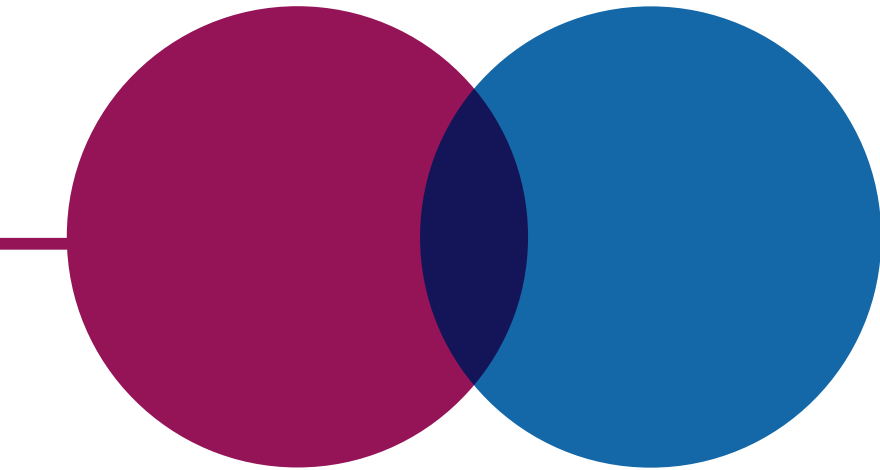




National Audit Office




Improving outcomes for women in the criminal justice system

Ministry of Justice

REPORT

**by the Comptroller
and Auditor General**

**SESSION 2021-22
19 JANUARY 2022
HC 1012**



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National Audit Office

Improving outcomes for women in the criminal justice system

Ministry of Justice

Report by the Comptroller and Auditor General

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Gareth Davies
Comptroller and Auditor General
National Audit Office

13 January 2022

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report in an alternative format
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format, contact the NAO at
enquiries@nao.org.uk


The National Audit Office study
team consisted of:

Kemi Duroshola,
Margaret Anderson,
Darya Bordbar, Tracey Payne
and Ee-Ling Then, with assistance
from Bethan Rees, Julia Coulson
and Summer Haynes, under the
direction of Jenny George.

For further information about the
National Audit Office please contact:

National Audit Office
Press Office
157-197 Buckingham Palace Road
Victoria
London
SW1W 9SP

 020 7798 7400

 www.nao.org.uk

 @NAOorguk

Key facts

2018

year the Ministry of Justice (the Ministry) published its Female Offender Strategy (the strategy)

£1.7bn

government's rough estimate of the cost of dealing with women encountering the criminal justice system in 2015-16

4%

the percentage of the prison population that are women (September 2021)

77%	of custodial sentences for women in 2017 were for less than or equal to 12 months, compared to 62% of men
71%	of women reoffended following custodial sentences of less than 12 months in 2016, compared to 63% of men
6,852	number of women received into prison, either on remand or to serve a sentence in 2019-20
3,426	average daily female prison population in 2019-20 in England and Wales
£52,000	the annual average cost of a women's prison place in 2019-20
£9.5 million	the amount the Ministry awarded as grants to fund services for women in the community for 2018-19 to 2021-22
£4.8 million	of funding allocated by the Ministry in 2020-2022 toward developing five planned Residential Women's Centres
January 2021	date the Ministry published a National Concordat on addressing the needs of women in contact with the justice system, two years later than originally planned
£200 million	expected cost to the Ministry to build up to 500 additional prison places for women

Summary

Introduction

1 Concerns that the criminal justice system (CJS) is not responsive to the specific needs of women are longstanding. Women are a minority in the CJS and accounted for just 4% of the prison population as at September 2021. In 2019-20, the average daily prison population was 3,426, but twice this number of women (6,852) were received into prison either on remand or to serve a sentence over the same period. The average annual cost of a women's prison place in 2019-20 was £52,000. In 2007, following the deaths of six women at Styal prison within a year, the government commissioned the Corston Report. The report stressed that the underlying reasons why men and women offend and their response to interventions and rehabilitation differed. It therefore suggested a different approach was needed to achieve equality of outcomes for women.

2 Following the report, the government sought to develop a stronger focus on the needs of women in the CJS. This culminated in the publication of the Ministry of Justice's Female Offender Strategy (the strategy) in June 2018. The strategy aims to:

- reduce the number of women entering the CJS by intervening earlier with support in the community;
- have fewer women in custody (especially serving short sentences) and a greater proportion of women managed in the community; and
- create better conditions for women in custody, including improving and maintaining family ties, reducing self-harm, and providing better support on release.

In doing this, the Ministry of Justice (the Ministry) aims to reduce crime, pressure on services and the cost of dealing with women in the CJS, and to improve outcomes for women at all points in the justice system.

3 While the Ministry holds overall responsibility for the strategy, its success relies on the various bodies involved in a woman's journey through the system, including agencies within the CJS, other government departments, local government and the third sector. Women's services are specialist community support services for women facing multiple disadvantages, including women involved with (or at risk of involvement with) the CJS. These services are often provided by third sector women's centres. They can provide access to a range of support, for example, on mental and physical health, debt, substance misuse, employment and domestic abuse.

4 Following the strategy's publication, the Ministry tasked its female offender policy team (the programme team) with overseeing delivery of the strategy. It also commissioned a review by Lord Farmer on family support needs for women in contact with the CJS.¹ Other programmes within the Ministry have the potential to contribute to the aims of the strategy. This includes large recent initiatives such as the probation service reforms and the prison estate transformation, but also many aspects of the Ministry's other normal business-as-usual services to women in the community, courts and prisons. Wider government initiatives also contribute to the strategy's aims, for example, the Home Office's Violence Against Women and Girls Strategy. While the Female Offender Strategy references some of these initiatives and activities, this report largely focuses on the commitments of the strategy and does not aim to assess all the various individual interventions or initiatives that may impact on women's lives and therefore contribute to the strategy's aims. Over three years since the publication of the strategy, the report examines:

- the Ministry's approach to implementing the strategy (Part Two);
- its progress so far (Part Three and Appendix Three); and
- whether it is on track to achieve its aims (Part Three).

¹ Ministry of Justice, *Importance of strengthening female offenders' family and other relationships to prevent reoffending and reduce intergenerational crime*, June 2018.

Key findings

From strategy to plan

5 The Female Offender Strategy makes an evidence-based case for addressing the distinct needs of women in the justice system, who have worse outcomes than men. The Ministry drew on a wide range of evidence and consulted various stakeholders in developing its strategy. Its strategy sets out that women in contact with the CJS are more likely than men to:

- have specific vulnerabilities that drive their offending, including histories of trauma and abuse;
- commit less serious offences and pose less risk of serious harm to the public;
- be badly affected by prison, with a rate of self-harm in 2017 that was nearly five times as high in women's prisons as in men's prisons;
- serve a short prison sentence (77% of custodial sentences for women in 2017 were for less than or equal to 12 months, compared to 62% of men); and
- then re-offend within a year following a short prison sentence (71% of women reoffend following custodial sentences of less than 12 months (as at April to July 2016), compared to 63% of men).

The Ministry recognised that a different approach was therefore needed to achieve better outcomes for women and society (paragraphs 1.3 to 1.5, Figure 1).

6 The financial and wider social costs associated with female offending are substantial and unevenly spread across organisations. A cross-government costing project led by the Ministry and HM Treasury estimated that female offenders cost the government £1.7 billion in 2015-16, including £1 billion in police costs. This estimate was subject to major uncertainty and excluded wider social costs such as the longer-term impacts on the lives of children of prisoners. Much of the cost typically falls outside the Ministry, including many costs of early intervention and diversion to community support (paragraphs 1.3 to 1.5, paragraphs 1.9 to 1.11, and Figures 1 and 4).

7 The Ministry established its female offender programme (the programme) to oversee delivery of the wide range of cross-government strategy commitments.

The strategy contains more than 50 commitments, which range in complexity, from publishing guidance for the police on working with vulnerable women, to creating Residential Women's Centres as an alternative to custody. The Ministry's programme consists of workstreams to deliver these commitments – across the Ministry, Her Majesty's Prison and Probation Service (HMPPS) and other government departments. Its programme also relies on local areas implementing a whole-system approach of local plans for addressing women's needs.² The Ministry also aimed to promote consideration of women's needs by the Ministry and other departments in all initiatives that affect women in the CJS. It intended to include new initiatives within the programme as they developed (paragraphs 1.6 to 1.8, paragraphs 2.2 to 2.4, 3.11 and Figures 1, 2 and 5).

8 A rapidly changing external environment has reduced the Ministry's capacity to focus on its female offender programme. Since the strategy was published the Ministry has focused significant attention on large and urgent programmes such as the reunification of probation services, the prison expansion programme and improvements to its electronic monitoring programme, all of which are relevant for women in the CJS. These high-profile programmes were progressed within a wider context of significant financial constraint, short term funding settlements and a need to respond rapidly to the onset of the COVID-19 pandemic to protect staff and users of the CJS. All of these factors contributed to the Ministry prioritising other activities above implementing the female offender programme (paragraphs 2.18, 2.19 and 3.1).

9 The Ministry allocated limited funding and resources to its female offender programme. The only funding it initially made available was £5.1 million for supporting women's services in the community in 2018–2020. This was in part because its strategy was published between Spending Reviews. The aim of the funding was to address wider sustainability issues for the sector and to mitigate negative impacts from the Ministry's Transforming Rehabilitation reforms, which had reduced funding to women's centres for probation services. Across the Spending Reviews for 2020 and 2021, the Ministry allocated only £13.1 million of the £40 million minimum funding the programme team initially estimated it needed for certain aspects of the programme. This figure does not include money for wider programmes that may contribute to the strategy's aims, for example, recent probation reforms. The funding reflects the Ministry's overall funding settlement from HM Treasury and its assessment of its relative priorities (paragraphs 2.16 to 2.18 and Figure 7).

² Whole-system approaches are broadly described in the strategy as delivering "holistic support through joined-up local service provision". How this is done in practice varies from area to area.

10 The Ministry decided not to set any programme goals or targets, which limited its ability to assess required cost or value for money. It decided against attaching any numbers to its objectives, such as the proportion of women it aimed to divert from the CJS. It told us that it considered it inappropriate to set targets that depended on the actions of independent bodies, such as the judiciary. However, without setting out clearly its ambitions, the Ministry could not cost how much would be needed to meet them. The Ministry has not therefore carried out a value for money assessment of the budget needed to implement the whole programme, including the estimated benefits and where in government they would sit. In making the case for focusing on female offenders, the Ministry set out the costs to government of women in the CJS. It highlighted that community options are normally less expensive than custody. But the Ministry did not estimate the total funding required or how much it might expect to save (paragraphs 2.10, 2.11, 2.16 and 2.17, and Figure 7).

11 The Ministry did not establish robust governance and performance measures to assess progress, and hold itself and others to account. We know from our wider work that effective governance and performance management are necessary conditions for successful programme delivery. However, because of the limited funding and its objective to influence other policy areas to consider women, the Ministry considered that the programme required proportionately light programme management. The Ministry did not develop a full list of deliverables with milestones for the programme's workstreams. Nor did it set performance measures to assess its progress towards its aims. It set up a number of boards to oversee delivery of the strategy but these boards do not report into the Ministry's senior management boards, so accountability has been limited. Two of its governance boards were paused in response to the COVID-19 pandemic and were only recently restarted or replaced. The Ministry is now working to strengthen its governance arrangements (paragraphs 2.5 to 2.8 and 3.15 to 3.19, Figures 5 and 6).

12 The Ministry was two years late publishing a Concordat for joint working and partnerships are not yet sufficiently embedded. The Ministry published a Concordat in January 2021, co-signed by 14 government bodies, although it was originally planned for the end of 2018. But it has not secured sufficient practical support to implement more local whole-system approaches. Its failure was partly due to a lack of funding, but also because departments had other priorities. We did not see an influencing plan to prioritise who to influence, identify opportunities for influence, or what success would look like (paragraphs 2.12 to 2.15, Figure 3 and Appendix Three).

Progress in implementing the programme

13 The programme team has focused its funding and staff resource on maintaining and expanding community options for women. This was in part because it saw this as the most urgent need. Funding secured in addition to the initial investment of £5.1 million came to £13.1 million. This includes:

- £7 million for grant funding for women’s services;
- £4.8 million to develop and deliver Residential Women’s Centres (RWCs);³ and
- £1.3 million to support a range of initiatives including helping local areas implement whole-system approaches.

Of this, £6.8 million was unspent for various reasons (paragraphs 2.16 to 2.18 and Figure 7).

14 Despite its focus on the community, the Ministry has made limited progress on securing and expanding community options specifically for women. The Ministry’s plans to pilot five RWCs have been considerably delayed due to resource issues and difficulties finding a site for its first centre in Wales. The Ministry expected to spend £3.5 million capital funding on RWCs in 2021-22 but now expects to spend £0.5 million. The grant funding to providers for women’s services was restricted to short-term grants of less than a year, as a result of government holding several single-year Spending Reviews in succession. Providers of women’s services we spoke to welcomed the fact that later grants could be used to fund their organisation’s core costs. But the short-term nature of these grants had not resolved funding sustainability issues, which made it difficult to plan ahead and sustain services. In May 2021, as part of its wider probation reforms, the Ministry announced that it had awarded probation service contracts worth £195 million (over almost four years); £46 million of this was for services for female offenders (averaging £12.3 million a year). But organisations are limited to using this funding for providing support to women on probation (paragraphs 3.3 to 3.7 and Figure 8).

3 The Ministry aims for RWCs to provide an alternative to custody for women. It intends for centres to provide accommodation and focus on supporting women’s rehabilitation and their transition back into the community.

15 The Ministry and other bodies have made some progress in delivering other areas of the programme. The lack of a list of deliverables with milestones described in paragraph 10 means that it is not possible to make a full assessment of progress. However, we found that the Ministry and other bodies had made progress with many straightforward actions, such as introducing guidance and training. They had also begun to make some changes to processes and services that affect women's journey through the CJS. For example, by April 2020 NHS England's Liaison and Diversion services were accessible across the whole of England.⁴ The Ministry has also started a pilot to increase the quality and timeliness of pre-sentence reports (PSRs) at 15 sites.⁵ But it delayed some workstreams and has not implemented others because of insufficient resources. The Ministry has also added new initiatives which contribute to delivering the strategy's aims into the programme as they develop, such as its plans to pilot multi-disciplinary problem-solving courts for women (paragraphs 2.9, 3.8 and 3.9, and Appendix Three).

16 The Ministry has undertaken limited evaluation of the impact of its activities, which puts it in a poor position to make the value-for-money case for future investment. Because of a lack of staff resource, the Ministry has only recently begun to develop a monitoring and evaluation plan. Before this, it had collected data on some individual interventions. For example, it undertook a survey of police forces to assess the impact of its guidance to them on working with vulnerable women. While evaluations of some aspects of the programme by the Ministry and other bodies are now planned, the Ministry has not yet evaluated the effectiveness of the grant funding it has awarded to date. The Ministry recognises that it needs to build on the existing evidence base of what works to enable it to adapt the programme and to strengthen its case for future investment (paragraphs 3.12 to 3.15).

4 Liaison and Diversion services aim to identify an individual's health and wider support needs when they first come into contact with the CJS and refer them to appropriate health or social care support.

5 A PSR is an assessment of the risk and nature of an offender's behaviour with a recommendation on the sentencing option(s) available to the court.

Achieving the aims of the strategy

17 The Ministry does not have a good understanding of whether it is making progress towards its wider aims, which limits its ability to make joined-up funding decisions for the programme. To date, the Ministry has used trends in existing data on women in the CJS to report on progress. But it has not set out specific performance measures or how data trends align to its objectives. We also identified a lack of joined-up data across the system and specific gaps in outcomes data on differential characteristics, such as whether women have dependent children. The Ministry told us that work to address these issues is now under way. These data weaknesses mean the Ministry was not able to assess its progress or make evidence-based funding decisions. The Ministry expected its programme to divert vulnerable women away from the CJS and reduce the use of short custodial sentences but has not set out aims for the scale of expected change or by when. Therefore, the Ministry's plans to increase the female prison estate by up to 500 prison places at an expected cost of £200 million did not take into account any likely change in demand for prison places that might come from increased diversion. The Ministry took a conservative view of the prison places needed. It plans to use the additional places to provide better custody for women, a key component of the strategy (paragraphs 3.12 to 3.20 and Figure 9).

