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## **Transforming Women's Rehabilitation? An Early Assessment of Gender-Specific Provision in Three Community Rehabilitation Companies**

### **Abstract**

Following the implementation of the Offender Rehabilitation Act 2014, the Transforming Rehabilitation (TR) reforms expanded the offender management market to include several private providers, known as Community Rehabilitation Companies (CRCs). The TR reforms have been the subject of intense debate since the outset. Political, academic and campaign-group commentary has critiqued the rapid implementation of the new agenda and examined its likely impact on existing services (particularly those run by the charitable sector). A growing body of research has also questioned the likely impact of the legislation on community provision for women, a field already beset with precarious funding streams. Lamenting the 'lack of strategic focus' on women, a recent review by Her Majesty's Inspectorate of Probation (HMIP) revealed that 'dedicated funding for women's community services has virtually disappeared, and provision is mixed and uncertain' (2016a: 4). Drawing on 36 interviews conducted with probation officers and practitioners (keyworkers) working for women's services, this paper validates such concerns. While the supposed subjects of an established government strategy, it is particularly regretful to report such findings in the tenth anniversary year of Baroness Corston's seminal report.

### **The Transforming Rehabilitation Agenda**

Closely aligned to broader political developments, market-based strategies have long permeated official thinking about probation (see Senior, 2016; Dominey, 2012a). Ideas to include more 'partnership' work with voluntary and private providers (while reducing the burden on the public sector) can be traced through several policy documents published during the Conservative era (see for example Home Office 1990; Home Office, 1992). Similar policy proposals (see for example the Carter Report of 2007) and legislative developments (such as the Offender Management Act 2007) continued under New Labour.

Specific ideas relating to the current penal agenda can be found in the 2008 'Prisons with a Purpose' policy paper, published by the Conservatives in Opposition. Presenting a 'fresh approach', it called for a greater focus on rehabilitation and improved scope for a mixed market of providers in the penal field. Many of these ideas were reproduced in the Coalition government's 'Breaking the Cycle' Green Paper of 2010 and the follow-up 'Competition Strategy for Offender Services' (2011) which outlined the government's ambition for encouraging greater involvement of the private and voluntary sectors in the rehabilitation of offenders (Edwards,

2012). These documents formed the basis of the Coalition Government's Transforming Rehabilitation policy agenda, later enshrined in the Offender Rehabilitation Act 2014. Promising a 'rehabilitation revolution', the legislation sought to address the 'revolving door' of crime, and was based on an official recognition that many of those serving short term prison sentences were not receiving adequate support to stop offending. There is little doubt that the Transforming Rehabilitation agenda was underpinned by fiscal motivations, a key driver during the government's policy programme of austerity (see Teague, 2013; Calder and Goodman, 2013; Deering and Feilzer, 2015).

The Offender Rehabilitation Act introduced two fundamental changes to probation. The outsourcing of the probation service to the private sector was framed in the language of 'driving innovation' and resulted in the creation of twenty-one Community Rehabilitation Companies (CRCs) to manage those deemed 'low' and 'medium' risk in the community<sup>1</sup>. In addition to their baseline fee, the CRCs are remunerated according to their ability to reduce re-offending through an incentivised system of Payment by Results. The legislation also amended the law relating to the post-release supervision of those serving short custodial sentences (categorised as twelve months or under) who had not previously been subject to monitoring by probation. Although early days, the introduction of the private sector has not yet resulted in the promised innovations. Successive reports from Her Majesty's Inspectorate of Probation (HMIP) have revealed evidence of cost-cutting, increasing caseloads, poor morale and limited help with client accommodation, employment and finances (see HMIP, 2016b; HMIP, 2016c). Post-sentence supervision also remains an ambiguous area, with emerging evidence that it amounts to little more than 'light touch' monitoring.

The legislation also updated the community sentence menu available to the courts. The Rehabilitation Activity Requirement (RAR) replaced the Specified Activity Requirement (SAR) to give offender managers greater flexibility to determine the rehabilitative interventions delivered to offenders. Under the existing provisions, sentencers could specify the *nature* of the activity they wanted the offender to undertake, while now they can only specify the maximum number of *days* to be completed. Activity days can be of differing duration, from one hour to a whole day, depending on the nature of the session.

