will also deal with issues for women at risk of offending, subject to further consideration of the governance structures supporting the new National Crime Reduction Board, including responsibility for cross-departmental work on domestic and sexual violence. Whether women at risk of offending would be more appropriately dealt with under these arrangements as a crime reduction issue will be reviewed.

The Reducing Re-offending IMG is currently co-chaired by Ministers from the Ministry of Justice and Department for Innovation, Universities and Skills. It also includes Ministers from Department of Health, Home Office, Department for Work and Pensions, Communities and Local Government, and HM Treasury. The Solicitor General, Vera Baird QC MP, and the Government Equalities Minister, Barbara Follett MP, have also recently been invited to attend the IMG and will bring additional impetus and expertise to the implementation of the Government's Response to the Corston Report.

Although not a specific recommendation in her Report, Baroness Corston also suggested the need for a high profile 'Champion' for women in the criminal justice system who would have the profile and authority to help drive forward the necessary changes to achieve the improvements for women her report calls for.

The Government agrees with this suggestion and considered that this role would be most effective if undertaken by a minister with responsibility for criminal justice issues. Maria Eagle MP, Parliamentary Under-Secretary-of-State at the Ministry of Justice, will therefore be the ministerial Champion for women in the criminal justice system. She will also convene a sub-group to the Inter-Ministerial Group on Reducing Re-offending, which will include the Solicitor General, Vera Baird QC MP and the Government Equalities Minister, Barbara Follett MP. This sub-group will ensure that actions to address issues for women are given the necessary priority and will drive forward implementation of the Government's Response to the Corston Review, reporting to the IMG as the governing body.

Recommendation 8

I recommend the immediate establishment of a Commission for women who offend or are at risk of offending, led at director level, with a remit of care and support for women who offend or are at risk of offending. This must be a cross-departmental structure, which incorporates the Women's Offending Reduction Programme; sits initially within the Home Office but transfers to DCLG within three years; and is staffed by a multi-agency team from the Home Office, DCLG, DH, DfES, DCA and DWP. Staff should also be seconded from relevant NGOs and voluntary agencies. Within three years the Commission should transfer from the Home Office to DCLG.

Response

The Government accepts this recommendation in principle. The Government has agreed to the establishment of a new cross-departmental Criminal Justice Women's Unit headed by a senior civil servant to drive forward the work on behalf of the Minister. The Unit will consist of a core team of people drawn from the Ministry of Justice with representatives from the other key departments with responsibility for delivering the commitments in this Government Response, including the Government Equalities Office and Department of Health. The Unit will monitor progress and report to the IMG.

A 'virtual' strand to the Unit will also be developed where individuals from other departments and non-government organisations where appropriate, would be invited to contribute proportions of their time to working on issues in the Delivery Plan. It will be important, for example, for the 'virtual' strand of the Unit to include input from the Attorney General's office on the role that prosecutors play in identifying opportunities for women to be diverted wherever possible from the criminal justice process, or dealt with using community alternatives to custody. This input will assist in the objective of identifying women at risk as early as possible and ensuring that they are given access to the most appropriate interventions and support in the community.

The Government considered a range of options for where such a 'Women's Unit' would be best located in the light of the recent Machinery of Government changes which took place after the Corston Report was published. These options included the Home Office; another government

department such as Communities and Local Government; and the Ministry of Justice. Taking into consideration the new Ministry of Justice's remit on penal policy and the focus on developing non-custodial sentences that offer tough, safe and effective alternative punishments, the Government has decided that the Ministry of Justice is the most appropriate department to lead on taking forward the Government's Response to the Corston Report. Whilst the Home Office has a clear role to play in the wider work looking at women at risk of offending and issues around prostitution and domestic and sexual violence, it is not the most appropriate lead department as it does not have responsibility for offender management and there is a clear need for the Government's Response to focus on reducing women's offending and effective offender management for women, which now falls to the Ministry of Justice.

Baroness Corston recommends that the Women's Unit should transfer to the Department for Communities and Local Government within three years. However, recent Machinery of Government changes have meant that the, then, Women and Equality Unit, which sat within the Department for Communities and Local Government when the review was conducted, has since moved to the newly established Government Equalities Office. As a result of this, there are no longer the direct links between the women and equality work and the community cohesion agenda which there were at the time of the review. The Government considers that creating a new 'Women's Unit' in another government department where responsibilities lay outside the criminal justice field would not be effective at tackling the main issues related to women's offending.

Recommendation 9

The Inter-Ministerial Group for Reducing Re-offending should re-examine its aims and ensure that its approaches properly address specific issues relating to women's criminality.