18 The women's prison population has decreased but we did not find evidence that this was caused by the system beginning to work as the strategy intends. Since the strategy was published in 2018, the female prison population has decreased by 16% (from 3,803 in June 2018 to 3,199 in September 2021). The onset of the COVID-19 pandemic, around 21 months after the strategy was published, and data limitations, make it difficult to attribute the decrease. Most (81%) of the 16% decline in the prison population occurred between March and December 2020. The available data suggest that this decline was probably due to temporary impacts of the pandemic, such as less opportunity for crime leading to fewer arrests and a significant reduction in court activity. The remainder of the decrease happened outside this period. After remaining relatively stable in the year to March 2020, the prison population began to drop slightly prior to the pandemic. However, we found no notable changes such as decreased arrests or increased use of alternative sanctions, that would indicate an increase in early intervention or diversion during this period. Other system indicators, such as rates of self-harm in women's prisons, do not have positive trends although these too may have been affected by the pandemic (paragraphs 3.21 to 3.24, 3.27 to 3.29 and Figure 11).

19 Local outcomes vary and the Ministry has an opportunity to identify and share best practice. The rates at which women are arrested and diverted from the system vary by police force area. This is likely to reflect, in part, the different approaches taken by local areas. In our case studies we found that areas with a whole-system approach have initiatives that support the aims of the strategy. For example, Greater Manchester has problem-solving courts which bring together agencies such as women's centres, probation and the judiciary to assess women's needs and consider community options as alternatives to custody. The areas we spoke to with a whole-system approach also had clearer referral pathways to direct women to services in the community than those that did not because multiple agencies came together to design and fund community provision (paragraphs 3.25 and 3.26).

Conclusion on value for money

20 There is clear value in the aims of the government's 2018 Female Offender Strategy, given the negative impacts of offending on women and their families and the substantial but poorly understood costs to the taxpayer. The Ministry established a programme to oversee implementation of the strategy but it did not prioritise investment in the programme, even prior to the COVID-19 pandemic. Progress in implementing activities has therefore been limited. Several aspects of programme management and accountability, including goals, governance and monitoring and evaluation arrangements, have been weak.

21 The strategy's aims require cross-government collaboration and cannot be addressed by the Ministry alone. This makes transparency and building the evidence base of what works particularly vital. But the Ministry does not have a good understanding of the impact of the programme's interventions or whether the system is yet working as it intends. The Ministry must get a better grasp of changes in the system and their impact so that it can identify and share best practice and secure and prioritise limited funding. It cannot demonstrate that its funding is delivering value for money, nor will it be able to until it develops this understanding.

Recommendations

22 The Ministry has begun to make changes to the way that women are treated in the criminal justice system. To demonstrate that its approach is achieving value for money, the Ministry should:

Transparency, goal setting and funding

- a set specific goals for each of its three main objectives to give an indication of the scale of its ambition.** These should reflect changes it wants to see in the way the system is working;
- b make a full assessment of the funding required to meet its aims** and explore ways that it can address any funding gap with other government departments, providers and other bodies;
- c set out a list of the work it is doing to implement the strategy's aims, with milestones.** It should report against this full list at the Advisory Board for Female Offenders (ABFO) to increase transparency and accountability;
- d develop an influencing plan for how it plans to work with other government departments,** building on its National Concordat. This should include where it wants to get to and how it plans to get there;

Governance

- e set up clear accountability structures** to enable senior leaders to be held to account for progress in delivering the programme;
- f set out the performance measures it intends to use to measure progress against the strategy's aims.** It should also provide reports against these measures to ABFO;

Data and management information

- g identify gaps in available data which reduce its ability to monitor changes in women's journeys through the system at key stages,** and plan how to work with other bodies to develop better data;

Understanding what works

- h** **develop and publish an evaluation strategy that sets out how the government might assess the impact of its interventions on women.** This should include how it plans to:
- evaluate its main programmes and commitments;
 - work with other government departments to do the same; and
 - work with government and third-sector organisations to develop the evidence base of what works, including the costs and benefits of different options, to aid funding decisions.

Part One

Introduction to the Ministry of Justice's Female Offender Strategy

This part of the report examines how the Ministry of Justice (the Ministry) developed its Female Offender Strategy and what it contains.

Background

1.1 The Ministry's purpose is to protect and advance the principles of justice in England and Wales, and it is responsible for the courts, probation services and prisons.⁶ The latter two are run by one of its executive agencies, Her Majesty's Prison and Probation Service (HMPPS). Most people on probation or in prison are men. The average daily female prison population in 2019-20 in England and Wales was 3,426 but twice this number of women (6,852) were received into prison either on remand or to serve a sentence over the same period. Women make up approximately 4% of those in custody and 9% of those on probation.⁷ With women in the minority, the Ministry and HMPPS have not always sufficiently differentiated between how they deal with male and female offenders.

Development of the Female Offender Strategy

1.2 The Ministry published its Female Offender Strategy (the strategy) in 2018 after many years of concern about the experience of women in the criminal justice system (CJS). Following the deaths of six women at Styal prison in 2002-03, the government commissioned Baroness Corston to carry out a "review of women with particular vulnerabilities in the criminal justice system".⁸ In 2007, Baroness Corston reported that the underlying reasons why men and women offend and their response to interventions and rehabilitation differed, including in personal and domestic circumstances. She argued that a different approach was needed to achieve equality of outcomes for women.

6 The Welsh Government is responsible for health and social care, substance misuse, housing, education and skills, violence against women and domestic abuse in Wales. Wales does not have a women's prison.

7 HMPPS, *Prison Population Statistics*, October 2021. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033124/prison-pop-october-2021.ODS. HMPPS, *Probation data*, 30 June 2021 Available at <https://data.justice.gov.uk/probation>.

8 Baroness Corston was commissioned to carry out her review in 2006.

1.3 In 2012, the Ministry described the Corston report and its findings as an “important wake-up call for government”. It sought to develop a stronger focus on the needs of women in the CJS. For example, in 2013 it established a cross-departmental Advisory Board for Female Offenders (ABFO) and published its *Strategic Objectives for Female Offenders*. This set out a more focused approach to dealing with women in contact with the CJS. The Ministry issued a call for evidence and reviewed the evidence submitted before publishing the Female Offender Strategy in June 2018. In its strategy it also commissioned a review by Lord Farmer which found that family and other relationships were “utterly indispensable” for women’s rehabilitation.⁹

The rationale, aims and expected benefits of the Ministry’s strategy

1.4 In its strategy, the Ministry set out a case for a change in approach, based on the vulnerabilities that can drive women’s offending and other factors affecting women. These factors included a higher incidence of prior domestic abuse and mental health issues compared to men; their generally less serious offences and lower risk of serious harm to the public; the greater use of short periods of custody (including the use of remand¹⁰) with poor rehabilitation outcomes; a self-harm rate (in 2017) that was nearly five times as high in women’s prisons as in men’s; and the greater impact of women’s imprisonment on children as women are more likely to be their main carers (**Figure 1** overleaf). The Ministry also referred to the need to address the overrepresentation of women from some ethnic groups at various stages in the CJS.

1.5 The Ministry envisaged that improved community sentence options could allow for fewer custodial sentences. The strategy’s aims build on the Sentencing Guidelines, which set out that magistrates may only sentence offenders to prison if “the offence[s]...was so serious that neither a fine alone nor a community sentence can be justified.” However, passing this threshold “does not mean that a custodial sentence should be deemed inevitable. Custody should not be imposed where a community order could provide sufficient restriction on an offender’s liberty ... while addressing the rehabilitation of the offender.” The number of women receiving community sentences has consistently declined over the last decade, decreasing by 64% between 2010 and 2020.

⁹ Lord Farmer’s review was called *Importance of strengthening female offenders’ family and other relationships to prevent reoffending and reduce intergenerational crime*.

¹⁰ If a court decides to put you on ‘remand’ it means you will go to prison until your next court hearing, (source: www.gov.uk/charged-crime/remand). This may be before trial or, if convicted, before sentence. See paragraph 1(a) of Ministry of Justice, *Offender management statistics: definitions and measurement*. Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/305750/oms-definitions-and-measurement.pdf.

Figure 1

Issues for women in the criminal justice system (CJS) in England and Wales, outlined in the Female Offender Strategy (the strategy) published in 2018

The Ministry of Justice's strategy outlines a set of issues facing women in the CJS

Area	Key issues reported in the strategy
Domestic abuse	Sixty per cent of women supervised in the community or in custody, who have been assessed, have experienced domestic abuse.
Substance misuse	Of women supervised in the community or in custody, who have been assessed, 29% have an alcohol misuse issue and 32% have a substance misuse issue.
Mental health and self-harm	<ul style="list-style-type: none"> Compared with 18% of male prisoners, 49% of female prisoners report needing help with mental health problems. In 2017 the rate of self-harm among women was nearly five times higher than it was for men.
Crime type and sentencing	<p>Women are more likely than men to have committed low-level offences and serve short sentences:</p> <ul style="list-style-type: none"> Shoplifting accounted for 43% of adult females sentenced for indictable and 'either-way' offences.¹ Seventy-seven per cent of custodial sentences for women in 2017 were for less than 12 months, compared with 62% of men.
Remand	Nine in 10 women on remand in custody are judged as a low or medium risk of serious harm to others.
Rehabilitation	Seventy-one per cent of women reoffend following custodial sentences of less than 12 months compared with 63% of men (as at April to July 2016).
Family impacts	Sixty per cent of women live with dependent children prior to imprisonment, compared with 45% of men, and women are more likely to be primary carers.

Note

¹ Indictable offences are those that are so serious that they can only be tried in the Crown Court. 'Either-way' offences may be dealt with by either magistrates or the Crown Court.

Source: National Audit Office analysis of Ministry of Justice *Female Offender Strategy*, June 2018

1.6 The Ministry's strategy aims to:

- reduce the number of women entering the CJS by intervening earlier with support in the community;
- have fewer women in custody (especially serving short sentences) and a greater proportion of women managed in the community; and
- have better conditions for women in custody, including improving and maintaining family ties, reducing self-harm and providing better support on release.

Its expected benefits are a reduction in crime, savings for the taxpayer, reduced pressure on services and improved life chances for women offenders, women at risk of offending, and their families (**Figure 2** on pages 20 and 21).

Commitments in the strategy

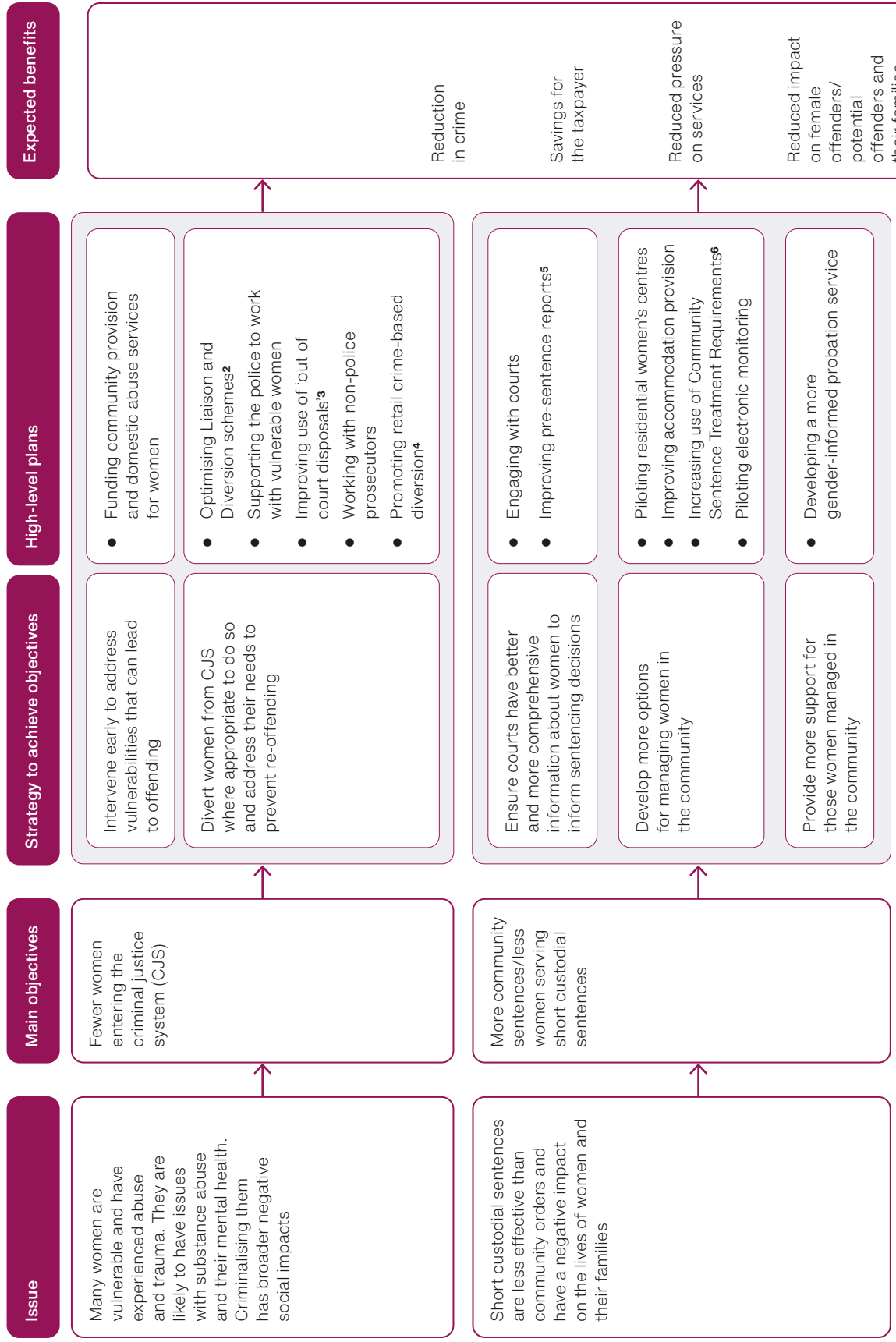
1.7 The Ministry set out objectives in its strategy, underpinned by high-level plans (Figure 2). Its plans are supported by more than 50 commitments. The commitments cover a wide range of activities, from publishing guidance for sector stakeholders to improving community support options for women. Some were already being delivered by HMPPS, other government departments and third-sector organisations. Some needed scoping from scratch.¹¹

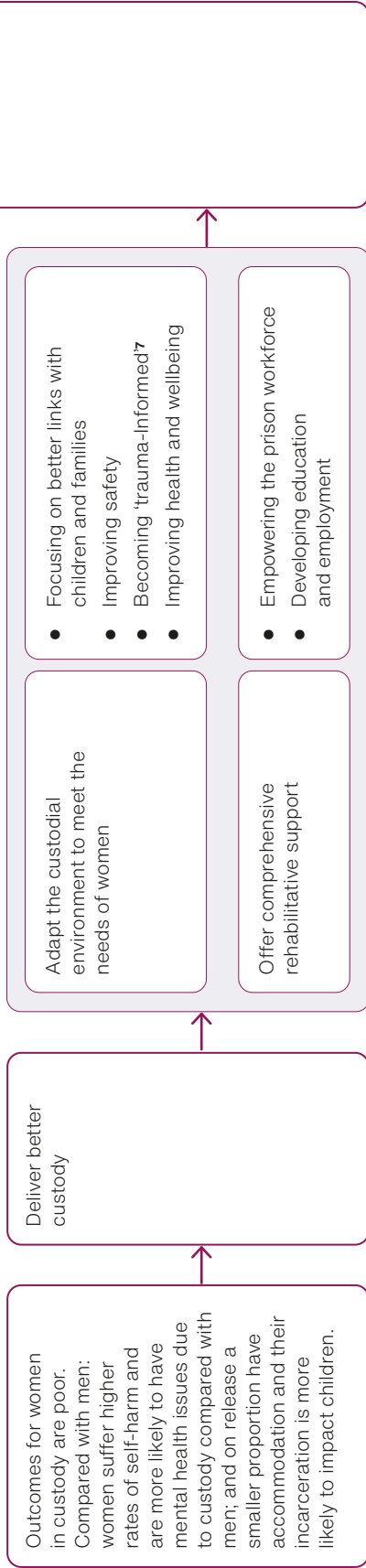
1.8 Achieving the Ministry's strategy aims would require significant cross-government investment and joint working with a wide range of bodies including HMPPS, other government departments, the judiciary, the NHS, local authorities, the police and the voluntary sector (**Figure 3** on pages 22 and 23).