### **Transforming Rehabilitation for Women?**

Following a wealth of academic research, campaign group literature and steady progress in government, the publishing of the Corston Report in 2007 (in the aftermath of several suicides on the female custodial estate) represented a watershed moment in revealing the specific needs of women in custody to a wider audience. In

highlighting the particular vulnerabilities of women in prison, Corston called for the development of a network of holistic one-stop-shops (or women's centres) to enable more women to be punished in the community where appropriate. The government responded by providing ring-fenced funding for the establishment of such services, together with a Ministerial 'Champion' (in the form of Maria Eagle MP) to ensure that the policy remained salient on the agenda. While the status of women's penal policy was affected by the election of the Conservative-led Coalition in 2010, the current policy (outlined in a document entitled 'Strategic Objectives for Female Offenders') adopts flavours of Corston to advocate the widespread use of community punishments for women (2013).

Given the refreshed Ministerial focus, and the creation of an expert-led Advisory Board, it is regrettable that women were only mentioned in one paragraph of the original Transforming Rehabilitation document which stated that future provision should meet their 'specific needs and priorities' (2013b; for a critique see Annison et al., 2015). Responding to this omission, the Ministry of Justice admitted that a differentiated approach to managing specific groups of offenders was required. Stating that 'plans to open up provision to a diverse market of larger and smaller providers will better support existing providers of women's services' (2013c: 16), it concluded that the reforms would 'deliver better outcomes for women offenders' (2013c: 16). Despite such acknowledgements, the initial format of the Offender Rehabilitation Bill contained no specific mention of women. A later amendment (accepted following pressure from the women's penal reform lobby), stated that future arrangements for female offenders must comply with Section 149 of the Equality Act 2010 (which introduced the gender equality duty) and that provision must 'meet the particular needs of female offenders' (Section 10, Offender Rehabilitation Act 2014). While the government promised to 'develop provider contracts which ensure that appropriate services are provided' (2013c: 10), the contractual requirements for women were kept reasonably broad so that the CRCs could interpret 'particular needs' as they felt appropriate. The Ministry of Justice did however state an expectation that women should be supervised by female officers, attend supervision meetings in women-only settings and no longer complete unpaid work in mixed groups *where practicable* (2014).

The relatively small number of women being punished in the community<sup>ii</sup> has led to a patchwork of specialist services, resulting in accusations of 'postcode lottery justice'. A report by the House of Commons Public Accounts Committee (2016) is the latest to highlight the inconsistency in provision for women across England and Wales, a situation of particular concern for commentators who have long championed the historic involvement of the charitable sector in such work (see for example Roberts, 2002; Howard League, 1999, 2006,

2016; Prison Reform Trust, 2000, 2014; Fawcett Society, 2004). While forming a key part of the penal landscape, the involvement of the charitable sector in the delivery of court orders for women has not been without challenges, however. The main critique levelled at the women's centres is that they have had difficulties in providing quantitative data to prove their effectiveness with regards to reoffending (see Gelsthorpe and Hedderman, 2012). Supported by the Corston Independent Funders Coalition<sup>iii</sup>, research conducted by the *new economics foundation* (nef) in 2012 employed quantitative methodology to address this issue<sup>iv</sup>. Concluding that the centres created meaningful outcomes for women in addition to being cost-effective alternatives to custody, the report called for commissioners, when designing the Payment by Results criteria, to introduce 'meaningful indicators of change' that captured different forms of women's progress. The launch of the Ministry of Justice Data Lab in 2013 was another welcome development, providing small (predominantly voluntary sector) organisations the opportunity to send details of their offender groups to Ministry of Justice researchers for analysis of reoffending data<sup>v</sup>. The Ministry did however admit (in its response to Justice Select Committee's 2013 inquiry on women offenders) that the small numbers of women attending the centres curtail the Data Lab's ability to provide a meaningful analysis of their impact (see Ministry of Justice, 2013d: 19).

