

# Pre-court diversion for women: Evidence and practice briefing

## Summary

Women represent a relatively small proportion of people who commit crimes in England and Wales. In 2018/19 they accounted for only 14% of those arrested, 15% of those under probation supervision and 5% of those in prison.<sup>1</sup>

However, they are also some of the most vulnerable. As the recent Ministry of Justice Female Offender Strategy notes, “Many experience chaotic lifestyles involving substance misuse, mental health problems, homelessness, and offending behaviour – these are often the product of a life of abuse and trauma”.<sup>2</sup> What is more, we know that criminalising vulnerable women can make it harder for them to access routes out of the issues driving their offending, creating barriers to them finding or maintaining employment and accommodation and driving them towards crisis.

That’s why pre-court diversion, which seeks to offer a swift and meaningful response to offending while reducing or avoiding harmful criminal justice system involvement,<sup>3</sup> is so important for women. However, as Baroness Corston observed in her landmark review of women in the justice system,<sup>4</sup> women are different from men in terms of both the factors that cause them to offend and the way in which they respond to interventions. This means that, to effectively meet women’s needs, a gender-specific approach to pre-court diversion for women is required.

This briefing aims to support practitioners seeking to develop or improve gender-specific pre-court diversion. It will lay out the evidence base around women’s offending and the specific needs of women, explore what we know about effective working with female offenders, and provide examples of diversion schemes tailored for women.



**“I think it gives people another chance and some hope for a better future”**



**“I’m so, so happy with the help and support I’ve had – it’s been invaluable”**



**“The programme helped me deal with problems head on and has stopped me from getting in trouble again”**

Diversion participants

## Lessons for pre-court diversion for women

- 1. While women represent only a small number of people in the justice system, there is a strong case for investing in diversion schemes for women.** Women’s offending – most commonly non-violent acquisitive crime – is typically suitable for diversion. Women committing low-level offences are less likely than men to re-offend. And more strikingly there is evidence that criminalisation is more damaging to women’s rehabilitation than that of men.
- 2. Women’s diversion schemes should include a supportive, voluntary intervention.** Women in the justice system are typically vulnerable with a high prevalence of need, including trauma, substance misuse and mental health. Appropriate support with these issues will play an important role in reducing re-offending, but care should be taken not to “overdose” women with overly intensive interventions or put women who choose not to engage at greater risk of justice system involvement than their offending warrants.

3. **Diversion interventions for women should be integrated into support in the community.** Women's needs are often complex and will not be resolved within the scope of a light touch diversion intervention. Rather, the intervention should be used to help women with complex needs to access ongoing community support. However, given the barriers which some women may face in accessing services, it is important that this goes beyond simple signposting and includes support up to the point where a client has formed a relationship with a new service.
4. **Diversion interventions for women should be gender-informed.** While a brief diversion intervention will not offer the same opportunities for relationship building as a women's centre has in a community sentence, it should still draw on the evidence of effective practice in working with women and seek to respond to the full range of women's needs in a safe, supportive and non-judgemental way.
5. **Diversion should be responsive to the complex realities of women's recovery.** Many women who offend face multiple and complex needs which can include deep-seated trauma. It is unrealistic to expect that a single diversion intervention will lead to instant behaviour change. Recovery is complex and takes time. Women should not be automatically limited to one chance of diversion, even where they have not fully complied.

## Patterns of women's offending

Evidence clearly demonstrates that women's offending follows different patterns to men's. The 2008 Corston Report noted that women are more likely to commit acquisitive crime and less likely to commit serious violence, criminal damage and professional crime.<sup>5</sup> These patterns have held true: 2017 statistics on legal aid provided in police stations suggest that women were twice as likely as men to be arrested for fraud and forgery and more than 40% more likely to be arrested for theft offences. Women are only one third as likely as men to be arrested for sexual offences, and around half as likely to be arrested for robbery or burglary.<sup>6</sup>

Women are also less likely to reoffend than men. In 2016, only 22% of women reoffended, compared to 30% of men.<sup>7</sup> This difference is particularly pronounced for women with lower levels of justice system involvement. Women receiving cautions, discharges and fines were a quarter less likely to reoffend than their male counterparts. Women who received community sentences, by contrast were only 10% less likely to reoffend than similar men, and women who were sent to custody were actually 20% more likely.<sup>8</sup> This suggests that more intensive levels of justice system involvement are actually more impactful on women's reoffending than they are on men's.