¹¹ For example, NHS England had already begun to roll out Liaison and Diversion schemes, while providing guidance for the police on dealing with vulnerable women was new.

Figure 2 The aims and expected benefits of the Ministry of Justice's (the Ministry's) Female Offender Strategy (the strategy)

The Ministry aims to identify vulnerable women and divert them to services in the community to address their needs, reducing the proportion going to prison. Where it is judged that custody is necessary, it aims to make it a better, more rehabilitative experience¹





Notes

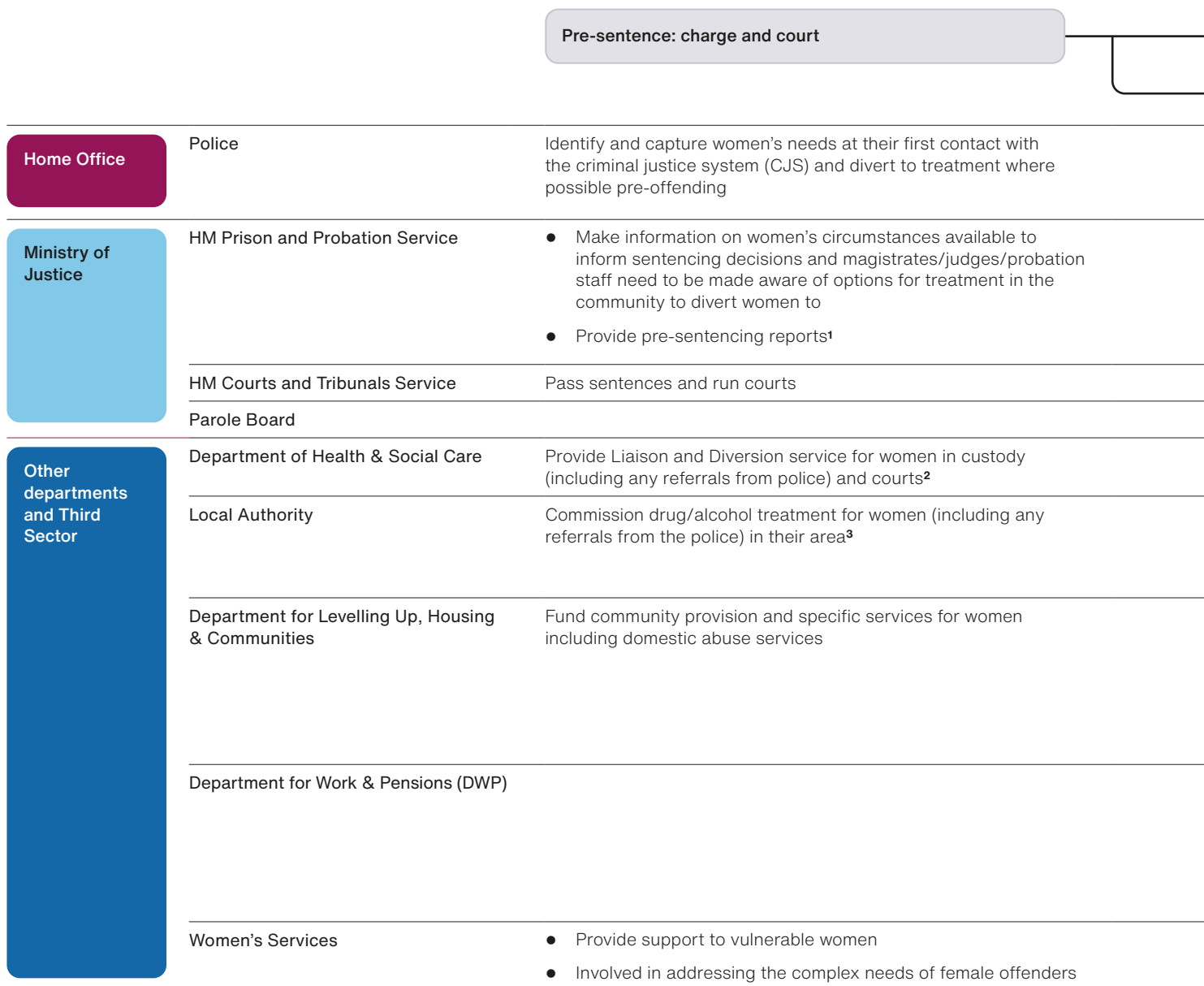
- 1 The strategy describes vulnerable women as those with 'chaotic lifestyles' involving substance misuse, mental health problems, homelessness and offending behaviour, which is often the result of histories of abuse and trauma.
- 2 Liaison and Diversion services aim to identify an individual's health and wider support needs when they first come in contact with the CJS and refer them to appropriate health or social care support.
- 3 Out of court disposals are alternatives to starting a prosecution. They include fixed penalty notices, community resolution (which is an informal agreement), and police cautions.
- 4 Retail-based diversion includes schemes to divert women away from being prosecuted for shoplifting offences, which are prevalent among women in contact with the justice system.
- 5 Probation staff prepare pre-sentence reports to provide the court with a greater understanding of the background and the context of the offending behaviour, where requested by the judiciary.
- 6 Some community sentences include a requirement that the offender attends treatment, for example for drug or alcohol misuse or a mental health problem. If they do not complete the treatment they can be sent back to court and their punishment could increase.
- 7 Trauma-informed approaches recognise the profound effects that previous trauma (including sexual abuse and domestic violence) may have and seeks to avoid re-traumatising people through institutional practices such as seclusion, exclusion, restraint or force.

Source: National Audit Office analysis of Ministry of Justice *Female Offender Strategy*, June 2018

Figure 3

Summary of organisations whose work intersects with the Female Offender Strategy (the strategy)

Many organisations are relevant to the strategy



Notes

- 1 Probation staff prepare pre-sentence reports to provide the court with a greater understanding of the background and the context of the offending behaviour, where requested by the judiciary.
- 2 Liaison and Diversion services aim to identify an individual's health and wider support needs when they first come into contact with the CJS and refer them to appropriate health or social care support.



Focus on better safety, health and links with children and families. Ensure staff are 'trauma-informed' and develop education and employment and offer comprehensive rehabilitative support	Provide more support for offenders managed in the community and draw from existing government initiatives, such as the set of principles on gender and trauma informed care for mental health services for women	Comply with duty to refer, which requires public authorities in England specified in regulations to notify a local authority of service users, including offenders, they think may be homeless or at risk of homelessness
Assess risk of releasing prisoners		
Provide prison healthcare (NHS England)	Provide health support – Clinical Commissioning Groups/NHS England	Provide health support – Clinical Commissioning Groups/NHS England
Provide necessary support/services for children in care	Commission social care and drug/alcohol treatment services ³	Intervene at earlier stages to prevent homelessness in their areas and to provide new homelessness services to all those affected, including offenders
Fund community provision and specific services for women including domestic abuse services	Fund community provision and specific services for women including domestic abuse services.	Draw on outcomes from their comprehensive review of the funding and commissioning of domestic abuse services across England to inform approach to improving services and liaise with Ministry of Justice to ensure that the specific needs of women are considered in the process
DWP Prison Work Coaches provide employment support to prisoners during their sentence and support any claims to benefits prior to their release ⁴	Provide access to employment support benefits	<ul style="list-style-type: none"> ● Universal Credit delivers advance payments to ex-prisoners of up to their first full month's entitlement, aiming to alleviate urgent financial need ● Provide access to employment support benefits
	Maintain women within their community as productive citizens	Maintain women within their community as productive citizens

3 Some community sentences include a requirement that the offender attends treatment, for example for drug or alcohol misuse or a mental health problem. If they do not complete the treatment, they can be sent back to court, and their punishment could increase.

4 Prison work coaches offer employment support to prisoners during their sentence and support them in making their claim to benefits prior to release.

Costs and benefits referred to in the strategy

1.9 The Ministry's strategy contains little detail of the expected costs and benefits of achieving its aims. At a high level the Ministry set out that approximately £1.7 billion of public money was spent in 2015-16 dealing with women who encountered the CJS, including estimated police costs of around £1 billion. Its estimate was based on the work of a cross-government costing project led by the Ministry and HM Treasury. The team caveated that its estimates were subject to major uncertainty. The estimates also excluded wider health and social costs, such as the demand on mental health services and the cost of intergenerational offending.¹² Nonetheless, the work shows roughly where costs are incurred (**Figure 4**). For comparison, the average cost to HMPPS of a female prison place in 2019-20 was £52,000.

1.10 Costs and benefits are not spread evenly among the organisations that need to be involved in implementing the strategy. For example, much of the costs of early intervention and diversion to community support fall to organisations outside the Ministry. It is unavoidable that benefits do not accrue directly to the organisations that need to spend money. Our 2016 report *Efficiency in the criminal justice system* explained that there was a lack of incentives for organisations to take the best course of action for the whole system, when the benefits of investment in one organisation can often lie elsewhere. We also emphasised the need for effective leadership "to develop and articulate a clear vision to all stakeholders, oversee progress and overcome obstacles as they arise".¹³

1.11 The Ministry set out a partial value-for-money case for implementing the strategy, although it did not make a full assessment of costs and benefits. It set out evidence that community orders cost the government less than short custodial sentences and had better outcomes in terms of reduced re-offending. The Ministry referred to the 2016-17 cross-government costing project findings which estimated that the cost to government of a 'typical' custodial sentence for a low/medium risk female offender in 2015-16 was £20,000, while a 'typical' community sentence was £12,000.¹⁴ This meant that any switch from short custodial sentences to community alternatives should reduce overall costs.¹⁵

¹² Intergenerational offending refers to children of prisoners being at an increased risk of future offending than children whose parents have not been imprisoned.

¹³ Comptroller and Auditor General, *Efficiency in the criminal justice system*, Session 2015-16, HC 852, National Audit Office, March 2016.

¹⁴ A 'typical' prison pathway was six weeks in prison followed by 12 months on licence; and a 'typical' community pathway was a 7-month community sentence.

¹⁵ Reductions in the number of women who are given custodial sentences do not translate directly into the same reduction in prison places that are needed for women. This is because women on shorter sentences are more likely to be given non-custodial sentences than those given longer sentences.

Figure 4

The government estimated the cost of women encountering the criminal justice system in England and Wales was roughly £1.7 billion in 2015-16

The police incurred around £1 billion of the estimated £1.7 billion costs, mostly from 140,000 arrests

Stage in the process	Organisations involved	Cost in 2015-16 (£bn)	Approximate number of women encountering the criminal justice system 2015-16	Cost per woman in 2015-16 (rounded to nearest £1,000) (£)
Before court	Police	1.0	140,000	7,000
Court proceedings	LAA, HMCTS, CPS, HMPPS	0.25	373,000 ¹	1,000
Sentence: prison	HMPPS, NHS, Local authorities (children in care), DWP	0.19	4,000	48,000 ²
Sentence: Community and post-sentence: on-licence	HMPPS, DWP, NHS, local authorities	0.26	20,000	13,000

Notes

- 1 Many women defendants are summonsed to court for minor offences (for example, TV licence evasion) without having been arrested. Not all of the 140,000 arrests of women resulted in a prosecution.
- 2 These estimates are based on assumptions and are subject to substantial uncertainty.
- 3 These estimates include costs incurred by the police, Legal Aid Agency (LAA), Her Majesty's Courts and Tribunals Service (HMCTS), Crown Prosecution Service (CPS), NHS/public health, and Her Majesty's Prison & Probation Service (HMPPS) and the Department for Work & Pensions.
- 4 These estimates do not include wider social costs, such as the cost of intergenerational offending.

Source: National Audit Office summary and analysis of provisional government data

Part Two

The Ministry's approach to implementing the strategy

2.1 In this part of the report, we examine the Ministry of Justice's (the Ministry's) approach to implementing its Female Offender Strategy (the strategy).

Structure for delivering the programme

2.2 The Ministry set up its female offender programme (the programme) to oversee delivery of the commitments in the strategy. Its programme comprises areas of work aligned to the strategy's main themes, with underlying workstreams.

2.3 While the Ministry leads the programme, its implementation is decentralised. Workstreams sit within various parts of the Ministry, Her Majesty's Prison and Probation Service (HMPPS) and other government departments. The structure of the programme and ownership of workstreams is set out in **Figure 5** on pages 28 to 30.

2.4 As part of the programme, the Ministry relies on relevant organisations at a local level (often police-force areas) to work together to adopt joined-up 'whole-system approaches'. These approaches are broadly described in the strategy as delivering "holistic support through joined-up local service provision". How this is done in practice varies from area to area (see paragraph 3.25).

Governance arrangements

2.5 **Figure 6** on page 31 sets out the initial programme governance arrangements. The Ministry established the Female Offender Programme Board (FOPB) to oversee programme implementation, with membership across the Ministry and HMPPS. Not all workstreams report directly to the FOPB; most of the workstreams owned by other bodies and government departments report within their own governance structures. Prior to key meetings, the programme team collected reports on progress from these workstreams where available to maintain an overview of progress. We know from our wider work on other cross-government strategies and programmes, such as the Childhood Obesity Programme, that disjointed governance arrangements are not unique to the female offender programme.¹⁶

¹⁶ Comptroller and Auditor General, *Childhood Obesity*, Session 2019–2021, HC 726, National Audit Office, September 2020.

2.6 Additional governance structures bring together key stakeholders, including other government departments. The Advisory Board for Female Offenders (ABFO), a minister-led group which includes various criminal justice agencies, government departments and stakeholders “provides oversight, support and constructive challenge on the delivery of the government’s Female Offender Strategy”. The Female Offender Delivery Board (FODB) oversees delivery of the cross-government strategy commitments, for example, the Home Office’s Violence Against Women and Girls Strategy action plan and brings together members of other government departments. The FODB’s work to date has largely focused on agreeing its National Concordat for Women (discussed further in paragraphs 2.12 and 2.13).

2.7 The Ministry considered that because of the limited funding available to the programme and its objective to influence other policy areas (set out in paragraphs 2.12, 2.16 and 2.18), the programme required proportionately light programme management. Nonetheless we know from our wider work, *Framework to review programmes*, that strong governance is a necessary condition for successful programme delivery.¹⁷ We identified some weaknesses with the programme governance arrangements:

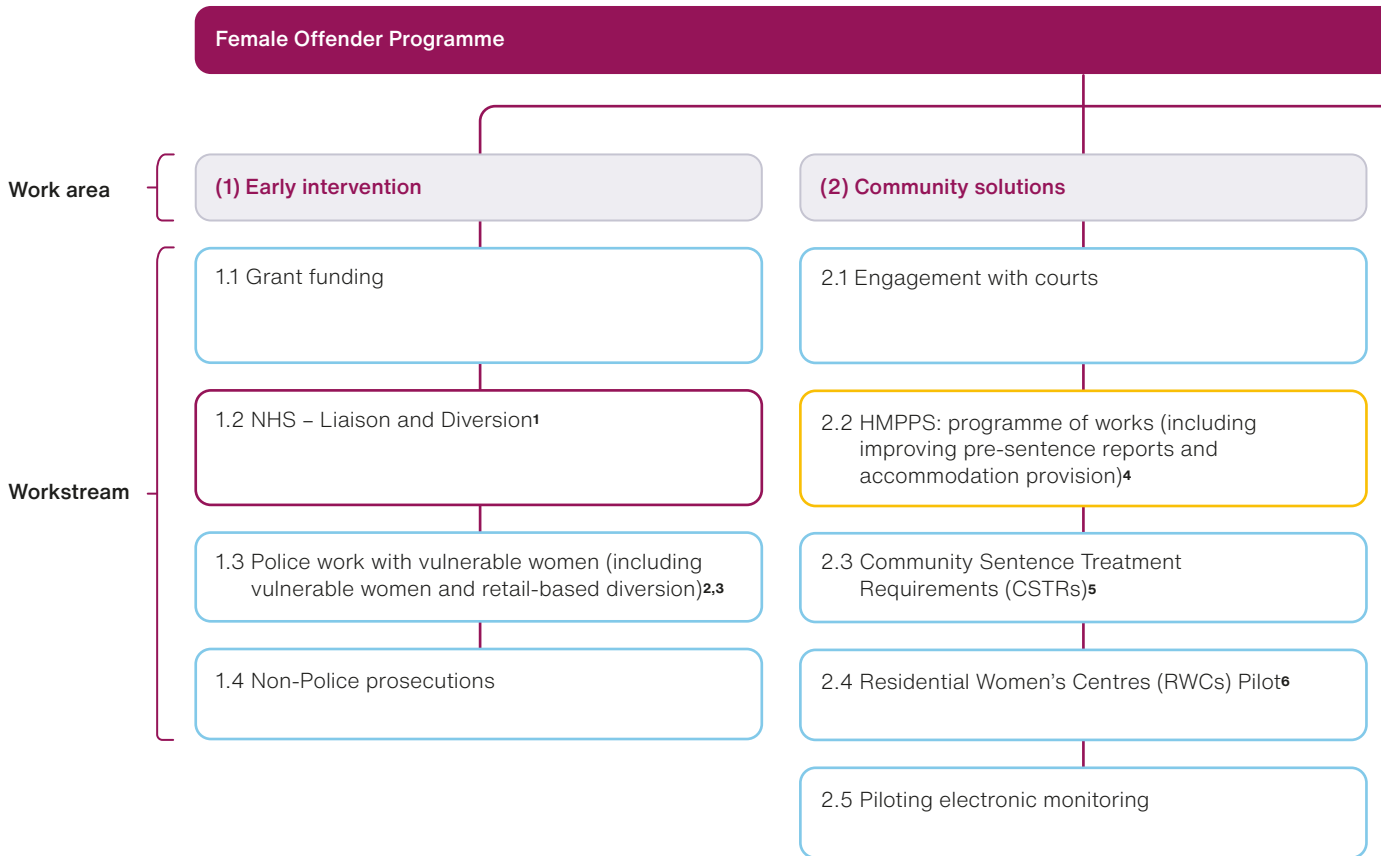
- **Gaps in oversight.** Several elements of programme governance were paused in response to the COVID-19 pandemic. The FOPB has not met since March 2020, and the FODB did not meet between June 2020 and November 2021. A lack of formal reporting routes from wider workstreams to the FOPB (when it was in place) also reduced the Ministry’s ability to understand progress in workstreams that it does not own.
- **Limited accountability.** The Ministry did not have strong accountability for the programme, as the FOPB did not report upwards to senior management boards within the Ministry even when it regularly met.