### **Methods and Data**

This article forms part of a much larger project (involving 170 participants) on the sentencing and punishment of women under the new Transforming Rehabilitation arrangements. The data relates to thirty-six semi-structured interviews that were conducted with practitioners (18 probation staff and 18 women's centre staff or keyworkers) in several locations across three CRC areas. The identities of the CRCs are not revealed, but it is important to note the following contextual information:

- CRC1 covers a large metropolitan area. It is positioned as the most gender-specific of the three CRCs and has introduced several new working practices in this regard. Two women's centres currently operate in the area and CRC1 has publicised plans to expand their remit further.
- CRC2 covers both urban towns and cities as well as rural areas. CRC2 benefits from the existence of three well established women's centres and continues to rely on these for the basis of its gender-specific provision.
- CRC3 covers some urban areas, but predominantly very rural areas. CRC3 has no women's centre and offers limited gender-specific provision.

Initial clearance for the research was provided by NOMS. The CRCs then provided details of their strategic leads for women who supplied the names of individuals who could act as local gatekeepers. Recruitment for interviews adopted a purposive and snowballing approach, with some participants recommending other colleagues who worked with women. At the same time, contact was made with the managers of the women's centres across the research sites. A similar recruitment approach was adopted, with managers providing the names of staff who might wish to contribute. All interviews were recorded and transcribed, with thematic analysis employed on the transcripts. A decision was made to anonymise participants whether they requested it or not. This enabled all participants to express their views without fear of repercussions, professional or otherwise. Participants are therefore identified by a pseudonym and their professional position: *SPO* – Senior Probation Officer, *PO* – Probation Officer, *PSO* – Probation Service Officer, *KW* – Keyworker based at a women's centre.

The difficulties in securing interviews with probation officers at this time of uncertainty cannot be overstated. The issue was particularly challenging in CRC1, where the research was met with much resistance and suspicion (despite having the full support of the women's leads). Consequently, and after months of persistence, it was not possible to conduct fieldwork in the sub-areas originally identified, although staff from other areas were willing to take part. Challenges with the two other CRC areas related mostly to the small number of female staff working with women and the large spread or rurality of the regions.

As highlighted in similar reports (see HMIP, 2016b; 2016c), the research participants represented a group of professionals in flux. Ethnographic research conducted in one CRC by Robinson, Burke and Millings (2016) revealed a cohort of professionally insecure staff who were experiencing a period of status anxiety in their suspension between public and private (described by the authors as a period of 'liminality'). This research adds further weight to their findings. Conducted during a period of fundamental change, probation staff were attempting to adapt to new policies and working practices. As a wider group, they were interpreting the legislative changes with discretion and continued to work with their female clients according to their professional conscience (i.e. business as usual). Women's centre staff revealed, once again, their unwavering commitment to 'do the right thing' despite the uncertainty of their future employment. It is important to note, however, that many of the participants were searching for alternative work. Given their understanding of and commitment to the spirit of Gelsthorpe et al.'s (2007) lessons for working with women<sup>vi</sup>, this was an unfortunate situation to uncover.

## Findings

The remainder of this article will assess early developments against some of the Transforming Rehabilitation ‘promises’ for women, including:

- *Increased provision*: the arrangements that CRCs had put in place (or retained) to meet ‘the particular needs of female offenders’ (including the opportunities they had developed for women to undertake their sentences in female-only environments);
- *Increased collaboration*: the extent to which probation officers were engaged in (and developing) collaborative work with the existing providers of women’s services;
- *Increased flexibility*: the extent to which sentencing developments (the introduction of the Rehabilitation Activity Requirement) had given probation officers greater flexibility to work with their female clients.

### *Increased provision to meet ‘the particular needs of female offenders’?*

The results of this research are consistent with the findings of a recent HMIP thematic inspection of women’s community services which highlighted that as well as being patchy, ‘service provision for women in the community was of varying quality and availability’ (2016a: 9; see also Howard League, 2016). While each CRC publicises different services for women, practitioners revealed the large difference between *stated* provision and what was actually offered. In addition to concerns about the lack of gender-specific services, frustrations also focused on the general inappropriateness of unpaid work placements. Such views are consistent with previous research that has highlighted a number of sentencer and practitioner ‘dilemmas’ in this regard (see McIvor, 1998; 2004). Many of the concerns focused around the interrelated issues of rehabilitative ineffectiveness, unsuitability and unworkability.