Response

The Government agrees with this recommendation. The Inter-Ministerial Group on Reducing Re-offending drives forward the Government's cross-departmental strategy to reduce re-offending and aims to promote good practice and provide solutions to issues preventing progress. The main challenges for the Group include increasing employment; preventing homelessness; and improving offender health. In addition, the Inter-Ministerial Group on Reducing Re-offending will now also provide governance for the work on implementing the Government's Response to the Corston Report, with responsibility for cross-departmental issues relating to women's offending. It will also be supported by the sub-group convened by Maria Eagle MP as the ministerial Champion for women in the criminal justice system (see response to Recommendation 7).

Recommendation 10

There should be greater visible direction in respect of women in custody and a much higher profile.

Response

The Government accepts this recommendation. The Prison Service Women and Young People's Group (W&YPG) has a new reporting structure with two deputy head of Group posts, one with responsibility for women and the other for young people. This provides a higher profile and focus on issues for women prisoners.

The W&YPG has also produced a Prison Service Instruction which requires all policy holders to consider the impact on women of any change to policy or practice.

The W&YPG is currently working on Gender Specific Standards which set the over-arching framework for taking Baroness Corston's prison recommendations forward and will provide a mechanism for monitoring progress. The Standards will cover the full range of issues that may arise for women prisoners, looking at every stage of the process to ensure that the needs of

women are understood and prioritised in prison establishments. Each Standard requires a specific outcome and establishments will be audited to ensure the outcome has been achieved.

Recommendation 11

Systematic safeguards should be put in place so that good practice approaches like Carousel are not lost.

Response

The Government accepts this recommendation. The Prison Service Women and Young People's Group will safeguard against the loss of approaches such as Carousel. In the event of any further changes of function of women's prisons, the Women and Young People's Group will cost in the transfer of nationally important provision where there is a need for similar provision elsewhere and work with partners, intervening at the appropriate level to achieve this.

Recommendation 12

I do not recommend a separate sentencing framework for women but this should be re-considered in the light of early experience of the statutory gender discrimination duty.

Response

The Government accepts this recommendation. This recommendation is linked to Recommendation 1 on prioritising implementation of the Gender Equality Duty. The Government agrees that there should not be a separate sentencing framework for women, but it would be useful to look again at sentencing practice in the light of implementation of the Gender Equality Duty to establish whether sentencing decisions are having a differential impact on men and women and whether any further action is necessary to address any inequalities identified.

Recommendation 13

I recommend acceptance of the offer made by The Griffins to act as a central repository for information for and about women who offend or are at risk of offending and to promote its use by others.

Response

The Government accepts this recommendation. The Griffins Society already has a number of serving prisoners and ex-offenders working with them in building the databases. Further work and assistance is needed in order to promote the service and construct a mechanism whereby information about women offenders is automatically passed on to the Griffins Society.

Recommendation 14

The seven pathways should be much better coordinated strategically for women and should incorporate pathways eight and nine for women, which I endorse.

Response

The Government accepts this recommendation. In addition to the seven reducing re-offending pathways, domestic violence, sexual abuse and prostitution will be embedded in the National Framework for Women which will be published in 2008.

The National Offender Management Service (NOMS) undertake to do the following:

- Equality Impact Assessments will be completed on all pathways and alliances through a programme of work in 2007.
- Women will be specifically considered as part of the forthcoming Reducing Re-Offending Strategic Plan due to be launched in Spring 2008.

**The Government's Response to the Report by Baroness Corston of a Review of
Women with Particular Vulnerabilities in the Criminal Justice System**

- In developing commissioning priorities for the open and resettlement estate, consideration will be given to the particular needs of women prisoners, such as support for victims of domestic violence and those involved in prostitution. This will be completed by December 2007.
- In revising the NOMS Third Sector Action Plan, women's organisations will be engaged in order to develop policies and plans, and include the needs of these organisations as part of the plan. The revised Action Plan was issued for consultation in November 2007. The final plan will have an Equality Impact Assessment completed.
- In taking forward the Faith Consultation Paper and resulting Action Plan, will engage with women's organisations to develop policies and plans, and include the needs of these organisations as part of the plan.
- NOMS are working with the Department for Innovation, Universities and Skills to ensure that the issue of self employment for offenders as part of *Next Steps* takes account of the needs of women offenders.
- Ensure that a framework and provider toolkit for improving support for children and families shortly to be published includes a chapter on issues for women within the pathway.
- NOMS will develop commissioning priorities and a specification for the children and families pathway by Spring 2008 which addresses the specific needs of women offenders, including those who have been abused or involved in prostitution. This will be issued for consultation shortly.

Recommendation 15

Work to establish regional and local pathway strategies and action plans is vital and good practice relating to women, for example, London's Resettlement Strategy, should be promoted and disseminated.