2.8 The Ministry has recognised the need to review its governance arrangements. It established a steering group of HMPPS and Ministry officials to replace the FOPB in September 2021. It told us it is also in the process of refreshing its ABFO membership and surrounding governance arrangements.

¹⁷ National Audit Office, *Framework to review programmes*, update April 2021. Available at: www.nao.org.uk/wp-content/uploads/2021/04/Framework-to-review-programmes-update-April-2021.pdf

Figure 5
Female Offender Programme structure (as at March 2019)

The Female Offender Programme initially consisted of four main work areas based on the Female Offender Strategy (the strategy) themes, with underlying workstreams aimed at delivering the strategy commitments. The Ministry of Justice (the Ministry), Her Majesty’s Prison and Probation Service (HMPPS) and other government departments own the work



- Department of Health & Social Care
- The Ministry – Female Offender Programme team
- The Ministry – wider teams
- The Ministry – Her Majesty’s Prison and Probation Service
- National Probation Service Wales

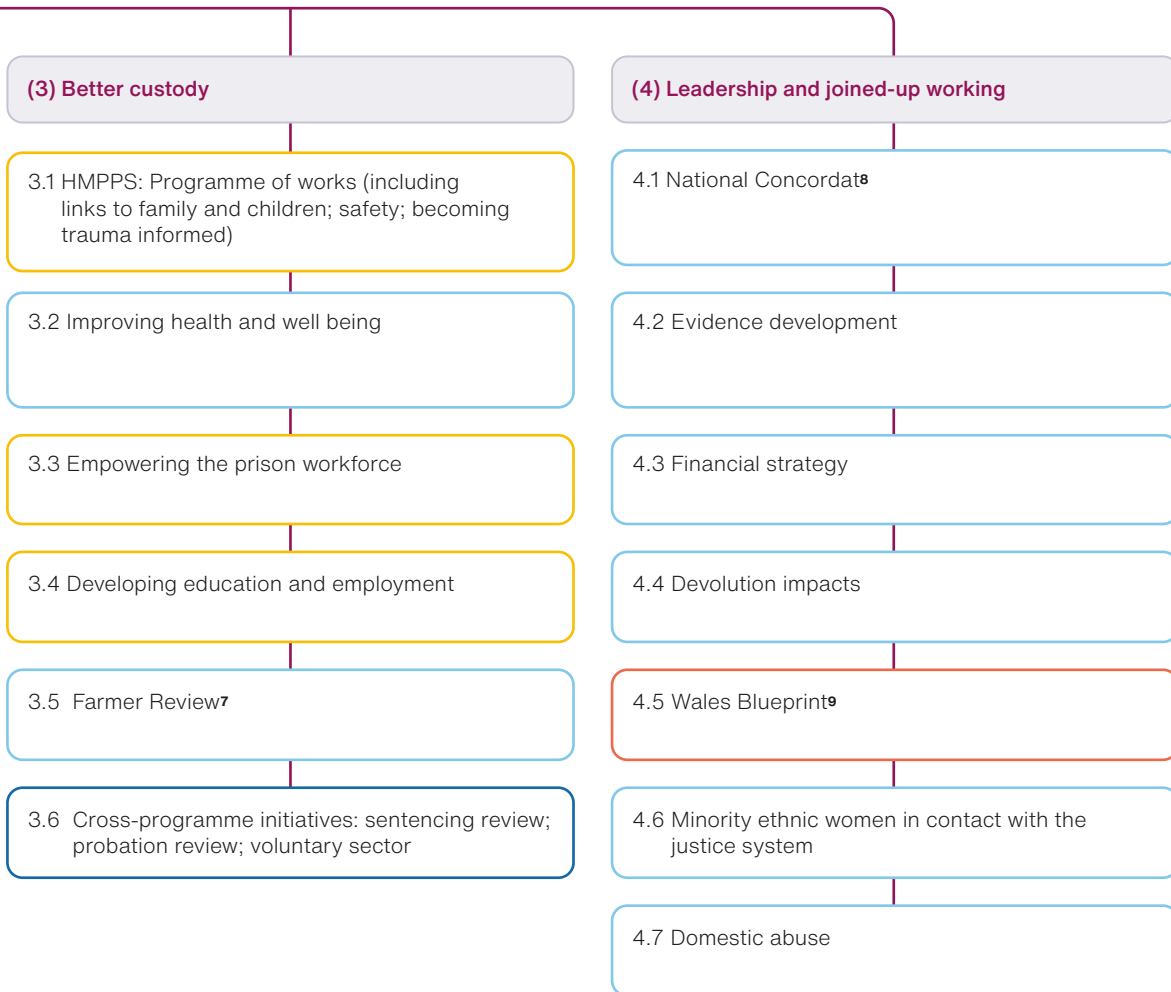


Figure 5 *continued*

Female Offender Programme structure (at March 2019)

Notes

- 1 Liaison and Diversion services aim to identify an individual's health and wider support needs when they first come into contact with the criminal justice system (CJS) and refer them to appropriate health or social care support.
- 2 The strategy describes vulnerable women as those with "chaotic lifestyles" involving substance misuse, mental health problems, homelessness and offending behaviour, which is often the result of histories of abuse and trauma.
- 3 Retail-based diversion includes schemes to divert women away from being prosecuted for shoplifting offences, which are prevalent among women in contact with the justice system.
- 4 Probation staff prepare pre-sentence reports to provide the court with a greater understanding of the background and the context of the offending behaviour, where requested by the judiciary.
- 5 Some community sentences include a requirement that the offender attends treatment, for example for drug or alcohol misuse or a mental health problem. If they do not complete the treatment they can be sent back to court, and their punishment could increase.
- 6 Residential Women's Centres (RWCs) are an alternative to custody for women. They provide wraparound support and accommodation and focus on supporting women's rehabilitation and their transition back into the community.
- 7 The strategy includes commissioning Lord Farmer to review his earlier recommendations on the importance of maintaining family ties for all offenders "through the lens of the needs of female offenders".
- 8 The National Concordat on Female Offenders sets out how national and local partners should work together to meet the needs of women in contact with the justice system.
- 9 The Wales Blueprint sets out the Welsh approach for joining up local services and partners to support women in contact with the justice system.

Source: National Audit Office analysis of the Ministry of Justice's Female Offender Programme documentation

Targets and planning

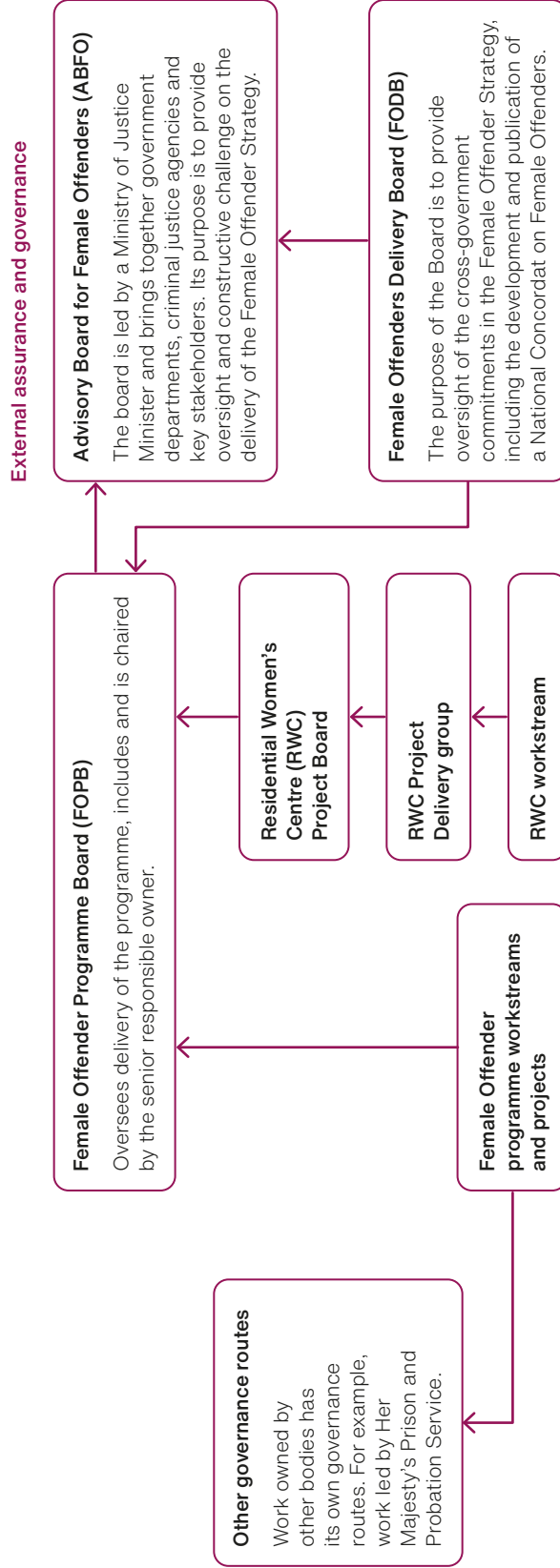
2.9 We looked at the steps the Ministry took in planning the implementation of the strategy via the programme. We found that the Ministry:

- did not set targets for its main objectives, such as the proportion of women it aimed to divert from the criminal justice system (CJS) or by when;
- did not attempt to assess the overall cost of implementing the strategy commitments; and
- developed a series of workstreams as set out in Figure 5, but these lacked a full list of deliverables with cost estimates and milestones against which it could measure progress. Our *Framework to review programmes* identifies effective performance management, including measuring and assessing progress, as another necessary condition for successful programme delivery.

2.10 The Ministry decided against setting targets for the programme. The Ministry told us that this was because most outcomes were reliant on bodies independent of the Ministry. It felt it would not be appropriate to set targets for other organisations. For example, the judiciary is independent of government. The Ministry can only influence sentencing decisions by providing better information and improved community sentencing options as alternatives to custody.

Figure 6 Initial oversight and accountability arrangements for the Female Offender Programme (the programme)

The Ministry of Justice's (the Ministry's) Female Offender Programme Board (FOPB) oversees implementation of the programme



Notes

- 1 The Ministry aims for RWCs to provide an alternative to custody for women. It intends for centres to provide accommodation and focus on supporting women's rehabilitation and their transition back into the community.
- 2 The National Concordat on Female Offenders sets out how national and local partners should work together to meet the needs of women in contact with the justice system.
- 3 Arrows denote reporting relationships.

Source: National Audit Office analysis of Ministry of Justice programme documentation

2.11 The Ministry's lack of clarity in its objectives made it difficult to cost what was needed to deliver the programme. For example, it did not estimate the scale of the expected reduction in the proportion of women entering different stages of the CJS. This meant it could not make a full assessment of the community investment it required. It also affected the Ministry's ability to make wider funding decisions, such as the impact that increased police numbers might have on the adequacy of female prison places (discussed in detail in paragraph 3.20). Greater clarity might also have helped wider stakeholders to understand the Ministry's intentions.

Influencing and working with others

2.12 The Ministry aimed to promote consideration of the specific needs of women across wider initiatives that contribute to the strategy's aims. It also wanted to work with a range of departments and other bodies to encourage more local whole-system approaches. The Ministry planned to develop a National Concordat for Women (the Concordat) by the end of 2018 and saw this as a main mechanism for encouraging partnership working.

2.13 After considerable delay, the Ministry's Concordat was published in January 2021. It sets out how government and other partners should work together at both a national and local level and includes:

- a national section, with an action plan, to which 14 signatories from government departments and public bodies have signed up to. Actions include attending the FODB, identifying where gender-informed training is needed in local services and collecting and sharing data on women's experiences in the CJS; and
- a local section, which gives best practice examples for implementing a whole-system approach.

2.14 Despite the pivotal role of other organisations in delivering the strategy, the Ministry has not developed a prioritised influencing strategy, describing who the Ministry aims to influence on which issues, how it plans to achieve this and what success would look like.

2.15 While the Concordat was a first step in building cross-government support, the programme team told us that it has not yet secured the level of commitment from partners it had hoped for. For example, it did not succeed in getting other government departments to sign up to implementing whole-system approaches, which the strategy states are vital to delivering better outcomes for women. This was partly due to a lack of funding available from the Ministry for initial set-up costs and because departments wanted to focus on their own priorities. The Ministry has no mechanisms or incentives it can use to encourage local areas to invest in adopting a whole-system approach.

Securing funding and staff to deliver the programme

2.16 The Ministry published its Female Offender Strategy during the same period as a number of urgent and large programmes with associated resource demands, particularly the Ministry's reunification of its probation services and the prison expansion programme. In a financially constrained environment, this limited the funding available for the programme. This meant that when the Ministry published the strategy it was largely unfunded. This was partly because it was finalised after the 2015 multi-year Spending Review (SR15), for the four years from April 2016 to March 2020. The Ministry initially allocated £5.1 million towards implementing the strategy, to fund organisations (mostly women's centres) providing services in the community.¹⁸ The decision reflected the Ministry's recognition of the importance of women's centres and the ongoing sustainability issues these services face. These issues were compounded by the adverse impact of its Transforming Rehabilitation programme which had reduced funding to women's centres for probation services.¹⁹

2.17 The £5.1 million investment was modest compared with the £1.7 billion estimate of the costs to government from women coming into contact with the CJS.²⁰ The programme aimed to prioritise funding for areas where there was limited or no existing provision for women. The Ministry was aware that this funding was only a small part of what would be needed to create sufficient provision of community services.

¹⁸ In the strategy the Ministry announced that it would invest £5 million grant funding for women's community provision, £5.1 million was awarded in total.

¹⁹ In 2013, the Ministry embarked on major reforms of probation services. It created Community Rehabilitation Companies, run by private and voluntary sector providers, to manage low or medium risk offenders and the National Probation Service to manage those posing higher risks. In May 2019, it announced a reunification of the probation service, which it transitioned to in June 2021.

²⁰ As referenced in paragraph 1.9 the government's estimate of £1.7 billion was subject to major uncertainty.

2.18 The programme team has since struggled to secure funding to meet its ambitions for the programme. Since SR15 there have been two single-year funding settlements – Spending Round 2019 (covering 2020-21) and Spending Review 2020 (covering 2021-22). **Figure 7** on pages 35 and 36 sets out the programme team’s ambitions for aspects of the strategy it hoped to fund largely in the years 2020 to 2022. Initial estimates for these aspects came to a minimum of £40 million. However, it only received funding for around one-third of this (£13.1 million) over this time period following the funding settlements and the Ministry’s internal allocation process.²¹ The Ministry’s modest funding for the programme is unlikely to be simply the result of additional pressures resulting from the COVID-19 pandemic as HM Treasury largely funded the Ministry for extra costs arising due to the pandemic. The Ministry’s settlement at the October Budget and Spending Review 2021 included £550 million to reduce reoffending. The Ministry has not yet set out how much of this funding will be allocated to the female offender programme.