Under the arrangements in CRC1, offenders are organised into different categories (for men, women and those with additional mental health requirements). CRC1 has labelled women as a ‘priority focus’ and recently announced a large sum to fund existing (and future) women’s services over the coming years<sup>vii</sup>. In line with government expectations, women offenders in CRC1 are now supervised by female probation officers only. Officers in CRC1 were divided about this arrangement, however, and not all viewed it as a positive step. Officers based in one area mentioned their system of ‘women’s-only reporting’ (usually relating to a half-

day session where no appointments were made with male clients), although this was not always enforced. Considering CRC1's stated commitment to women (which itself reflects government objectives), it is regrettable that no other probation office had adopted this system. While it is important to note the existence of two women's centres in the area, they were constrained in their ability to access clients (through probation referrals) and were utilised by a relatively small group of women who lived within their reach. One centre had developed a 'hub and spoke' approach to counter this (with staff travelling to probation offices to meet with women), but it operated more as a paperwork or referral service. The other centre was not operating effectively, although there were plans to rectify this.

Officers working with women in CRC1 constituted an unhappy group of practitioners. They described challenging working conditions and expressed frustration with their unmanageable caseloads (which were higher than they had been promised). Most felt that the women's strategy had not benefited from any of the additional services (or funding) that had been mooted by the CRC when it took over. Several, although not all, made regular reference to the importance of working with women according to Gelsthorpe et al.'s (2007) principles, and they viewed the lack of specific provision as a crucial omission. Their new system of 'agile working' (based across several offices) meant that many were still getting to grips with the services provided in each area (see McDermott, 2016).

All the officers in CRC1 felt that the current range of unpaid work projects were unsuitable and didn't help women address their offending behaviour, with most raising issues relating to health and childcare.

All the projects start at eight, half eight or nine, which is difficult for them to get their kids to school and then get there. If they're five minutes late, they're not allowed in. So, a lot of mine are excluded from that because they can't actually make it ('Carrie', PO, CRC1).

Several felt that more part-time or evening opportunities should be developed so that women could undertake unpaid work after the school day, or even at home.

CRC2 covers densely populated cities and towns as well as very rural areas. Like CRC1 it has a stated policy to 'deal with the very specific issues which lead to women's offending behaviour' although none of the probation premises had established a system of 'women's-only reporting' and female clients continued to be supervised by both male and female officers. The CRC2 Service Directory outlines a range of elective services that are provided specifically for women, including programmes relating to drug and alcohol use, victim

awareness, shoplifting and courses to help with anger, anxiety and self-esteem. Most of these are delivered at the three women's centres, one of which is under the direct remit of the CRC (transferred from NOMS in 2014) while the other two remain independent. Probation staff in CRC2 were clear that they adopted gender-informed practices and were broadly supportive of the women's centre model. Those women living in the rural parts of the region were not able to benefit from the services offered by the women's centres, although the centres did operate outreach services to help women progress through their orders remotely. Due to high caseloads, probation officers did not conduct much work of this nature, and relied on keyworkers to access women in the community.

Most of the practitioners in CRC2 (including all the keyworkers) supported the principle that women should not be placed in male groups to undertake unpaid work, with two explaining that they had recently removed women from such environments:

She was the only woman on the group, she was constantly being harassed by the men, asking for her phone number and stuff like that, and that just shouldn't happen ('Beth', KW, Centre 4, CRC2).

Two of the centres were developing innovative ways to satisfy unpaid work requirements for women within their environs (such as helping to run a lunch club, painting and decorating and sorting the donations). Such opportunities, while clearly satisfying government expectations, were in the minority. Only a handful of (the most vulnerable) women were offered the opportunity to undertake their unpaid work within the centres.