Response

The Government accepts this recommendation. NOMS has committed to:

- Bring together the Chairs of the regional pathways with policy leads to disseminate good practice.
- Improve the use of websites for the dissemination of good practice.
- Disseminate good practice from the Round 9 Beacon Award to local authorities and Regional Offender Managers (ROMs) in regard to the specific needs of women offenders. The Beacon scheme recognises excellence and innovation in local government. It is not just an award, but also a responsibility to share best practice and knowledge with other authorities.
- Work with commissioning colleagues to identify models for local commissioning which recognise the specific needs of women offenders by April 2008.
- Include a dedicated section on the resettlement needs of women offenders in the forthcoming Resettlement Prison Service Order.
- Work with the ROMs partnership leads to ensure that a cross-cutting approach is taken on the needs of women offenders when conducting Equality Impact Assessments for their regional plans and that learning from the work in London is shared through a small working group reporting progress to the ROMs' representatives.

Recommendation 16

The accommodation pathway is the most in need of speedy, fundamental, gender-specific reform and should be reviewed urgently, taking account of the comments in my report. In particular, more supported accommodation should be provided for women on release to break the cycle of repeat offending and custody and the intentional homelessness criterion for ex-prisoners should be abolished.

Response

The Government accepts this recommendation. The accommodation pathway framework is currently being reviewed with a stronger focus on the needs of women. The framework will be Equality Impact Assessed and re-published by the end of 2007.

Further actions include:

- The National Offender Management Service (NOMS) will identify the rights, specific needs and available options for women trying to find accommodation and publish guidance for Regional Offender Managers and NOMS providers and partners by the end of 2007.
- The NOMS regional accommodation pathways were asked to review their objectives in the light of recommendations of the Corston Report.
- The new accommodation targets for prisons and probation will be analysed by gender which will provide a stronger base to consider the position of women and the impact of approaches.
- The Bail Accommodation and Support Service is a new national service to enable those on remand in custody and those eligible for Home Detention Curfew to be discharged from custody to supported accommodation in the community for the period of bail or Home Detention Curfew with support in finding move-on accommodation thereafter (except for those who are then returned to prison custody). The contract specification has made specific provision for women and women with dependent children.
- The current service review of approved premises will include the examination of specific issues relating to women offenders.
- The Department for Communities and Local Government will explore the issues the Corston Report raises relating to local authorities' decision-making under the homelessness legislation, including on intentionality. They will then undertake an assessment of local authorities' decision-making regarding offenders in England in order to consider what steps can be taken to improve how decisions are made.
- The South West Regional Offender Management team have received funding to develop a specification and commissioning model for accommodation services for women offenders. The project will be integrated into the South West Accommodation Gateway. This existing Pathfinder project has developed three one-stop-shops for accommodation services for offenders in Bristol, Plymouth and Dorset. The project has enabled a co-ordinated approach to finding and sustaining accommodation for offenders and succeeded in gaining the commitment of a range of partners. The specification and commissioning model will be launched at a conference in Spring 2008.

Recommendation 17

Life skills should be given a much higher priority within the education, training and employment pathway and women must be individually assessed to ensure that their needs are met.

Response

The Government accepts this recommendation. The Department for Innovation, Universities and Skills (DIUS), with practitioners in the **Next Steps** test bed regions, will review good practice to establish a map of the availability of life skills funding by the end of December 2007. This

mapping will be used to establish gaps in funding which DIUS, Ministry of Justice and partners will seek to address, with an aim of producing guidance to ensure women in the criminal justice system have access to a holistic service to improve their skills by Summer 2008.

CHAPTER 5. ALTERNATIVE SANCTIONS – THE NEED FOR A PROPORTIONATE APPROACH

Recommendation 18

Custodial sentences for women must be reserved for serious and violent offenders who pose a threat to the public.

Response

The Government accepts this recommendation in principle. It is linked to Recommendations 23 and 35. For women who are serious offenders or present a risk to others, prison will continue to be necessary as the safety and confidence of the public must remain the priority. Deciding what sentences are appropriate for women offenders is rightly entirely a matter for the courts but the Government agrees that more must be done to ensure that custody is only used for those women who really need to be there. This conclusion is also supported by the Carter Review. Actions to be taken include:

- Action to maximise the use of the community order by re-emphasising to the courts how intensive packages of requirements on a community order, together with supportive interventions and services, can be more effective in responding to women's needs and reducing re-offending.
- Providing advice to the Sentencing Guidelines Council in reviewing its guidance 'Overarching Principles: Seriousness' which includes the thresholds for custodial sentences and aggravating and mitigating factors. We understand that the planned review of this guideline will include consideration of whether issues relating to the sentencing of women should be specifically addressed.
- The Sentencing Advisory Panel is currently preparing a paper on drug couriers which will be published for consultation shortly. The Panel will consider the responses it receives and will submit advice to the Sentencing Guidelines Council. The Council will then publish a draft guideline, along with the Panel's advice, seeking views from the Government and the Justice Select Committee. The Council will finalise and publish the definitive guideline.
- Ensuring that the forthcoming programme of publicity initiatives on the appropriateness and benefits of community sentences will highlight sentencing issues for women and how community alternatives can be effective for women.
- Ensuring that the proposed demonstrator projects of extra intensive community orders specifically test out how it could be used appropriately and effectively for women offenders.
- Ensuring planned improvements to the quality and range of information available to sentencers will include specific information relating to women offenders. This will be incorporated in work with local Criminal Justice Boards to develop better information on a range of areas including crime patterns, sentencing practice and the cost and effectiveness of various disposals. Improved information to sentencers will ensure that they are better placed to make decisions on the appropriate type of sentence for each woman offender, depending on her circumstances.
- When providing information to sentencers, and reminding courts of the powers available to them, prosecutors will ensure that in cases of women offenders, the information provided enables the court to make the correct decision in terms of disposals and interventions which are appropriate to address those women's needs and which are likely to be most effective at reducing the risk of further offending.