2.19 Securing staff resource for the programme has also been challenging due to both the limited funding and the impact of the pandemic. At the first FOPB meeting in September 2018, the team reported that it was “under pressure” to deliver the strategy but had insufficient staff resources to do so. Issues around resourcing were repeatedly raised by the team at the FOPB in 2019, prior to the pandemic. The team subsequently lost much of its operational resource as staff were focused on responding to the pandemic.

²¹ This figure does not include money for wider programmes that may contribute to the strategy’s aims, for example, recent probation reforms.

Figure 7
Funding for the Female Offender Programme 2018-19 to 2021-22

The Female Offender Programme's initial ambitions for funding in 2020 to 2022 totalled at least £40 million and it received £13.1 million from the Ministry of Justice's (the Ministry's) overall budgets. In total, the Ministry allocated £18.2 million to the programme, including an initial investment of £5.1 million allocated alongside the strategy

Element of strategy	Description	Initial estimates of funding required by programme team prior to upcoming Spending Reviews	Internal Ministry of Justice budget allocations and spending
		(£m)	(£m)
			Year
			Budget allocation
			Actual spend/forecast spend
			(£m)
Funding announced alongside the strategy			
Community solutions	Grant funding for womens community provision	N/A refers to the £5 million announced alongside the strategy	2018-19 5.1 2019-20 3.6 2020-21 1.5 2021-22 1.5
Funding post publication of the strategy			
Community solutions	Grant funding for women's community provision	40 (minimum) 6.5 to 13	2020-21 13.1 2021-22 4.5*
Community solutions	Residential Women's Centres pilot	2.1 to 8.4	2020-21 0.8
Better custody	Funding to implement Farmer recommendations	0	2020-21 0.15*
Leadership and delivery	Funding to support existing whole-systems approach areas	0	2020-21 0
Leadership and delivery	Funding to help 35 local areas adopt a whole-system approach	3.4 to 3.5	2020-21 1.0*
Leadership and delivery	Funding for staff and related resources required to deliver the strategy	1.6 to 2.0	2020-21 0
Leadership and delivery	Research projects funding	0	2020-21 0.1*
Community solutions	Grant funding for women's community provision (core funding)	7.5	2021-22 2.5
Community solutions	Residential Women's Centre pilot (5 sites)	13.7 to 33.7	2021-22 3.5
Community solutions	Residential Women's Centre acquisition costs such as planning fees	1.4	2021-22 0.5
Community solutions	Post-arrest retail diversion pilot	0.1	2021-22 0
Better custody	Accommodation pilot	0.04	2021-22 0

Figure 7 continued
Funding for the Female Offender Programme 2018-19 to 2021-22

Element of strategy	Description	Initial estimates of funding required by programme team prior to upcoming Spending Reviews (£m)	Internal Ministry of Justice budget allocations and spending Year	Budget allocation (£m)	Actual spend/forecast spend (£m)
Better custody	Funding to implement Farmer recommendations including piloting social workers in 5 prisons	1.3	2021-22	0	0
Better custody	Funding to help 35 local areas adopt a whole-system approach	1.6	2021-22	0	0
Leadership and Delivery	Trauma-responsive training for courts and staff	0.002	2021-22	0	0
Leadership and Delivery	Research projects funding	0.4	2021-22	0	0

Notes

- The Ministry aims for Residential Women's Centres (RWCs) to provide an alternative to custody for women. It intends for centres to provide accommodation and focus on supporting women's rehabilitation and their transition back into the community.
- Whole-system approaches are broadly described in the strategy as delivering "holistic support through joined-up local service provision". How this is done in practice varies from area to area.
- The strategy includes commissioning Lord Farmer to review his earlier recommendations on the importance of maintaining family ties for all offenders "through the lens of the needs of female offenders".
- Retail-based diversion includes schemes to divert women away from being prosecuted for shoplifting offences, which are prevalent amongst women in contact with the justice system.
- Trauma-informed approaches recognise the profound effects that previous trauma (including sexual abuse and domestic violence) may have and seeks to avoid re-traumatising people through institutional practices such as seclusion, exclusion, restraint or force.
- Estimates for RWC pilots prior to 2021-2022 allocations include a subtraction of £1.3 million. This is to avoid double counting of the discrepancy between the amount the Ministry estimated it needed for pilots prior to 2020-2021 allocations and the amount it received.
- In the strategy the Ministry announced that it would invest £5 million in grant funding for women's community provision, £5.1 million was awarded in total.
- The programme received £3.3 million of funding part-way through 2020-21. This included £2 million for grant funding for women's community provision, £1 million to help local areas implement whole-systems approaches, £0.15 million towards implementing Lord Farmer's recommendation for an electronic personal circumstances file for women and £0.1 million for funding a research project into the use and impact of remand for women. The Ministry explained that this £3.3 million was unspent at the end of the financial year.
- Allocations of funding to the female programme from Spending Review 2021 were not known at the time of publication.
- Totals may not sum due to rounding.

Source: National Audit Office analysis of Ministry of Justice financial information

Part Three

Actions towards delivering the programme

3.1 This part of the report sets out the actions taken by the Ministry of Justice (the Ministry) and other bodies in delivering its strategy commitments through the female offender programme (the programme). It also looks at the Ministry's understanding of the impact of its interventions and progress towards its aims. For approximately half of the time since the Female Offender Strategy's (the strategy's) launch in June 2018 and December 2021, the Ministry has been responding to the COVID-19 pandemic. This emergency response has required additional resources and has therefore reduced the priority given to other programmes such as the female offender programme. In addition, turnover in the ministerial team, financial constraints and high-priority projects – such as probation reunification, its prison expansion programme and improvements to its electronic monitoring programme – have all contributed to a rapidly changing external environment for the Ministry to work within.

Programme's focus on investment in community provision

3.2 The programme team focused much of its resources on its aim to maintain and expand community provision for women. It saw this as the most urgent need. The Ministry planned to provide grants to help maintain and expand the existing network of women's services. It also planned to pilot five Residential Women's Centres (RWCs) across England and Wales, to provide residential alternatives to custody.

Grant funding to women's services

3.3 The Ministry awarded £9.5 million in grant funding to women's community services via the programme from 2018-19 to 2021-22. This included £5.1 million funding to support specific existing projects with female offenders and to contribute to expanding existing provision. In later funding rounds, the Ministry awarded £4.4 million that was also permitted to fund organisations' core running costs, recognising that this was vital to their sustainability (**Figure 8** overleaf).

Figure 8

Grants awarded to women's services in the community via the female offender programme

The programme awarded £9.5 million in grant funding to women's services in the community between 2018-19 to 2021-22. This included £4.4 million towards organisations' core costs

Funding round	Type of funding	Amount awarded (£m)
Initial £5 million announced alongside the strategy in 2018 (awarded over 2018-19 to 2019-20)	Capital funding to support the development of provision for female offenders	2.0
	Resource funding to support women involved with (or at risk of involvement with) the criminal justice system. This includes specific funding to support female victims of domestic and sexual abuse	3.1
Total awarded from initial funding		5.1
2020-21 (£2.5 million available)	Resource funding to cover organisations' core costs	1.9
2021-22 (£2.5 million available)	Resource funding to cover organisations' core costs	2.5
Total funding for core costs		4.4
Total grants awarded		9.5

Notes

- 1 The Ministry of Justice noted that feedback from its 2020-21 grant competition suggested some organisations were unable to apply because they were struggling to deal with the impact of the COVID-19 pandemic. Others reported focusing limited resources on qualifying for the probation dynamic framework. The Dynamic Framework is a commissioning mechanism to enable regional probation directors to procure rehabilitation and resettlement interventions across England and Wales.
- 2 In the strategy the Ministry announced that it would invest £5 million grant funding for women's community provision, £5.1 million was awarded in total.

Source: National Audit Office analysis of Ministry of Justice financial data

3.4 Providers of women's community services told us that they were concerned about the financial sustainability of services. The series of one-year Spending Review settlements (see paragraph 2.18) meant that the Ministry could only provide grants for less than one year. Providers welcomed the fact that grants for 2020-21 and 2021-22 could be used to fund their core costs and hence help women across the whole criminal justice system (CJS). However, the short-term nature of the Ministry's grants made it difficult for providers to plan ahead and sustain services. We know from our wider work that provider sustainability issues are not unique to the Ministry. We have observed similar issues in the education and health sectors.

3.5 Some providers of women’s services also receive separate funding from the Ministry specifically for support services linked to probation. In May 2021 the Probation Service announced that it had let contracts worth £195 million to organisations providing rehabilitation services. Of this, £46 million was for services “tailored to female offenders” to be provided between June 2021 and March 2025. This amount equates to £12.3 million a year. We do not know how this amount compares with previous years because the preceding contracts, with Community Rehabilitation Companies, did not separate out payments for gender-specific services. Providers told us it was challenging for small specialist charities such as local women’s centres to bid for probation contracts against larger organisations with more resources due to the requirements of the bidding process. Even where women’s centres did win contracts, the associated funding was limited to providing support to women on probation rather than other interventions further upstream that would also align with the strategy’s aims.

Residential women’s centres

3.6 The programme team secured £4.8 million to develop and deliver its RWCs. This included £800,000 for funding to develop proposals; £3.5 million capital funding to acquire and refurbish the first centre in Wales; and an additional £500,000 for the wider project in 2021-22. Stakeholders, such as providers of women’s services, that we spoke to raised concerns over the effectiveness of investing in RWCs, as they felt the funding could be better used to support a greater number of women in the community instead.

3.7 The Ministry’s plans to open RWCs have been considerably delayed. This was due to both resource constraints in the programme team and difficulties the team faced securing a site for its first centre in Wales. The delay meant the Ministry now expects to spend £0.5 million of the £3.5 million capital funding it had expected to spend in 2021-22 on this centre. The programme team hopes to secure a site by March 2022. For its other four planned pilot sites in England, it is exploring options to expand residential provision at existing women’s centres.

Progress in implementing other parts of the programme

3.8 The Ministry and other bodies have made some progress with other workstreams (see Figure 5). However, it has delayed several workstreams and some actions have not been implemented at all. For example, the Ministry's work to engage the courts was paused in November 2019 and did not restart prior to the COVID-19 pandemic. Similarly, since the strategy was published, the Ministry has not provided any funding to help local areas implement new whole-system approaches, even though these were considered fundamental to achieving its aims.²² While whole-system approaches were already operational in some areas before the strategy, the Ministry estimates that only a few areas such as London, have adopted an approach since then.

3.9 It is difficult to make an overall assessment of progress because of the lack of milestones (see paragraph 2.9). Our analysis of programme documentation between April 2018 and November 2021 suggests that progress is mixed, and in places unclear (see Appendix Three). We found that the Ministry and other bodies have made progress with straightforward actions, including producing a range of guidance and training for each of the main programme areas, such as guidance for police forces on working with vulnerable women, issued in June 2018. The Ministry and other bodies have also begun to change how they deliver services, including how they divert women away from the justice system, how court processes are tailored to women's needs, and how they support women in prison and the community. For example, by April 2020 NHS England's Liaison and Diversion services were accessible across the whole of England. The Ministry has also started a pilot to increase the quality and timeliness of pre-sentence reports (PSRs) at 15 magistrates' courts (out of around 150).²³ It has also introduced some training and guidance to improve women's safety in custody. For example, in April 2021 it rolled out Assessment, Care in Custody and Teamwork guidance. The Ministry has also established a Women's Safety Taskforce and a Women's Estate Self-Harm Taskforce in 2020. These are multidisciplinary groups which aim to improve understanding of self-harm within women's prisons and to help develop a gender-specific strategy.

22 Whole-system approaches are broadly described in the strategy as delivering "holistic support through joined-up local service provision". How this is done in practice varies from area to area.

23 A PSR is an assessment of the risk and nature of an offender's behaviour with a recommendation on the sentencing option(s) available to the court.

Progress on actions for black and other ethnic minority women

3.10 The Ministry's strategy included specific actions to tackle the overrepresentation of, and unique challenges facing, black and other ethnic minority women in the justice system. The programme team had not fully monitored these commitments but the Ministry's progress has been slow, particularly after the onset of the pandemic:

- The Ministry set up a working group to liaise with stakeholders working with ethnic minority women in contact with the CJS. However, stakeholders in the working group told us that they remained unclear about the Ministry's progress on its commitments. For example, the Ministry has not explained how it has used grant funding to address the needs of ethnic minority women.
- Her Majesty's Prison and Probation Service (HMPPS) hoped to increase the ethnic diversity of the workforce, by reaching 14% of staff declaring that they were from an ethnic minority group by 2020. It only reached 10.3% overall although it did report a small increase in the proportion of ethnic minority prison staff recruited, from 10.5% to 12.3% between January 2017 and December 2019.
- Progress against the strategy's commitments to carry out user-centred research on ethnic minority women in the justice system was slowed down by the pandemic. The Ministry told us it had now carried out some user-centred research and it was starting to act on findings from the research, for example by developing cultural awareness training.

Adapting the programme

3.11 Further to delivering the strategy's original commitments, the Ministry aims to add into the programme any new wider initiatives which contribute to the strategy's aims. For example, it plans to pilot multi-disciplinary problem-solving courts for women as part of the Police, Crime, Sentencing and Courts Bill, and to expand the female prison estate to help provide a better custody environment (discussed further in paragraph 3.20). The programme team has also ensured consideration of the specific needs of women within wider Ministry programmes, such as the recent reform of the probation system.

Evaluating the impact of its interventions

3.12 The Ministry did not progress its original plans to develop a monitoring and evaluation plan for the programme, in part because it was under-resourced. Our report on *The use of evaluation across government* highlights the importance of evaluation for informed decision-making and securing value for money.

3.13 The Ministry has conducted some limited evaluation for certain interventions. For example, in October 2019 it surveyed police forces to assess the impact of its guidance for police on working with vulnerable women. It found that only five out of 29 police forces that responded to the survey reported taking specific action because of the guidance.

3.14 The Ministry and other bodies now also have plans to evaluate some other aspects of the programme. For example, the Ministry plans to evaluate the impact of its electronic monitoring pilots and has begun to develop plans to qualitatively evaluate its first RWC once it is established. However, it has not evaluated the impact of the grant funding it has awarded to date, despite the importance of doing so, according to Cabinet Office good practice.

3.15 The Ministry recognises that it needs to build on existing evidence on what works for women in the community to strengthen its case for future investment. It told us that small cohort sizes can make it more difficult to establish impacts, although HM Treasury's Magenta book provides good-practice guidance on designing evaluations. It explained that there is considerable evidence that women's centres reduce re-offending rates, but that data on specific outcomes such as reduced drug abuse and improved accommodation status are limited. Collecting data on these outcomes would help the Ministry to calculate where costs and benefits lie across different organisations and government departments and could help to secure wider investment in services.

Understanding progress towards achieving the strategy's aims

3.16 The Ministry does not have a good understanding of whether it is making progress towards its aims. This is largely because it did not set performance measures and milestones against which to assess progress. It has included data on the number of women at different stages in the CJS in progress reports to its Advisory Board for Female Offenders (ABFO), such as those proceeded against at court and the female prison population. The Ministry has increased the volume of data it provides on women in contact with the CJS in response to ABFO members' requests. However, it has not yet set out what the data tell us about progress against the strategy aims. The Ministry has recently begun to develop more detailed plans to measure performance.

3.17 In many cases, to understand changes in the treatment of women in contact with the CJS, the Ministry needs to look at how changes at different points in the CJS relate to each other. This is because when looked at in isolation, it is easy to misinterpret trends in one area of the system, which may reflect changes elsewhere. For example, a decrease in the number of women proceeded against at court could suggest that more women are being diverted before they reach court, or it could simply reflect a drop in the number of women arrested.

3.18 We also identified limitations in the data on women in contact with the CJS, which limit the Ministry's ability to assess robustly whether the system is changing to work as the strategy intends. This includes:

- inconsistencies in the way different agencies categorise and count cases and a lack of a common case identifier, which hinders the Ministry's ability to track cohorts of women through the system or calculate proportional changes; and
- gaps in data which reduce the Ministry's understanding of progress against key strategy aims for all women. For example, data on out of court disposals, where police are diverting women from the CJS, are inconsistent and not always split by gender. In other areas, data may lack key characteristics. For example, data on the number of women with dependent children in the CJS are not widely collected despite the implications of the women's sentences for those children. A more detailed list of the gaps we identified is set out in **Figure 9** overleaf.