CRC3 makes no specific reference to gender-specific provision on its website, but its Service Directory outlines three specialist services. Given the rurality of the region, services are understandably limited in scope. Due to geographical constraints, practitioners in CRC3 worked with women in a markedly different way to their counterparts in CRC1 and CRC2. Probation officers did a lot of work via outreach and, in the face of office closures, were based at several locations. While the area has no women's centre, a region-wide outreach service conducts work with women on a one-to-one basis. The relationships that the service developed with probation officers were key to referrals, however it was over-subscribed and working with more women than it received funding for. Like CRC2, CRC3 had not adopted a specific policy of working with women, and female clients continued to be supervised by male and female officers. 'Women's-only reporting' did not exist in the areas reviewed, and most probation staff did not see issues with this set-up. Only one officer chose to meet her female clients at a local café so that they did not have to visit the probation premises. The main barrier to the

development of additional services, in addition to the rural location, was the extremely small number of female clients that CRC3 had inherited.

We've never had the right number of females in right locations to be able to offer any women's only type service ('Harriet', PO, CRC3)

In the absence of external services, probation officers worked closely with their female clients, although it is interesting to note that most did not discuss their work in gender-specific terms. While recognising that their female clients presented a complex group of individuals, many officers did not see the requirement to treat them differently. All but one of the officers in CRC3 were happy with the arrangement of mixed groups for unpaid work and most had never considered this to be an issue. The general view was that women should be given a choice.

There are a lot of times when perhaps you think that a woman would be better off in a female environment and they turn around and say 'No, actually I would rather be in a mixed environment' ('Isabelle, PO, CRC3).

### ***A renewed commitment to collaborative working?***

While increased opportunities for collaborative working were envisaged under the Transforming Rehabilitation arrangements (of particular importance in the women's penal field where there is a long history of voluntary and charitable sector involvement in the delivery of services), the new working arrangements were taking time to set in. Voluntary and charitable sector concerns about Transforming Rehabilitation have been expressed elsewhere (see for example reports produced by the Justice Select Committee, 2013; Public Accounts Select Committee, 2016; Marples 2013; Clinks, 2016), and interviews with practitioners and probation staff exposed similar tensions.

It was surprising to uncover that relations between probation and centre staff across all three CRCs were not unanimously positive. Relations between probation officers and centre staff in CRC1 needed substantial improvement and relations were also patchy in CRC2 (although there was greater evidence of collaborative working at Centre 3 than Centre 4). Relations were better in CRC3 where there was a strong reliance on the outsourcing to the women's service. Consistent with the findings of previous research (see

Hedderman and Gunby, 2013), probation officers outlined several barriers to increased cooperative working. Most of their concerns related to trust, including issues with the sharing of information (particularly attendance monitoring or feedback on progress) and limited knowledge of (and confidence in) the women's centre model. Others highlighted the different ethos of both services (one focused on the enforcement of court orders and the other on developing women's empowerment in a non-authoritative manner) and viewed this as an obstacle to increased collaboration (see also Barry, 2000; Dominey, 2012b).

The centres are subcontracted by the CRCs to provide specific services (including RAR activities) for women serving their punishments in the community. While centre staff were aware of their contractual responsibilities, most explained that they tried hard not to focus on the 'criminal justice' element of their work. The continuous stress by both probation officers and centre staff of the difference in ethos (or the 'us and them' mentality) was unfortunate, and an issue that will be exacerbated further if the centres are to become established 'contract providers'.

We are very ingrained in probation culture, we do like things to work and we like to know where we are ('Debbie', PO, CRC1).

Some just don't see the point of this service because they're more punitive or maybe think this is a bit, like, airy-fairy and stuff ('Naomi', KW, Centre 1, CRC1).

Several probation officers felt that having colleagues based at the centres could break down some of the barriers and lead to greater levels of information sharing. Others did not support this strategy, however, and described their experiences of being based at centres as 'hostile'.

Issues relating to trust and information sharing were the main areas of contention for probation officers. Some expressed concern about the nature of activities undertaken by women referred to the services. This issue was of particular concern to officers in CRC3 whose local women's service operated exclusively by outreach. 'Veronica' (PO, CRC3) didn't trust "the professionalism or the boundaries", while 'Maggie' (PO, CRC3) wanted it to become more accountable in developing a "more structured way of working".