- The use of Conditional Cautioning, for example, may be a particularly useful response for some women offenders and could allow for some of the underlying factors which affect their offending to be addressed. Further work will be carried out to identify how this kind of integrated approach to the sentencing of women can ensure the use of more effective and appropriate disposals for them.
- Action will be taken to ensure sentencers are better informed about community provision for women and how it can address their needs more effectively than custody. New liaison arrangements between the National Offender Management Service (NOMS) and the judiciary will be used to ensure that sentencers are made aware of the schemes and provision for women that are available through NOMS and also the private and voluntary sectors.
- In addition, the Carter Report proposes the setting up of a Sentencing Commission using a structured sentencing framework to bring a degree of transparency, predictability and consistency to sentencing and the criminal justice system. The Government has recognised the importance of such a mechanism and agreed that further work should be undertaken so that there can be informed public debate as to whether this is the best course to follow in finding a long term solution to prison population pressures.

Recommendation 19

Women unlikely to receive a custodial sentence should not be remanded in custody.

Response

The Government partially accepts this recommendation. The principle that underlies this recommendation – that more should be done to reduce the use of custodial remands for women – is accepted. However, it would not be appropriate to amend the Bail Act to the effect that custodial remands should never be used in cases where it is unlikely to lead to a custodial sentence.

We are developing alternatives to custodial remands, ensuring that those alternatives are appropriate and effective for women and providing courts with timely information about this to support greater use of bail. This will be done through the new Bail Accommodation and Support Scheme (BASS) and the use of tagging on bail.

The role of prosecutors in providing information to the courts and the work to look further at the use of Conditional Cautioning for women is also relevant to this recommendation (see above response to Recommendation 18).

A Gender Impact Assessment will be conducted on the Bail Accommodation and Support Scheme which will be used to identify actions needed to ensure the accommodation and support services provided are appropriate for women and that the contractors have considered what is required to address women's needs. The BASS contract contains a number of requirements to ensure the contractor addresses the needs of women service users and that the project is effective for women. Guidance being produced for contract managers will include the need to audit and inspect the aspects of the contractor's delivery that relate to the suitability of accommodation and services for women service users.

There is already existing policy requiring probation and prisons to prioritise women defendants in court or in prison for Bail Information. Bail Information provides access to the BASS and will increase referrals of women to the scheme. Women's prisons have also been requested to increase referrals.

Recommendation 20

Women must never be sent to prison for their own good, to teach them a lesson, for their own safety or to access services such as detoxification.

Response

The Government agrees with this recommendation in principle. Deciding what sentences are appropriate for women offenders is a matter for the courts but the Government agrees that more must be done to ensure that the courts only use custody for serious or violent offenders who present a risk to the public. Action will be taken to ensure that sentencers are better informed about community provision for women and how it can address their needs more effectively than custody. Again, the role of prosecutors is relevant to this recommendation as well (see above responses to Recommendations 18 and 19).

Revised guidance on the use of the Drug Rehabilitation Requirement and Alcohol Treatment Requirement will stress that Offender Managers should take account of domestic arrangements, childcare and other issues in sentence planning.

Action will be taken to improve access to drug services in the community for women offenders, such as:

- Drug Interventions Programme areas will target vulnerable women offenders who would not otherwise fall within drug testing and the consequent services;
- Restrictions on bail will be used to engage drug using offenders in community treatment pre-sentence, and target women more specifically;
- Ensuring women have ease of access to appropriate local community drug treatment services.

Recommendation 21

More supported bail placements for women suitable to their needs must be provided.

Response

The Government accepts this recommendation. The Bail Accommodation and Support Scheme will deliver accommodation and support services which provide a safe, supported and more effective alternative to custody and will encourage the release on bail of defendants who would otherwise be remanded in custody. The project will ensure that the accommodation and support services which are provided for women are appropriate and respond effectively to their needs. The action being taken to ensure this is achieved is set out in the response to Recommendation 19.

Recommendation 22

Defendants who are primary carers of young children should be remanded in custody only after consideration of a probation report on the probable impact on the children.

Response

The Government agrees in principle, but does not consider that there is a need for a separate probation report on the impact of a custodial remand on dependent children. There are existing processes in courts for the probation service to provide information on request and, as such, a separate probation report on this specific issue is not needed. However, further investigation is needed to establish whether courts routinely ask for, or are provided with, information about an offender's childcare commitments and the potential adverse impact a custodial sentence would have on dependent children.