Figure 9

Examples of gaps in data on women in contact with the criminal justice system (CJS)

This table sets out some of the gaps in data on women in the CJS which limit the Ministry of Justice's (the Ministry's) ability to monitor progress against some of the Female Offender Strategy's (the strategy's) key aims

Theme	Gaps in data	Impact on understanding of women's journey through the CJS
Early intervention – reduce the number of women entering the CJS	<ul style="list-style-type: none"> Police contact with women: data on the number of women who encounter the police are not collected at a national level. 	The Ministry cannot determine the proportion of police interactions with women that result in needs assessments. These assessments enable police to divert women away from the CJS.
	<ul style="list-style-type: none"> Liaison and diversion (L&D) at police and courts stages of the criminal justice pathway: Data on L&D services are limited as release of these statistics are biennial and not broken down by pre- and post-arrest diversion.¹ 	It is not possible for the Ministry to consistently assess the proportion of women successfully diverted away from the CJS at key stages pre- and post-arrest via these services.
	<ul style="list-style-type: none"> Out of court disposals (OOCs): Police forces use OOCs inconsistently, which a government reform to the OOC framework seeks to address. Currently, data on community resolutions cannot be broken down by gender.² 	The Ministry is unable to assess the proportion of women being diverted from the CJS after contact with police, and whether they are given OOCs with community treatment requirements attached.
Wider data gaps on women in the CJS	<ul style="list-style-type: none"> Data on women's circumstances: There is a lack of wider data collection on women's circumstances. 	Data such as the number of women with dependent children in the CJS and prison, which would help the Ministry better address female-specific needs.
	<ul style="list-style-type: none"> How data are categorised: Ethnicity categories in CJS data at times fail to accurately capture distinct groups of women. 	The Ministry does not understand how Romany women flow through the CJS, as it does not have an ethnicity category for Romany traveller women. Stakeholders Hibiscus and the Traveller Movement told us they are included in the gypsy/traveller category, but they can face very distinct issues such as language barriers.

Notes

- Liaison and Diversion services aim to identify an individual's health and wider support needs when they first come into contact with the CJS and refer them to appropriate health or social care support.
- Out of court disposals are alternatives to starting a prosecution. They include fixed penalty notices, community resolution (which is an informal agreement) and police cautions.

Source: National Audit Office analysis of Ministry of Justice and Home Office data

The Ministry plans to address some of these gaps as part of its Better Outcomes through Linked Data (BOLD) programme, which aims to improve the connectedness of its data.

3.19 Stakeholders who sit on ABFO told us that without performance measures they found it difficult to understand progress at a national level and for different groups of women. They reported that this has limited the board’s ability to hold the Ministry to account.

3.20 The Ministry’s poor understanding of progress also detracts from its ability to make funding decisions based on value for money or to assess the opportunity costs of funding choices. The Ministry did not factor in the strategy’s aim of having fewer women in custody when estimating how many more prison places it might require due to the government’s commitment to increase police numbers. As the Ministry does not understand the proportion of women it might expect to divert or when it would begin to see such an impact, its modelling assumed no change in the proportion of women in contact with the CJS who would require custodial sentences. In January 2021, the Ministry announced its plans to create up to 500 new prison places based on this modelling. It expects the additional places to cost around £200 million, although this figure may change as it develops its plans. In December in its 2021 *Prisons Strategy White Paper* the Ministry set out plans to use the additional places to build more gender-specific, trauma-informed provision for women.^{24,25} Its plans include introducing smaller custodial units for women and expanding the use of mother and baby units. It also plans to close older prison places if additional demand does not materialise.

Our assessment of progress towards the strategy aims

Early intervention and diversion to community solutions

3.21 The Ministry’s strategy aimed to reduce the number of women serving short custodial sentences of 12 months or less by reducing the number of women in contact with the CJS and giving more women who are prosecuted community sentences rather than custodial ones. **Figure 10** on pages 46 and 47 sets out the stages of a woman’s journey through the CJS and details of the measures we identified that we could use in our analysis as a best indicator of progress. There are some limitations due to data issues raised in paragraph 3.18; some calculations may not accurately track the proportional flow of women through the system. For example, women arrested in one year may not have had court proceedings in the same year.

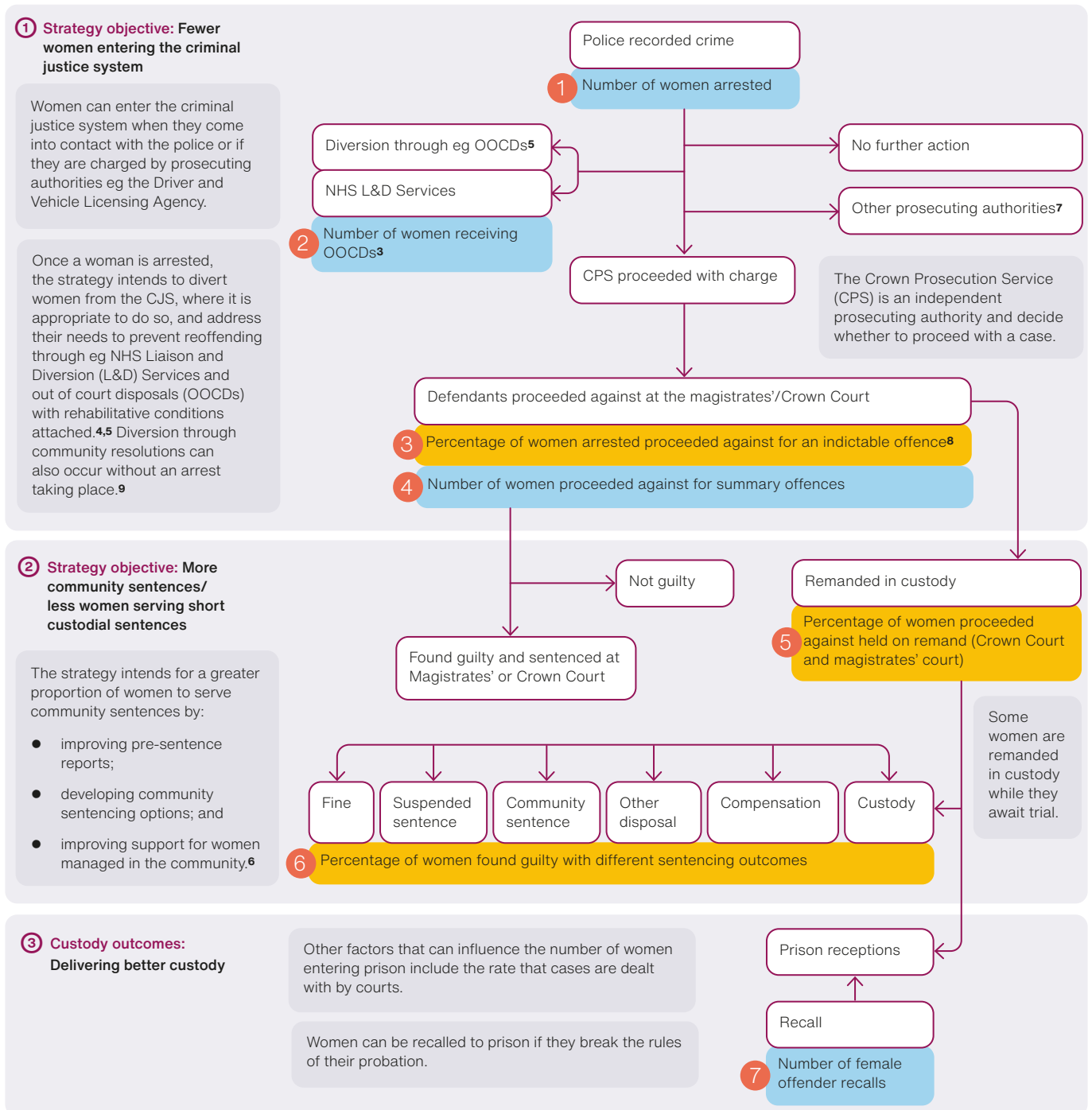
²⁴ Ministry of Justice, *Prisons Strategy White Paper*, December 2021. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1038765/prisons-strategy-white-paper.pdf

²⁵ Trauma-informed approaches recognise the profound effects that previous trauma (including sexual abuse and domestic violence) may have and seeks to avoid re-traumatising people through institutional practices such as seclusion, exclusion, restraint or force.

Figure 10

Simplified chart of women’s journey through the criminal justice system (CJS)

The Ministry of Justice (the Ministry) has not set specific performance measures to measure progress against its three overarching strategy objectives. We identified key points in a women’s journey through the system to assess whether early intervention and diversion had increased



□ Stage within the CJS

Type of measure used to understand change at stage in the system: ■ Proxy measure^{1,2} ■ Actual number of women

Figure 10 *continued*

Simplified chart of women's journey through the criminal justice system (CJS)

Notes

- 1 A proxy calculation is an indirect measure of proportional change of female flow through key stages of the CJS.
- 2 Calculations may not accurately track the proportional flow-through of women in the system, for example, women arrested in one year may not have had court proceedings in the same year.
- 3 The release of this quarter's cautions pivot tool is delayed therefore out of court disposals cautions data broken down by gender are not available.
- 4 Liaison and Diversion services aim to identify an individual's health and wider support needs when they first come into contact with the CJS and refer them to appropriate health or social care support.
- 5 Out of court disposals are alternatives to starting a prosecution. They include fixed penalty notices, community resolution (which is an informal agreement), and police cautions.
- 6 Probation staff prepare pre-sentence reports to provide the court with a greater understanding of the background and the context of the offending behaviour, where requested by the judiciary.
- 7 Other prosecuting authorities include the Television Licence Enforcement Office, Driver & Vehicle Licensing Agency and local authorities.
- 8 Indictable offences are those that are so serious that they can only be tried in the Crown Court. 'Either-way' offences are those that are serious enough to be tried in the Crown Court but can be tried in a magistrates' court if both the defendant and the magistrates agree to this.
- 9 Community resolutions are suitable for lower-level crime where the offender admits responsibility for the offence and has no relevant offending history, and where the victim doesn't want more formal action taken.

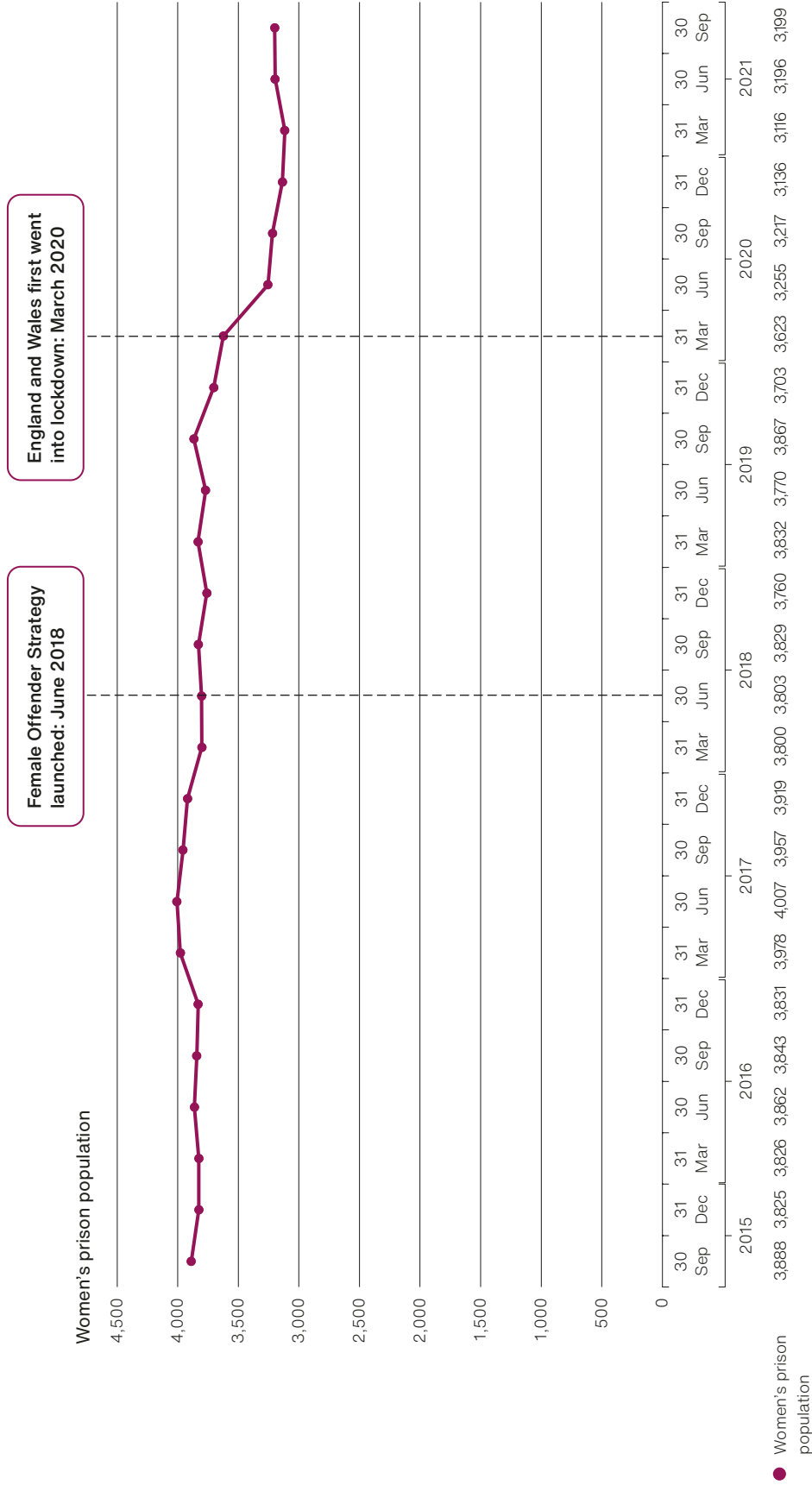
Source: National Audit Office analysis of Ministry of Justice criminal justice system statistics flow diagram

3.22 Since the Ministry's strategy was published in 2018, the female prison population has decreased by 16% (from 3,803 in June 2018 to 3,199 in September 2021) (**Figure 11** overleaf).²⁶ Data limitations and external factors make it difficult to attribute this decrease. However, our analysis of the available trend data found no strong indication that the decrease was due to the system adapting to work as the strategy intends.

²⁶ National Statistics, *Offender Management Statistics quarterly: April to June 2021*. Available at: www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2021.

Figure 11 Female prison population in England and Wales from September 2015 to September 2021

Since the Female Offender Strategy was published in 2018 the women's prison population has decreased by 16% (from 3,803 in June 2018 to 3,199 in September 2021), 81% of which occurred in 2020



Notes

- 1 Analysis is based on snapshots of prison population data as at the end of each quarter in March, June, September and December.
- 2 The UK entered its first national lockdown in response to the COVID-19 pandemic on 23 March 2020, before the end of the month. All jury trials were suspended between 23 March and 18 May. During this first national lockdown, demand on the courts showed considerable decline, which had a downstream impact on the prison population.

Source: National Audit Office analysis of Ministry of Justice prison population statistics

3.23 The majority (81%) of the 16% drop in the prison population occurred between March and December 2020 (Figure 11). The lack of available data on some aspects of women's journey through the CJS after 2019-20 makes it difficult to attribute a reason for the decline during this period. However, the decrease is likely to be largely due to impacts of the pandemic, which may be temporary. This includes:

- a 4% fall in arrests between 2019-20 and 2020-21. It is not clear from the data when in the year the decrease occurred, however, it is likely that a large part occurred during lockdowns when restrictions were imposed such as shop closures. The National Police Chiefs' Council reported a drop in recorded crime of 25% in the four weeks to 10 May compared with the same period in 2019, with a 53% drop in shoplifting offences. Shoplifting was the most common indictable offence in 2019, for which 34% of females were convicted;
- a 32% reduction in overall prosecutions at magistrates' courts in the 12-month period ending March 2021 compared with the year prior due to reduced court activity immediately following the March 2020 lockdown. It is unclear how many female defendants were affected. However, the number of women prosecuted for less serious summary crimes (such as child truancy and television licence evasion) decreased by 64% in the first lockdown, from 63,126 in January to March 2020 to 22,644 in April to June 2020;²⁷ and
- a decrease in the number of women recalled to custody for breaching the conditions of their licence following the March 2020 lockdown.²⁸ Recalls to custody by all supervising bodies decreased by 38% from 492 in January to March 2020 to 306 in April to June 2020.