## Effective practice with women

Women who offend have a very distinct set of needs to men. They are more likely to have experienced trauma: 53% of women in prison report having experienced emotional, physical, or sexual abuse as a child, compared to 27% of men, and a similar proportion report having been victims of domestic violence.<sup>9</sup> They are more likely to be primary carers of children: a 2013 study found that six in ten women in prison had dependent children and one-fifth were lone parents before imprisonment.<sup>10</sup> Their offending is more likely to be driven by their relationships: nearly half of women prisoners (48%) reported having committed offences to support someone else's drug use, compared to 22% of male prisoners.<sup>11</sup>

This distinctive needs profile demands a distinctive approach. A 2015 National Offender Management Service paper, *Better Outcomes for Women Offenders*, identifies seven 'priority needs' which address the factors which drive women's offending.

These are:

- **Substance misuse:** Stabilise and address individual need, in particular address class A drug use, binge and chronic drinking.
- **Mental health:** Expedite access to services that address mental health needs, in particular anxiety and depression, personality disorder, post-traumatic stress disorder, and trauma.
- **Emotion management:** Help women to build skills to control impulsive behaviour and destructive emotions.
- **A pro-social identity:** Be positive towards, about, and around women, and encourage them to help and be positive towards others.
- **Being in control of daily life and having goals:** Motivate women to believe that they belong and fit in to mainstream society, where they can work to achieve their goals.
- **Improve family contact:** Help women to build healthy and supportive family relationships, especially with their children.
- **Resettle and build social capital:** Help women to find somewhere safe to live, to learn how to manage their money, access education, and improve their employability.

The awareness of the differing needs of women has led to the development of a range of women-specific services. In particular, we have seen the emergence of women's community services / women's centres. While normally targeted at women on community sentences, the Tavistock Institute has identified a number of key features of this model which may be relevant to designing interventions to accompany diversion schemes aimed at women:<sup>12</sup>

- **Values-driven, gender and trauma-informed approaches** which recognise and respond to the high-incidence of trauma in clients.
- **Relationship-based** support that takes a non-judgemental and respectful approach, seeking to understand women's whole lives.
- Services provided in **women-only** spaces.
- **Holistic, tailored and multi-agency** support – a 'one stop shop' that deals with all of a woman's needs rather than requiring her to go to many different agencies.
- **Empowerment, strengths-based and co-produced**, empowering women to support each other and take an active role in the service.

## Case studies of women's diversion

### Footprints Women's Diversionary Scheme - Dorset Police

Jenny Howard, the Adult Out of Court Disposals Manager from Dorset Police, told us about their diversion scheme.

In April 2019 Dorset Police implemented a two-tier framework for adult out of court disposals (OoCDs). In order to meet objectives around addressing vulnerability and reducing reoffending, the move to two-tier was accompanied by a process for issuing conditions for OoCDs, depending on the vulnerability of the offender. A number of different diversions have been commissioned for different offender groups. Footprints, a local charity who have been working with offenders, both male and female, for 15 years were commissioned to provide support to vulnerable women. To develop this scheme, Footprints recruited a female support worker and canvased female volunteers to provide one-to-one support.

#### How the scheme works

The Footprints Women's Diversionary Scheme is open to any woman over the age of 18 who is resident in Dorset and is given an OoCD. Women are flagged for the scheme when a police officer identifies that they are suitable for an OoCD and would benefit from the support on offer. Frontline officers are encouraged to consider an OoCD and the Footprints Scheme in cases where they would normally have charged. If the woman accepts the OoCD and agrees to the condition, a referral by the Adult OoCD Team is made to Footprints.

Participants must agree to engage with the service for 'up to 16 weeks' - however the level of engagement will depend on a needs assessment. Support is a mixture of face-to-face and telephone contact. There is an element of signposting to further specialised services to address a range of needs such as mental health, drug and alcohol abuse, domestic abuse, sex working, family and relationships, financial issues, housing, employment etc. Staff support the woman to engage with these services by assisting with completing forms and by accompanying her to meetings if required.

At the end of the intervention if the woman has fully engaged the OoCD outcome will remain. If she does not engage the officer may take the decision to prosecute the original offence. Training has been provided to all front line officers on referring into the scheme.

#### Challenges

The introduction of the two-tier framework and the OoCD diversion options were a big change for officers and to begin with there was slow uptake for referrals. Due to this Footprints lost the interest of some volunteers and therefore the majority of the work has been provided by the paid support worker. The funding grant for years 2 and 3 is sufficient to ensure that the core work can be completed by paid workers.

#### Results

So far 66 women have been referred to the scheme. Re-offending data has been collated for the 18 who have reached the six-month post disposal date and none of them have re-offended. A dip sample from a control group of female offenders given an OoCD in 2018 prior to the scheme being launched indicated a re-offending rate of 16%.