We will investigate the extent of the possible gap around the provision of information to courts on the impact of a custodial remand on dependent children by writing to the Legal Services Commission, Crown Prosecution Service, Justice Clerk's Society and the Magistrates' Association to gather further information. This will enable us to gauge anecdotal evidence on the extent to which such information is being requested by courts and provided to them. If it is established that such information is not being provided, or there is inconsistency in its provision, we will consider options for addressing this issue.

Recommendation 23

Community solutions for non-violent women offenders should be the norm.

Response

The Government accepts this recommendation and is determined that more must be done to ensure that custody is only used for those women who really need to be there. See response to Recommendation 18.

Recommendation 24

Community sentences must be designed to take account of women's particular vulnerabilities and domestic and childcare commitments.

Response

The Government accepts this recommendation and the Carter Review also stated that community provision should be appropriate to women's needs. Guidance for pre-sentence report writers is being revised to ensure that all offenders, including women, are targeted for community orders rather than custodial sentences where appropriate.

Revised guidance on the use of the Drug Rehabilitation Requirement and the Alcohol Treatment Requirement will stress that Offender Managers should already take into account domestic arrangements, childcare and other issues in sentence planning to facilitate engagement and compliance and therefore increase the likelihood of successful outcomes.

The National Probation Service Good Practice Guide on 'Delivering Effective Services for Women Offenders in the Community' will be revised and replaced by April 2008. This will be a practical guide, supported and implemented through the National Service Framework for Women (see response to Recommendation 31). By applying the principles of the National Service Framework, the new guide will ensure that the necessary changes are made to improve interventions and services for women in the community. The guide will set out what is required in a number of areas to ensure the needs of women are met, including in relation to bail and remand, pre-sentence reports, Offender Management, resettlement pathways, domestic violence, unpaid work and staff training.

To ensure that current and future programmes for offenders are responsive to the needs of women, a review will be completed of the appropriateness and effectiveness for women of current programmes. A strategy will be developed to increase appropriate provision where shortfalls are identified.

The Commissioning Interventions Manual will include a specific section on commissioning for women.

Recommendation 25

Sentencers must be informed about the existence and nature of those schemes that do exist and should support and visit them.

Response

The Government accepts this recommendation. New liaison arrangements have been put in place at national and regional level between the National Offender Management Service and the judiciary. At local level there are 42 area level, bench level and Crown Court liaison arrangements primarily involving the probation service. Regional Offender Managers are already meeting with sentencers and formal arrangements for this are being finalised.

Regional Offender Managers are profiling existing services and provision for women in their regions and the results will be used to identify what packages of measures are required to address

women's multiple needs. Sentencers will be encouraged to support the services and provision for women identified by the Regional Offender Managers and to visit schemes wherever possible.

Recommendation 26

The restrictions placed on sentencers around breaches of community orders must be made more flexible as a matter of urgency.

Response

The Government does not accept this recommendation. However, looking at the principle behind the recommendation, the Government considers we need to look at how we ensure that community orders are delivered in a way that is appropriate to women's needs and circumstances and that they are provided with the additional support they may need to give them the best chance of complying with the conditions and not breaching their orders. The measures described in the response to Recommendation 24 will go some way to addressing this.

The breach arrangements under the Criminal Justice Act 2003 already allow for sufficient flexibility. They were introduced as a deliberate measure aimed at strengthening the previous arrangements under which a court could (and often did) choose to do nothing in response to breach, or simply impose a fine. Under the 2003 Act, once a breach has been proved, the court must take action, the aim being to encourage compliance with the original order, not to imprison people.

Recommendation 27

Section 178 Criminal Justice Act 2003 should be implemented more generally.

Response

The Government accepts this recommendation in principle. Section 178 of the Criminal Justice Act 2003 gives the Secretary of State an order-making power to allow community orders made by specified courts to be reviewed by the court. The Act already gives powers of review directly to courts making suspended sentence orders. Initially, it was the Government's intention to consider the effectiveness and resource implications of court reviews of suspended sentence orders before deciding whether or not to exercise the power to allow court reviews of community orders generally.

However, the Government subsequently decided that piloting a review of community orders in a few courts would provide an ideal opportunity to test these measures and help to inform the decision whether to allow periodic reviews of community orders more widely. Powers of review are given to specified courts by order, subject to the affirmative resolution procedure, under section 178. The power was initially given to the first community justice courts in Liverpool and Salford in 2006 and has now been extended to the 11 new community justice courts. Currently the Community Order (Review by Specified Courts) Order 2007 (SI 2007 No. 2162) gives the power of review to all 13 courts.