27 A similar drop in the number of prosecutions for more serious offences at the magistrates' and Crown Court can be seen between January to March 2020 and April to June 2020.

28 Licence conditions are the rules which people must follow when on licence. If people do not follow these conditions they may be recalled to prison.

3.24 The prison population did also decline slightly after the publication of the strategy and before the pandemic. However, it was difficult to associate this decline with the trends envisaged by the strategy's aims. In the years 2018-19 to 2019-20, we found:

- no evidence of a decrease in the number of women entering the CJS as measured by the number of women arrested;
- no indication of a notable increase in the proportion of women who are diverted to community sanctions by the police via out of court disposals. Due to data limitations on out of court disposals, we assessed this by estimating the change in the proportion of women arrested who were then proceeded against at court. We found a decrease of less than one percentage point;²⁹ and
- no notable increase (a less than one percentage point difference) in the proportion of women found guilty given community sentences; no notable increase in the proportion of women found guilty who were given a custodial sentence; and a three percentage point increase in the proportion held on remand. We did, however, see a four percentage point decrease in the proportion of women sentenced that were given custodial sentences of less than 12 months.

These data may reflect the relatively early stage of the programme and limited progress to-date, as mentioned in paragraph 3.8. Further detail of our analysis can be found in Appendix Four.

Regional variations

3.25 Outcomes for women vary across police force areas. For example, the number of women arrested has decreased nationally between 2015-16 and 2019-20. However, during this period in South Yorkshire and Humberside the rate of arrests per 100,000 people increased by 24% and 118% respectively. In contrast, Bedfordshire and Wiltshire saw the largest decreases of 51% and 50% respectively.³⁰ A complex range of factors will underlie this but may partly reflect the different approaches to female offenders:

²⁹ Some calculations may not accurately track the proportional flow-through of women in the system, for example, women arrested in one year may not have had court proceedings in the same year.

³⁰ A total of 41 police force areas were included in this analysis. Lancashire could not supply complete arrests data for 2017-18 and 2018-19, and Greater Manchester could not supply data for 2019-20 and were therefore excluded from the analysis.

- In our regional case studies, we found no single definition of a whole-system approach, with different initiatives existing in different areas.³¹ For example, in Greater Manchester, some women can access problem-solving courts. These courts bring together agencies such as women’s centres, probation and the judiciary to assess a women’s needs and consider community options as alternatives to custody. In London, the police piloted a scheme for women who commit low-harm offences to encourage the use of conditional cautions that diverted them to gender-specific support.
- We found that areas with a whole-system approach in place (Greater Manchester, Gwent and London) had clear referral routes to support women at key stages. For example, Greater Manchester’s model aims to identify women as they are arrested, sentenced and released from custody and refer them to support provided by an alliance of women’s centres at each stage. It also takes self-referrals and referrals from other public services such as health and local authorities. Similarly, in Gwent providers work with CJS partners to provide a ‘pathfinder’ service to support women at the earliest possible stage.
- Clear referral routes were often underpinned by co-commissioning models. Areas we spoke to with a whole-system approach described benefits as: better partnership working between providers and CJS bodies; a more joined-up approach on funding and service design; and better monitoring and evaluation because of stronger partnership working.

3.26 Whatever the delivery model, those we spoke to in case study regions described the pivotal role of good partnership working for delivering successful outcomes. They spoke of overall improvements in delivery of women’s services including support for long-term solutions for women’s needs, such as housing provision and enabling more joined-up monitoring of women’s outcomes. However, those we spoke to also highlighted challenges to effective partnership working, such as organisations prioritising their own interests above the wider partnership and the risk of duplicating work if organisations are not sufficiently joined up.

³¹ Whole-system approaches are broadly described in the strategy as delivering “holistic support through joined-up local service provision”. How this is done in practice varies from area to area.

Better custody

3.27 The Ministry also set out the strategy aim to deliver better custody for women by improving the custodial environment and offering “comprehensive rehabilitative support”. It planned to improve the safety and health of women in custody, allow better links with families and make the environment more trauma-informed. It also planned to offer better rehabilitative support.

3.28 Available data do not yet indicate improved outcomes for those in custody. Rates of self-harm in women’s prisons increased by 34% from 2018 to 2020.³² This trend was likely to have been exacerbated by the pandemic. An inspection report of HMP Peterborough in March 2021 showed that the pandemic has had an increasingly negative impact on prisoner’s mental and physical wellbeing. Other issues raised in prison inspection reports conducted prior to the pandemic were similar across some establishments. They included concerns around inadequate data collection and sharing and lack of needs assessments for women entering prison. The two recent reports on the deaths of babies to women in prison highlighted a series of failings in care, including poor co-ordination between health and prison agencies.

3.29 We found no change in the proportion of women in settled accommodation following their release from custody between April 2018 and March 2021. The Ministry’s data showed that 27% of women released from custody were recorded as homeless, sleeping rough or ‘other housed’ in the latter period.³³ Stakeholder Safe Homes told us that homelessness and secure accommodation have various definitions at different points in different systems, which makes it difficult to collect accurate data. As proven reoffending statistics are published with a time lag of around 24 months, we were unable to assess that potential impact of the strategy beyond the July to September 2019 female offender cohort.

32 National Statistics: *Safety in custody: quarterly update to June 2021* Available at: www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-june-2021. Figures for 2020 self-harm rate in prison custody are provisional.

33 “Other housed” refers to individuals living in transient/short-term accommodation that does not provide a long-term solution to housing need. This was previously known as “Other unsettled accommodation”. From official statistics: *Community Performance Annual, update to March 2021*. Available at: www.gov.uk/government/statistics/community-performance-annual-update-to-march-2021.

Appendix One

Our audit approach

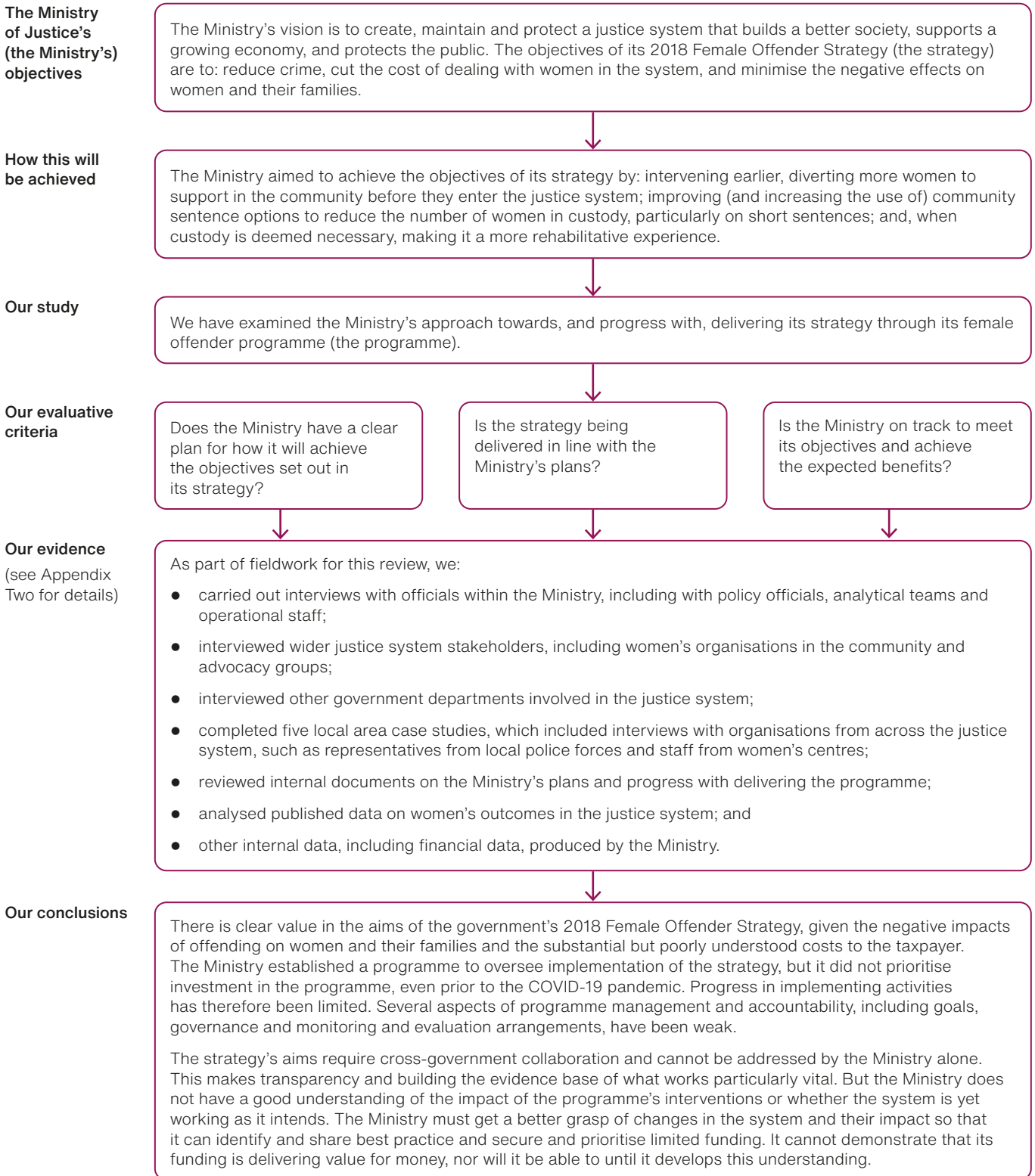
1 This report assesses the Ministry of Justice's (the Ministry's) approach and progress with implementing its 2018 Female Offender Strategy (the strategy) through its female offender programme (the programme). Our report reviewed:

- the scope of the Ministry's strategy – underlying rationale, aims and expected benefits – for improving outcomes for women in contact with the justice system;
- its approach to delivering the strategy and programme; and
- its progress with implementing the programme and delivering the aims of the strategy.

2 Our report focuses on what the Ministry and other bodies have delivered through the lens of its programme, on the basis that the programme was established to oversee delivery of the strategy. We recognise that the Ministry's delivery of the strategy is affected by the performance of related programmes and reforms to other areas of the justice system, such as the probation service reforms. We make reference to these but have not carried out a full audit of them.

3 Our audit approach is summarised in **Figure 12** overleaf. Our evidence base is described in Appendix Two.

Figure 12
Our audit approach



Appendix Two

Our evidence base

1 Our independent conclusions on the Ministry of Justice's (the Ministry's) approach to, and progress with, implementing its Female Offender Strategy (the strategy) through its female offender programme (the programme) were reached following analysis of evidence collected between February and December 2021. Our audit approach is outlined Appendix One.

2 We interviewed officials in the Ministry and Her Majesty's Prison and Probation Service (HMPPS). In the Ministry, this included:

- policy leads for the different elements of the strategy;
- data and analytical services;
- wider policy teams in the Ministry who have contributed to workstreams in the programme;
- those responsible for designing the dynamic framework for commissioning women's services;
- those involved in securing programme funding; and
- those responsible for demand modelling in the women's prison estate.

3 In HMPPS, this included those responsible for:

- women's prisons; and
- women's probation.

4 We interviewed wider stakeholders in the criminal justice system (CJS), including women's organisations and advocacy groups and other government departments. While our questions were tailored to reflect each stakeholder's role, our questions aligned with our overall audit questions. We sought their views on the Ministry's plan for, and progress with, delivering the aims of the strategy. We interviewed:

- the Department for Work & Pensions;
- NHS England and NHS Improvement;
- the Department of Health & Social Care;
- the Home Office;
- Anawim Womens' Centre;
- Safe Homes;
- Clinks;
- Agenda;
- Women in Prison;
- Howard Group for Penal Reform;
- Prison Reform Trust;
- Hibiscus Initiatives;
- Revolving Doors Agency;
- the Magistrates Association;
- Black Training and Enterprise Group; and
- the Traveller Movement.

5 We carried out five local area case studies between July and September 2021. We used the case studies to better understand: the Ministry's progress with delivering the strategy at the regional level; the different regional delivery models; and the barriers and enablers to delivering successful outcomes for women in these areas. Each case study typically comprised interviews and group discussions with representatives from the police, the local or combined authority, women's centres, probation teams and magistrates. We purposively selected case studies to capture diversity on the key criteria of interest, including local area arrest rates, rates of diversion to community options and whether the area has a whole-system approach.³⁴ Overall, we achieved good diversity across our key criteria. Our case studies were: Humberside, Greater Manchester, Gwent, London and Hertfordshire.

6 We reviewed unpublished documents from the Ministry to understand its plans and progress with delivering the programme. These documents included materials relating to the Ministry's:

- strategy and programme implementation plans;
- progress monitoring documentation for the strategy and programme;
- documentation on programme funding and associated business cases; and
- assessments of impact from the strategy and programme.

7 We analysed published and internal data produced by the Ministry and the Home Office. This included:

- strategy and programme grant funding;
- police powers and procedures England and Wales statistics;
- offender management statistics, quarterly;
- criminal justice system statistics, quarterly; and
- community performance annual.

³⁴ Whole-system approaches are broadly described in the strategy as delivering "holistic support through joined-up local service provision". How this is done in practice varies from area to area.

Appendix Three

Further details on what the Ministry of Justice (the Ministry) and other bodies have delivered against the Female Offender Strategy (the strategy) commitments

1 **Figure 13** on pages 59 to 63 summarises what the Ministry and other bodies have delivered against the commitments in the strategy, based on our review of 2018-19 programme dashboards and programme board minutes, and progress or stocktake reports between June 2020 and November 2021.

Figure 13

Overview of the Ministry of Justice's (the Ministry's) and other bodies progress in delivering the Female Offender Strategy (the strategy)

The Ministry and other bodies have made some progress with delivering activities in the strategy, but the totality of progress is unclear

Strategy theme	Activities	Type of commitment	Headline summary of progress against activities
1. Early Intervention	i. Funding community provision and domestic abuse services for women	Funding	<p>Delivered: The Ministry invested a total of £5 million between 2018 and 2020 into community provision for women and domestic abuse services. It announced a further £5 million in May 2020 for women's community services.</p> <p>Unclear progress: The extent of the Ministry's progress in using funding to address the particular needs of ethnic minority women is unclear.</p>
	ii. Optimising Liaison and Diversion schemes	Changes in services/ processes	<p>Delivered: The National Health Service (NHS) rolled out 100% coverage of NHS Liaison and Diversion (L&D) Services in England by April 2020.¹ In November 2020, the Ministry delivered Maternal and Perinatal Pathway workshops to L&D commissioners and providers, and it plans to run workshops to address barriers for sex workers and foreign nationals in autumn 2021.</p> <p>Unclear progress: Some of the Ministry's commitments are hard to measure, such as delivering L&D services in a gender-informed way.</p>
	iii. Supporting the police to work with vulnerable women	Guidance/ training Partnership working	<p>Delivered/in progress: The Ministry: launched guidance on working with vulnerable women in June 2018; issued a Vulnerability and Adults at Risk Policy Statement in December 2018; delivered vulnerability and risk training to 9,500 staff in partnership with the College of Policing. In July 2021, the National Police Chief's Council (NPCC) working group was launched. It aims to improve partnership working between the police and local partners to divert more women away from the criminal justice system (CJS).</p>
	iv. Improving use of out of court disposals (OOCs) ²	Change in services/ processes	<p>In progress: All police forces to have an OOC pathway for women. The Ministry is reviewing the framework for OOCs through the Police, Crime, Sentencing and Courts Bill.</p>
	v. Working with non-police prosecutors	Improving understanding of issues Partnership working	<p>In progress: In January 2020, the Ministry and the BBC began rolling out a leaflet scheme for women identified as vulnerable by TV licence enforcement officers; the scheme was paused in March 2020 because of the COVID-19 pandemic.</p> <p>Unclear progress: It is unclear whether the Ministry has monitored the BBC's work on gender disparity in TV licence evasion.</p>
	vi. Promoting retail-based diversion ³	Change in services/ processes	<p>Unclear progress: We found no evidence of any work delivered against commitments in this area.</p>

Figure 13 *continued*

Overview of the Ministry of Justice's (the Ministry's) and other bodies progress in delivering the Female Offender Strategy (the strategy)

Strategy theme	Activities	Type of commitment	Headline summary of progress against activities
2. Community solutions	i. Engaging with courts	Improving understanding of issues	Unclear progress: The Ministry has made limited progress with work to engage the courts due to resourcing challenges. In July 2018, it completed interviews with district judges and magistrates to understand the needs of women in the courts, but follow-up work has been delayed.
	ii. Improving Pre-Sentence Reports (PSRs) ⁴	Change in services/ processes Guidance/ training Partnership working	Delivered: As at March 2020, the Ministry had made its tool of community sentencing and treatment options available to parole decision-makers. It has also run a series of webinars on its PSR pilots for justice system partners including the police, probation workers and the judiciary. In progress: The Ministry's pilot – to increase the quality and timeliness of PSRs – is live at all 15 sites. It has developed training for court staff on supporting the specific needs of women in the justice system.
	iii. Piloting Residential Women's Centres (RWCs) ⁵	Change in services/ processes Partnership working	Delivered: The Ministry announced £800,000 of seed funding for 2020-21 to support the first RWC pilot site in Wales. Not delivered: The Ministry has not established any RWC sites.
	iv. Improving accommodation provision	Change in services/ processes Partnership working	Delivered: The Ministry completed its pilot in Manchester to improve the integration of Bail Accommodation Support Services (BASS) in established women's centres. In August 2021, Her Majesty's Prison and Probation Service (HMPPS) launched its new accommodation service to provide support to approximately 3,000 service users. HMPPS has also developed a National Accommodation Framework, which includes aims relating to women's access to accommodation. This includes the provision of more places in Approved Premises (AP) and more appropriate accommodation through the BASS. Unclear progress: It is unclear if the review of AP capacity for women has been completed; and how the Ministry has been working with other government departments and providers to ensure accommodation options are responsive to women's needs.
	v. Increasing the use of Community Sentence Treatment Requirements (CSTRs) ⁶	Change in services/ processes Partnership working	Delivered: As at June 2020, the CSTRs programme was operating in 11 sites. The Ministry provided additional funding for the programme in 2020-21. In progress: The Ministry has work underway to address low uptake of CSTRs, including an awareness-raising campaign. Government has allocated an additional £80 million to fund drug treatment in 2021-22, as part of a £148 million funding package for reducing crime.