Many women's service staff recognised such apprehensions and acknowledged that they needed to improve their channels of communication. They were cautious, however, about striking the right balance between 'open communication' and 'information overload'.

It is important to stress that while these issues are concerning, they are not indicative of all views. Several probation staff spoke of their support for the centres and felt that they provided important services for women. However, with a new system that places a heavy reliance on outsourcing to external services, the concerns outlined (most of which are long standing) are likely to be exacerbated under Transforming Rehabilitation. While the role of women's centres in the delivery of effective court orders is widely recognised, their future success rests on their ability to secure sustained funding from the CRCs and maintain trusting relations with probation to gain referrals, work closely in the best interests of shared female clients and find a way to resolve their different aims.

### *Greater flexibility for probation to determine rehabilitative interventions for women?*

The Offender Rehabilitation Act 2014 updated the community sentence menu available to the courts. The Rehabilitation Activity Requirement (RAR) replaced the Specified Activity Requirement (SAR) to give greater flexibility to probation to determine the rehabilitative interventions delivered to offenders. While a recent inspection of the RAR conducted by HMIP made no specific reference to women, it highlighted the 'lack of clear and consistent guidance about how RARs should be managed and delivered' (2017: 28). Consistent with such findings, probation officers viewed the RAR as an additional bureaucratic layer that was largely misunderstood, and highlighted the wide divergence of interpretation in its application. While welcoming the more flexible forms of working it would enable, most were not clear how the new developments would work out. Officers did confirm, however, that its introduction had made little, if any, difference to the way that they worked with their clients. Most simply viewed it as (yet) another (politically motivated) change, and an alternative way of recording existing working practices (made more complicated as the existing system (nDelius) was not designed to capture the new structure of activities). 'Debbie' (PO, CRC1) viewed the RAR as "a box ticking exercise", while 'Maggie' explained:

It hasn't changed the way I work with my clients in any way, shape or form. All its done is change how much time it takes for me to record the information on the system (PO, CRC3).

If unable (or unwilling) to signpost their clients to external services, the CRCs are expected to 'provide practitioners with a readily accessible library of modular materials for use individually and in groups, to deliver effective structured work addressing a variety of offending-related factors' (HMIP, 2017: 12). Several officers

felt let down that the extra provision they had been promised had not yet materialised. As a consequence, they were left to search for ‘meaningful’ exercises that they could badge as a RAR activity. Several simply used the time as supervision.

People are really scrambling around looking for ideas for what they can do constructively to manage a RAR... It’s reliant on what’s around in the area... There’s not really anything without us being very, very creative, which we haven’t had time to be, really (‘Judith’, SPO, CRC1).

Like colleagues in CRC1 and CRC2, officers in CRC3 were particularly concerned that women were being given a large number of RAR days to undertake, and worried about how they could fulfil such requirements in the face of limited external provision or support for the development of their own packages (see HMIP, 2017).

We can end up banging our heads and I’m thinking ‘what other bits can we do?’ Although we can help in certain ways we are not trained in either a lot of drugs, a lot of alcohol or mental health (‘Isabelle’, PO, CRC3).

Probation officers and centre staff alike were concerned that sentencers often overwhelmed women with too many requirements. ‘Emily’ (PO, CRC2) felt that the courts “pile on a whole load of other stuff that they have to do which is not the best thing to do. Women will feel overwhelmed and if they have trouble turning up anyway then they’re getting into more trouble because of that” (see for example Hedderman, 2010; Easton et al., 2010). ‘Lexie’ KW, Centre 3, CRC2) viewed the situation as “a prison sentence in disguise” that sent women into “overwhelm”. It is important to note that while sentencers may be overloading women unnecessarily, such views might also relate to general understandings about sentencing. It may be the case that a punitive element is included to ensure that the punishment is robust enough to avoid custody<sup>viii</sup>.