Evaluations of the community justice pilots in Liverpool and Salford have taken place and these will be published. The reports provide anecdotal evidence that review under section 178 is perceived by court and probation staff, as well as offenders themselves, as having a positive impact on compliance. However, there have not yet been sufficient numbers of offenders subject to review to carry out a detailed evaluation. The wider use of reviews will provide much richer information from which more robust evaluation of their impact both on compliance and on court and probation resources can take place.

To date only criminal justice courts have the power to review community orders. Before the power may be given to more courts, the impact of review on compliance and resources needs to be better understood.

Recommendation 28

Bail information schemes in women's prisons must be properly resourced, monitored and used.

Response

The Government accepts this recommendation. The Prison Service Women and Young People's Group has been undertaking a review of the quality of bail information schemes being delivered across women's prisons, looking at the way schemes are funded and run. The review will identify any necessary actions, making appropriate recommendations.

CHAPTER 6. PRISON WITHOUT WALLS – THE NEED FOR A HOLISTIC, WOMAN-CENTRED APPROACH

Recommendation 29

The Together Women Programme must be extended as quickly as possible and a larger network of community centres should be developed in accordance with a centrally coordinated strategic national plan drawn up by the new Commissioner for women who offend or are at risk of offending.

Response

The Government accepts this recommendation in principle. The full evaluation of the demonstration projects in the Together Women Programme will be undertaken in 2009, when the full impact of the projects on the women going through them can be assessed; but ahead of that lessons learnt along the way on providing effective multi-agency wrap around services for women with multiple complex needs will be disseminated to other regions.

The Government will give consideration to how existing women's centres could be developed into the wider network called for. We will look in detail at the generic centres referred to in both the Corston Report and Loraine Gelsthorpe's report on *Provision for Women Offenders in the Community*¹. Detailed assessment will be undertaken on the potential for centres, with their agreement, to accommodate women offenders and the extent of capacity building needed to provide the one-stop-shop access to services and referral provision required. We will also explore alternative approaches to enabling women to access services in less urban areas.

Recommendation 30

Services should be provided based on the one-stop-shop approach of centres like Asha and Calderdale and must be appropriate and coordinated to meet the profiled needs of local women, including minorities such as BME women.

Response

The Government accepts this recommendation. Recognising the need to make better use of community provision beyond the criminal justice system, Regional Offender Managers have been asked to profile existing services and provision for women in their region, making use of Loraine Gelsthorpe's report *Provision for Women Offenders in the Community*. Regional Offender Managers will then consider the needs of women in their region, including minorities such as BME women, as part of their Service Level Agreement negotiations with Probation Boards for 2008/09 to ensure services are tailored to meet their needs. See also the responses to Recommendations 29 and 31.

¹ Fawcett Society (July 2007): Gelsthorpe, Loraine with Sharpe, Gilly and Roberts, Jenny: *Provision for Women Offenders in the Community*

Recommendation 31

Regional commissioning must be fully in line with the strategic national plan.

Response

The Government accepts this recommendation. A NOMS National Service Framework for Women will be produced by 2008 which will set out the national policy for commissioning services for women and specific actions for commissioners to ensure that locally commissioned services address the identified needs of women. In developing the Framework, consideration will be given to one commissioner taking overall responsibility for commissioning services for women.

A detailed action plan for the development of the National Service Framework for Women will be drawn up, which will include arrangements to ensure appropriate linkages and co-ordination with other commissioning frameworks (such as health, communities, drug services, local services and local authorities) and to secure input from local and regional commissioning partnerships.

Recommendation 32

Women's centres should be used as referral centres for women who offend or are at risk of offending. Referral should be by schools, general practitioners, probation, prisons, police, courts, CPS, self and other individuals.

Response

The Government accepts this recommendation. See responses to Recommendations 29, 30 and 31. Detailed assessment will need to be undertaken on the potential for centres to accommodate women offenders and the extent of capacity building required to provide the one-stop-shop access to services and provision needed. Alternate approaches to enabling women to access services in less urban areas will also need to be explored.

Generic centres have the potential to contribute to a wide range of Government interests beyond simply dealing more effectively with tackling women's offending. Crime prevention, community safety, health, furthering life skills, education and training, parenting skills and tackling social exclusion all have the potential to benefit from the centres' resources.

Recommendation 33

Women's centres should also be used as court and police diversions; as part of a package of measures for community sentences; and for delivery of probation and other programmes.

Response

The Government partially accepts this recommendation. See responses to Recommendations 14, 29-32 and 36.

The Government accepts in principle the potential for centres to augment diversion and community sentences and some centres already 'host' probation surgeries and programmes in order to widen access to a range of supportive interventions. However, the issue of compulsory attendance or a women's centre being part of an enforceable court order is complex and controversial. The ethos of many centres is based on voluntary rather than compulsory engagement and it would be difficult to envisage having therapeutic interventions for improving self-esteem, or domestic violence/abuse counselling as anything other than voluntary. The challenge will be to win sentencers' confidence that, for women on community orders, centres have real value. The Together Women Programme is testing out the potential for the use of attendance at 'specified activities' in relation to some services provided at the project's centres (such as debt advice and education, training and employment) and the outcomes will be carefully considered within the evaluation of the Programme.