Figure 13 *continued*

Overview of the Ministry of Justice's (the Ministry's) and other bodies progress in delivering the Female Offender Strategy (the strategy)

Strategy theme	Activities	Type of commitment	Headline summary of progress against activities
2. Community Solutions <i>continued</i>	vi. Piloting electronic monitoring, including new technologies such as location monitoring	Change in services/ processes Partnership working	Delivered: As at September 2019, the Ministry had piloted electronic monitoring technology. As at March 2021, it had rolled out alcohol monitoring tags to courts. In progress: As at November 2021, it was trialling alcohol monitoring for women on licence in the community. Unclear progress: It is unclear whether the Ministry has considered the appropriateness and effectiveness of electronic monitoring for women; its 2019 evaluation of electronic monitoring technology focused on male tag wearers.
	vii. Developing a more gender-informed probation service	Change in services/ processes Guidance/ training Partnership working	Delivered: The Ministry has made some progress with establishing various working groups focusing on issues affecting ethnic minority women and completed a research project looking at ethnic minority women's understanding of legal processes. It has also rolled out training to around 300 prison and probation staff on working with women and appointed a senior lead within each probation service region with responsibility for supporting the implementation of the strategy. Not delivered: The Ministry has not implemented Lammy Review recommendation 31 on working with ethnic minority-focused organisations on delivering probation services. ⁷
3. Better Custody	i. Adapting the custodial environment: Focusing on better links with children and families	Improve understanding of issues Change in services/ processes Guidance/ training	Delivered: The Ministry has undertaken work to review the operation of mother and baby units (MBUs); in October 2021, it published a policy paper on MBUs and maternal separation from children. As at November 2021, it had implemented 20 Farmer Review recommendations. It has also implemented changes to support family contact, including rolling out a centralised prison visits booking system in January 2018 and video calling to two prisons in the female estate as at June 2020. Not delivered: The Ministry has struggled to implement Farmer Review recommendations that require cross-government support.
	ii. Adapting the custodial environment: Improving safety	Improve understanding of issues Change in services/ processes Guidance/ training	Delivered: The Ministry has made some progress with delivering training and guidance in this area, including, rolling out Assessment, Care in Custody and Teamwork (ACCT) guidance in April 2021; and starting "Challenge, Support and Intervention Plan" (CSIP) training at Foston Hall in January 2020. The Ministry also established a Women's Safety Taskforce and a Women's Estate Self-Harm Taskforce in June 2020 and April 2021, respectively. In progress: The Ministry is developing a Women's Estate Trauma-Informed and Trauma-Responsive Strategy. Unclear progress: It is unclear what progress the Ministry has made on following up the Independent Advisory Panel review of suicide and self-harm prevention. It is also unclear what progress the Ministry has made with delivering CSIP training across its entire female prison estate.

Figure 13 *continued*

Overview of the Ministry of Justice's (the Ministry's) and other bodies progress in delivering the Female Offender Strategy (the strategy)

Strategy theme	Activities	Type of commitment	Headline summary of progress against activities
3. Better Custody <i>continued</i>	iii. Adapting the custodial environment: Becoming trauma-informed (BTI) ^a	Guidance/ training	In progress: The Ministry suspended its training, BTI and healing trauma, due to the COVID-19 pandemic. It plans to publish a Women's Estate Trauma-Informed and Trauma-Responsive Strategy in 2022.
	iv. Adapting the custodial environment: Improving health and wellbeing	Partnership working Changes in services/ processes	Delivered: The National Women's Estate Health and Social Care Review is near completion and is due to publish its findings and recommendations in Spring 2022. Unclear progress: We found no evidence of the Ministry working with its health partners on holistic care models in the women's prison estate.
	v. Offering comprehensive rehabilitative support: Empowering the prison workforce	Guidance/ training Changes in services/ processes	Delivered: In December 2018, the Ministry published a Women's Policy Framework with rules and guidance for prison and probation staff on how to manage and support women in custody and the community. As at April 2021, the Ministry was rolling out a new Offender Management in Custody Model across the women's prison estate, tailored to women's needs. Unclear progress: Despite the Ministry's aspirations, its progress with developing a more ethnically diverse prison workforce is unclear.
	vi. Offering comprehensive rehabilitative support: Developing education and employment	Change in services/ processes Improving understanding of issues	Delivered: In June 2018, the Ministry created a New Futures Network to improve and develop education and employment opportunities for women. In progress: By November 2021, the Ministry had established a working group to review women's security categorisation policy, but the work was still at an early stage. Unclear progress: The Ministry has not clearly tracked its progress with developing education and employment for women through its Education and Employment Strategy and New Futures Network.
4. Framework for implementation (Leadership and joint working)	i. Locally-led: Continuing support for Whole-system approaches ^a	Funding Change in services/ processes	Delivered: In 2017, the Ministry announced £800,000 of seed funding for six regions to develop a whole system approach for women who encounter the justice system. In January 2021, the Ministry published a Concordat on Female Offenders and accompanying data tool, which endorsed a whole-system approach. Not delivered: The Ministry has not committed further funding to support wider rollout of the whole-system approach model.
	ii. Locally-led: Evidence devolution	Partnership working	Delivered: The Ministry has worked in partnership with the Welsh government to design a Wales blueprint for joining up local services and partners to support women in contact with the justice system. Unclear progress: The programme team has not tracked progress with delivering its devolution commitments, including how it is working with local partners, such as police and crime commissioners, to address the needs of women in contact with the justice system.

Figure 13 *continued*

Overview of the Ministry of Justice's (the Ministry's) and other bodies progress in delivering the Female Offender Strategy (the strategy)

Strategy theme	Activities	Type of commitment	Headline summary of progress against activities
4. Framework for implementation (Leadership and joint working) <i>continued</i>	iii. Partnership-focused: Developing a National Concordat on Female Offenders	Guidance	Delivered: In January 2021, the Ministry published a National Concordat, which outlined how government and other national partners should work together on addressing the needs of women in the justice system. The Concordat was originally intended to be published by the end of 2018.
	iv. Partnership-focused: Strengthening cross-government working	Partnership working	Delivered: The Department for Levelling Up, Housing & Communities has completed a review of the funding and commissioning of domestic abuse services across England. Government published its Violence Against Women and Girls' (VAWG) Strategy in July 2021 and an inter-ministerial VAWG has been established. Unclear progress: The Ministry's progress with strengthening cross-government working via the Reducing Reoffending Group is unclear from programme documentation. It is also unclear when the investigation into Housing First pilots is due to be completed.
	v. Evidence-based: Sharing and supporting further data and evidence	Improving understanding of issues Partnership working	Delivered: In January 2021, when the Ministry published its Concordat on addressing the needs of women in the justice system, it also published a data tool which allows analysis by ethnicity. Unclear progress: Although we found some discrete pockets of activity, the totality of the programme team's progress with building the evidence base – including in relation to vulnerable and ethnic minority women – is unclear. It has not clearly tracked its progress in this area.

Notes

- L&D services identify people's vulnerabilities for example mental health problems when they first come into contact with the CJS as suspects, defendants or offenders. The service can then support people through the early stages of the CJS pathway, refer them for appropriate health or social care or enable them to be diverted away from the CJS into a more appropriate setting, if required.
- OOCs are alternatives to starting a prosecution. They include fixed penalty notices, community resolution (which is an informal agreement), and police cautions.
- Retail-based diversion includes schemes to divert women away from being prosecuted for shoplifting offences, which are prevalent among women in contact with the justice system.
- A PSR is an assessment of the risk and nature of an offender's behaviour with a recommendation on the sentencing option(s) available to the court.
- The Ministry aims for RWCs to provide an alternative to custody for women. It intends for centres to provide accommodation and focus on supporting women's rehabilitation and their transition back into the community.
- Some community sentences include a requirement that the offender attends treatment, for example for drug or alcohol misuse or a mental health problem. If they do not complete the treatment, they can be sent back to court and their punishment could increase.
- In 2017, David Lammy MP published a review into the treatment of and outcomes for Black, Asian and Minority Ethnic individuals in the CJS.
- Trauma-informed approaches recognise the profound effects that previous trauma (including sexual abuse and domestic violence) may have and seeks to avoid re-traumatising people through institutional practices such as seclusion, exclusion, restraint or force.
- Whole-system approaches are broadly described in the strategy as delivering "holistic support through joined-up local service provision". How this is done in practice varies from area to area.

Source: National Audit Office analysis of Ministry of Justice progress reports, board minutes and dashboards for the Female Offender Programme Board and stakeholder interviews

Appendix Four

Further detail on our assessment of progress towards the Ministry of Justice's (the Ministry's) Female Offender Strategy (the strategy) aims of early intervention and diversion

Figure 14

The Ministry's progress towards its strategy aims of early intervention and diversion

Our analysis of available data over 2018 to 2020 does not indicate an increase in early intervention and diversion

Strategy theme	What we would expect to see based on the strategy's aims	Summary
Early Intervention: less women coming into the CJS	Less women coming into contact with the police.	No national data available on the number of women who come into contact with the police so we could not assess this.
	Less women arrested.	While the number of women arrested was on a downward trend prior to the strategy, we found a no notable change in the number of women arrested between 2018-20 to 2019-20.
Diversion from custody	More women given out of court disposals (OOCs) with conditions attached to address needs instead of proceeded against at court. ¹	Due to data limitations, to assess whether women are being diverted for example via OOCs and NHS Liaison and Diversion services we estimated the change in the proportion of women arrested who were then proceeded against at court. We found no decrease in the proportion of women proceeded against which suggests that there was no increase in diversion between 2018-19 and 2019-20.
	Less women proceeded against for summary crimes.	Although we were unable to assess the number of summary crimes proceeded against by prosecuting authorities, we found a substantial decrease in the number of women proceeded against for summary offences in court; most of this decrease occurred during the COVID-19 pandemic. This suggests the decrease may be a temporary impact of the pandemic.

Key stage in the criminal justice system (CJS)/calculation/data used (see Figure 10)	Change post-strategy	Data sources
N/A	N/A	N/A
1 Number of women arrested.	<1% decrease (from 93,488 in 2018-19 to 94,232 in 2019-20).	Source: Police powers and procedures, England and Wales, year ending 31 March 2020. File: Arrests open data tables.
2 Number of women receiving OOCs.	54% decrease in Penalty Notices for Disorder issued (from 1,067 in Apr–Jun 2018 to 493 in Oct–Dec 2020).	Source: Criminal justice system statistics quarterly: December 2020. File: Out of court disposals data tool.
3 Percentage of women arrested proceeded against for an indictable offence. Calculation: number of indictable offences proceeded against by financial year/number of arrests by financial year.	<1% point decrease (from 34% in 2018-19 to 33% in 2019-20).	Source: Criminal justice system statistics quarterly: December 2020. File: Outcomes by offence data tool. Source: Police powers and procedures, England and Wales, year ending 31 March 2020.
4 Number of women proceeded against for summary offences.	39% decrease (from 74,924 in Apr–Jun 2018 to 45,610 in Oct–Dec 2020).	Source: Criminal justice system statistics quarterly: December 2020.

Figure 14 *continued*

The Ministry's progress towards its strategy aims of early intervention and diversion

Strategy theme	What we would expect to see based on the strategy's aims	Summary
More community sentences and fewer short custodial sentences	Decrease in the use of remand in custody by the magistrates' and Crown Court. ²	While we found no notable change in the proportion of women remanded in custody by the magistrates' court, use of remand by the Crown Court increased between 2018 to 2020.
More community sentences and fewer short custodial sentences <i>continued</i>	Higher proportion of women found guilty receiving a community sentence, fewer women receiving an immediate custodial sentence and fewer women receiving a short custodial sentence.	We found no notable change in the proportion of women found guilty given a community or immediate custodial sentence. Slight downward trend in the proportion of women receiving a short custodial sentence however, they account for the majority of all custodial sentences.
Custody Outcomes	Less women recalled to prison due to breach of licence conditions.	Decrease in the number of women recalled into custody for breaching conditions of their licence. Some of this trend is accounted for by the drop in recall during the March 2020.

Notes

- 1 OOCs cautions data not published for 2020 due to the COVID-19 pandemic and community resolutions not available by gender.
- 2 When an individual is charged with a crime, the police decide their remand status (bail or custody). Once their case reaches the courts, the defendant's remand status is reviewed at each hearing throughout the proceedings. If remanded on bail, the defendant can return home until the court hearing (sometimes with certain conditions). If remanded in custody, the defendant is held in custody until the court hearing.
- 3 Calculations may not accurately track the proportional flow-through of women in the system, for example, women arrested in one year may not have had court proceedings in the same year.

Source: National Audit Office summary and analysis of Ministry of Justice and Home Office data

Key stage in the CJS/ calculation/data used (see Figure 10)	Change post-strategy	Data Sources
<p>5 Percentage of women proceeded against held on remand (Crown Court and magistrates' court).</p> <p>Calculation: Number of women remanded in custody/total women by remand status.</p>	<p><1% point increase in the proportion of women proceeded against remanded in custody by the magistrates' court (from 1% in 2018 to 1% in 2020).</p> <p>5% points increase in the proportion of women proceeded against remanded in custody by the Crown Court (from 22% in 2018 to 27% in 2020).</p>	<p>Source: Criminal justice system statistics quarterly: December 2020.</p> <p>Files: Remands: magistrates' court data tool, Remands: Crown Court data tool.</p>
<p>6 Percentage of women found guilty given a community or custodial sentence.</p>	<p><1% point increase in the proportion of community sentences given to women found guilty (from 5% in 2018 to 5% in 2020).</p> <p><1% point increase in the proportion of sentences of immediate custody given to women found guilty (from 2% in 2018 to 3% in 2020).</p>	<p>Source: Criminal justice system statistics quarterly: December 2020.</p> <p>File: Outcomes by offence data tool.</p>
<p>Calculation: number of women receiving a short custodial sentence/total number of custodial sentences.</p>	<p>5% points decrease from (77% in 2018 to 72% in 2020).</p>	
<p>7 Number of female offender recalls.</p>	<p>14% decrease (from 439 in Apr–Jun 2018 to 378 in Oct–Dec 2020).</p>	<p>Source: Offender management statistics quarterly: October to December 2020.</p>

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