Women who have participated in the Footprints scheme have provided the following testimonials:

“Hi, everything is going really well, I now know my universal credit amount, so I’m now working with Citizens Advice to tackle the debts. You First are meeting with me next week to start the process of getting the tenancy in my sole name. I feel like everything is starting to become easier as I tackle each hurdle. But know I’m heading in the right direction with everything now”

“I wanted to let you know I’ve found a counsellor and I’ve started seeing her fortnightly. She lives in Boscombe so I can walk there after work and then pick D up from nursery just over the road when I’m done. She is a very good fit for me and I’m confident we will work well together. She also said she is there for support via text or email if I need it, so I suppose really your work here is done. Thank you for taking the time to check in on me, I hope the work you do with Footprints leads to more good things for other people too.”

## Checkpoint Plus – Out of court disposal scheme for women in Surrey

**Laura Parrott, Interim Checkpoint Co-ordinator at Women’s Support Centre Surrey, told us about their diversion scheme.**

Surrey’s Women’s Justice Intervention scheme went live in June 2016 and transitioned to Checkpoint Plus in January 2019. The service diverts women out of the formal criminal justice system into a holistic support package.

The team is based at the Women’s Support Centre Surrey and works in partnership with Surrey Police.

To be eligible for the scheme women need to live in Surrey, have offended in Surrey, have committed an offence which is eligible for an out of court disposal, and admit to the offence. Women are referred from Surrey Police (via a multi-agency panel) and receive one-to-one support from a trauma-informed specialist worker, who can provide key interventions and refer to specialist partner agencies.

At the point of arrest women are diverted from the traditional criminal justice route and supported to address their crime and the root causes of their offending. The support provided includes sessions around key pathways to offending including mental health needs, substance misuse and domestic abuse. During 2018/19, 79% of the women supported by the service had experienced or were experiencing domestic abuse, 72% had a mental health concern and 69% were using drugs and/or alcohol.

The Women’s Support Centre Surrey is managed by the national organisation Women in Prison and is independent from Surrey Police. We are in a strong position to work holistically with the women referred, and they are often far more willing to engage with an independent organisation. Following their Checkpoint Plus intervention, many women continue to receive support from the other projects available at the Centre.

Our interventions seek to address the causes of offending behaviour and underlying reasons. Mandatory sessions are agreed by the caseworker and the client. The expectation is that these sessions will be completed, otherwise the case will go back to the multi-agency referral panel, and an alternative criminal justice system outcome can be decided. In 2018/19 over 95% of women successfully completed their interventions.

All interventions are based on a restorative practice approach; if the victim wishes to meet with the client for a face-to-face session (and it is deemed appropriate) then this is facilitated by the caseworker. Alternatives to a face-to-face meeting can include a letter of apology or statement of reflection written by the client. As well as mandatory activities (linked to the offence/underlying reasons behind offending) clients are also offered voluntary sessions. These are linked to issues that were self-identified during the needs assessment and are aimed at further reducing the risk of reoffending and creating a platform from which to move forward.

## *Key successes*

A number of clients have children living with them at the time of their referral to the service. In some cases, although Children's Services are involved and the children are subject to a child protection order, our interventions can enable Children's Services to disengage. In 2018/19 seven of our clients had children remain living in the home or returned from foster care as a result of the successfully completing their interventions with us.

Satisfaction with the service is very high: in 2018/19 clients rated their overall satisfaction with the service an average of 9.6 out of 10. Women who used the scheme have said:

"I've totally turned my life around, some being my own doing and some down to Checkpoint... I'm so, so happy with the help and support I've had – it's been invaluable."

"I think it gives people another chance and some hope for a better future."

"It gives people a second chance in life because everyone makes mistakes. The program helped me deal with problems head on and has stopped me from getting in trouble again."

## Endnotes

1. MoJ Offender Management Statistics Quarterly, January-March 2019
2. Ministry of Justice (2018) Female Offender Strategy p6
3. For a fuller description of pre-court diversion for adults see Carmen Robin-D'Cruz and Stephen Whitehead. 2019 Pre-court diversion: an evidence review (Centre for Justice Innovation).
4. Home Office (2007) The Corston Report: A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the criminal justice system
5. Ibid.
6. Statistics taken from table 5.03 of the data packs accompanying MoJ (2017) Women and the criminal justice system
7. Table 7.04 Women and the criminal justice system
8. Table 7.09 Women and the criminal justice system
9. Ministry of Justice. (2012). Prisoners' childhood and family backgrounds, London: Ministry of Justice.
10. Hansard HC, 16 July 2012 c548W
11. Ibid.
12. Tavistock Institute. 2019. Why Women's Centres Work: An evidence briefing

## About the Centre for Justice Innovation

The Centre for Justice Innovation seek to build a justice system which all of its citizens believe is fair and effective. We champion practice innovation and evidence-led policy reform in the UK's justice systems. We are a registered UK charity.

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