Recommendation 34

I urge the regional offender managers for Wales and Eastern Region to take forward the projects outlined in my report.

Response

The Government partially accepts this recommendation. NOMS Wales has been granted funding to assist with setting up a demonstrator project entitled 'Turnaround' for women offenders in Wales. The demonstrator project will focus on women offenders and their children and women in the community who are at risk of offending and is intended to provide Wales with a good example of future joined-up commissioning through multi-agency provision of services. 'Turnaround' builds on the experience from similar innovative projects, will involve the public, private and third sector and have clear and measurable outcomes. It will provide a women's centric support service which recognises that women's experiences and interventions to reducing the risk of offending behaviour are different to those of men. The Bail Accommodation Support Scheme (see response to Recommendation 19) will provide support for the 'Turnaround' project by sourcing accommodation.

East of England Region are awaiting the findings from the Together Women Programme demonstration projects in relation to the effectiveness of a 'one-stop-shop' approach to the complex needs of women offenders before undertaking further investment.

Recommendation 35

There must be a strong consistent message right from the top of government, with full reasons given, in support of its stated policy that prison is not the right place for women offenders who pose no risk to the public.

Response

The Government accepts this recommendation. The response to Recommendation 18 sets out how the Government will ensure the policy is fully communicated.

CHAPTER 7. WOMEN'S HEALTH AND WELL-BEING – THE NEED FOR AN INTEGRATED APPROACH

Recommendation 36

All magistrates' courts, police stations, prisons and probation offices should have access to a court diversion/Criminal Justice Liaison and Diversion Scheme in order to access timely psychiatric assessment for women offenders suspected of having a mental disorder. These schemes should be integrated into mainstream services and have access to mental health care provision. Funding for the creation and maintenance of schemes should be ring-fenced.

Response

The Government accepts this recommendation in principle. Court diversion is a work strand within the new Offender Health Strategy – see response to Recommendation 38. This work will review the existing evidence base for court diversion schemes, map the current resources and make recommendations for the future. Agreement has been reached to publish guidance for the National Health Service, courts service and other stakeholders in a partnership between the Department of Health, Ministry of Justice and other departments, including police and probation.

Recommendation 37

Sentencers must be able to access timely psychiatric reports and fail to remand in custody/sentence if not available.

Response

The Government accepts this recommendation in part. A pilot agreement for timely reports and diversion schemes is currently being undertaken in two regions, and will be evaluated next year. The Department of Health guidance on court diversion will build on preliminary work to support partnerships (SLAs) between the National Health Service and the courts to deliver more timely psychiatric reports. The guidance will reinforce the importance of making an early, individualised assessment of each case on its merits, taking health, safety, security and risk issues into account. The Department of Health will review how this SLA requirement would impact on women defendants and consider how it could be used to best effect to ensure that reports for women defendants are effective at identifying what mental health provision is required to meet their needs.

The guidance is intended to improve practice and the experience of women who come before the courts, and it is expected there will be an impact on the number of women remanded in custody.

However, the decision to remand in custody or sentence an offender must remain a matter for the courts.

Recommendation 38

DH at the highest level should reconfirm its commitment to implement not just its own Women's Mental Health Strategy but also to the action it signed up to in respect of the Women's Offending Reduction Programme (WORP). This will require senior leadership within DH.

Response

The Government accepts this recommendation. Implementation of the recommendations in the Corston Report relating to meeting the health and well-being needs of women in the criminal justice system or those at risk of offending will be taken forward as part of the newly developing Offender Health Strategy which will replace the current Prison Health Strategy and will cover the next 3-5 years' work. The draft Strategy will be circulated for wide consultation later this year, with a view to publish in mid 2008. This will outline the initiatives required to address the health needs of people in contact with the criminal justice system from arrest through to resettlement in the community. The Strategy will identify a distinct pathway for women offenders and will be key in developing and implementing the improvements recommended by Baroness Corston in her report.

The pathway will also aim to support the resettlement of women back into the community, giving advice on appropriate support and care needed to prevent women from re-offending. The pathway will include the provision of guidance to all those both in and around the criminal justice system and to commissioners and providers of health services. It will identify and show examples of evidence-based improvements that can be made to women's health and well-being, which in turn could lead to reducing re-offending and an increased number of women being maintained within the community and closer to home. Part of the work on the Women Offenders Health Pathway will include consideration of whether the mental health needs of women offenders could be best addressed through making more use of the Mental Health Treatment Requirements as part of a community order, or if a different approach would be more effective.

The Department of Health will also ensure that information about existing good practice or support which might help to manage issues presented by women with Borderline Personality Disorder is identified and incorporated into the pathway.

The Department of Health has made a commitment to implementing its strategy on women's mental health by establishing a new Gender Equality and Women's Mental Health (GE&WMH) programme board. The board maintains oversight of the GE&WMH programme which is led by the Care Services Improvement Partnership.

Recommendation 39

A DH minister must sit on the Inter-Departmental Ministerial Group for Women who offend or are at risk of offending and, at official level, DH must play a key part in the Women's Commission for this group. This must go wider than Prison Health and must include policy responsibility for women's mental health in the community.

Response

The Government accepts this recommendation, which is connected to Recommendations 8 and 9. A Minister from the Department of Health sits on the Inter-Ministerial Group on Reducing Re-offending, and this will provide governance to drive forward the Government's Response to the Corston Report and deal with issues relating to women offenders and those at risk of offending. The new cross-departmental 'Women's Unit' will consist of a core team of people drawn from the Ministry of Justice with representatives from other relevant departments, which will include the Department of Health. A project director has been appointed within Offender Health to develop the Women Offenders Health Pathway, supported by a small virtual team. All Offender Health work programmes will be assessed for gender equality impact.

Recommendation 40

In recognition of the need to develop distinct approaches for women stated in the 2000 NHS Plan, the Department of Health should reinstate its commitment for the provision of a women-only day centre within every health authority and do so by 2008.

Response

The Government does not accept this recommendation. Although the Department of Health continues to encourage commissioners to establish women-only services and has issued guidance in 2006 specifically about commissioning such services, the configuration of services must remain a matter for local discretion. The development of gender sensitive services is one of the key priorities for the programme for Gender Equality and Women's Mental Health.

Recommendation 41

There must also be an investment in more rigorous training and ongoing support and supervision for all those charged with meeting the complex needs of women. This training, which should include gender awareness and how community sentences can meet the needs of female offenders, should be extended to include all staff within the criminal justice system in contact with women, particularly those who make sentencing and bail decisions.

Response

The Government accepts this recommendation. A new training programme for all Offender Management staff is currently under development. All staff working in the criminal justice system under the Offender Management model will have consistent basic training in working with women offenders. The training will go from an induction level up through NVQ and will include academic/degree level studies, enabling staff to incrementally work through the levels to the highest qualification.

The Prison Service Women and Young People's Group are developing a training package specifically for those working in prisons which will focus on developing the skills and confidence of staff working with women. Funding has been committed to develop the package in 2007/08. Additionally, the effectiveness of any training package needs to be evaluated over time and the Prison Service will aim to do this.

Recommendation 42

The NHS should provide health care services to police custody suites; in busy areas this will require a 24-hour presence and ideally be a registered mental health worker.

Response

The Government accepts this recommendation in part. As part of work developing an Offender Health and Social Care Strategy (see response to Recommendation 38), the Department of Health (DH) will examine current models of care within police stations and make recommendations for future models. Rather than prescribe the precise level of cover and professional qualifications of staff, the Department of Health would prefer that these are commissioned depending on local need.

The Department of Health has made £5 million available to provide alternative 'places of safety' for those who are arrested and suspected of having a mental illness. Preliminary work has already begun on this under the auspices of the Care Services Improvement Partnership (CSIP) South West Development Centre. DH is funding a pilot of a service to provide a form of in-reach to local custody suites. Guidance to be published later this year will incorporate the lessons learned. Support from CSIP Regional Development Centres will be provided for local services across the country to implement recommendations for best practice.

Recommendation 43

The management and care of self-harming women should be led by the NHS, either in an NHS resource or shared multi-disciplinary care in prison.

Response

The Government accepts this recommendation in part. It is accepted that women in custody who self-injure is a significant and complex area and needs much more work and attention. This cannot be solely led by the NHS or the Prison Service, but has to be a true working partnership approach. The Prison Service Safer Custody Group and the Women and Young People's Group already offer well developed gender specific approaches to care for women who self-injure and work in partnership with the NHS. It is the Government's intention to further develop and strengthen partnership working at regional and local levels. Self-injury is a complex and emotive area and much debate exists amongst health professionals about how best to define self-injury and how best to care for women who do self-injure. NHS services are inconsistently applied around this area.

However, the Government is clear that more work must be done to address the high levels of self-injury amongst women in prison. The Department of Health's Women's Health Programme is now developing work to focus on the complex issues around self-injury, self-harm and suicide prevention. This will also link into work on mental health, personality disorders and substance misuse as these can all be elements in the causative factors of such behaviours.

Joint work with the Prison Service Women and Young People's Group and Safer Custody Group will further support the intentions of this recommendation. It is acknowledged that the day-to-day management of women who self-injure in prison is mainly through discipline Prison Service staff with health service interventions. It is also accepted that when individual women in custody

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Women with Particular Vulnerabilities in the Criminal Justice System**

become so ill, disturbed and distressed by such behaviours the NHS staff should provide further intensive interventions and consider re-location to a more suitable environment either within the prison estate or an appropriate NHS facility.

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