While women’s service staff were broadly supportive of the RAR, they felt that potential benefits were dependent on the creativity of individual probation officers (and their willingness to make referrals). ‘Pat’ (Centre 1) felt encouraged that the new system “allows the probation officer to step back and allow others to be involved in the work”, but expressed concern, however, that this meant “they don’t bother seeing people anymore”. She was also worried about the blurring of traditional boundaries between keyworkers and probation

officers, and felt there was a risk that greater levels of collaborative working could mean that “keyworkers and other professionals become quasi probation officers”.

### **Reflection Points**

The Ministry of Justice stated in 2014 several expectations that would ‘transform’ women’s opportunities for rehabilitation under the Offender Rehabilitation Act. To date, official investigations and inspections of the new arrangements have not produced glowing reports. The House of Commons Public Accounts Committee has expressed concern that ‘services [for women] are inconsistent across England and Wales as the statutory responsibility is not supported by more detailed specification’ (2016: 11). Such views are echoed in a HMIP thematic inspection of women’s community services which confirmed that ‘not all women were offered the opportunity to report, have appointments or undertake their programmes of work in a female-only environment’ (2016a: 9).

Reiterating the above concerns, this research has revealed that other than new working practices introduced by CRC1, government aims for women have not yet been achieved by the CRCs reviewed. Arrangements for women (which will understandably differ from area to area) must be prioritised as CRCs devise strategies to improve rates of engagement and compliance. It is regrettable that there were no comments on women’s experience of unpaid work in recent inspections conducted by HMIP (2016a; 2016d). The thematic inspection of women’s community services found no examples of lone females in mixed groups, although evidence uncovered during this research points to a different conclusion. CRCs should develop more flexible placements for women to undertake unpaid work. This need not be an expensive endeavour; probation officers and keyworkers provided numerous suggestions that CRCs could look to implement.

The CRCs were continuing to rely on existing (but precariously funded) women’s services to satisfy their contracts. If these services are to continue working with the CRCs to deliver court orders they must be fully integrated into stable funding plans. The ongoing uncertainty around funding impacts on staff and service users and is having a massive impact on morale (see also Radcliffe et al., 2013). The All-Party Parliamentary (APPG) Group on Women in the Penal System has called for the Ministry of Justice to take back control of women’s services to commission them separately (see Howard League, 2016), yet there are no official plans to reverse the contracts. There is a pressing requirement, therefore, to develop a universal standard measurement

tool to determine the effectiveness of the centres (see Hedderman et al., 2008; Jolliffe et al., 2011; Radcliffe et al., 2013). Drawing on the conclusions of the *nef* report (2012) and information collated by the Justice Data Lab, the CRCs should work with the women's services to ensure that new systems of measurement are established. These should value the 'distance travelled' (Dominey, 2012a: 346) by women and incorporate more holistic outcomes such as personal and socio-economic development. Such concerns have long been voiced by voluntary sector organisations and academic research alike (see Dominey, 2012a; Gelsthorpe and Hedderman, 2012).

The value of properly functioning women's services (in particular the centres) cannot be overstated. By virtue of their ability to provide top-up support, they are also able to help women achieve long-term, normative compliance<sup>ix</sup>. It is regrettable, therefore, that probation officers were not making referrals to the centres on a routine basis. Probation officers expressed valid concerns relating to professionalism, trust and feedback, and the centres have a pressing duty to improve levels of communication if they wish to develop more sustainable relationships. Those centres with weaker relations risk being underused and are clearly less sustainable in the long term. Resolving the inherent tensions between *enforcement* (probation) and *empowerment* (women's centres) must form a strategic focus for CRCs; a situation that must be acknowledged if practical solutions are to be found (see also recommendations of the CJJI Report, 2011: 124).

The final area of reflection relates to the introduction of the RAR and the early impact on women. A recent HMIP inspection found that 'the decision on the way that RAR days were delivered appeared to bear little relation to need' (2016a: 38). While this was not the universal situation in the three CRCs reviewed, some officers did struggle to find appropriate and relevant activities to fulfil this requirement. HMIP expressed concern that RAR activities had simply become supervision that was recorded differently, and the probation officers interviewed for this study admitted that this was the case. With no library of work for probation officers to draw on – and in the absence of suitable provision - this situation requires immediate rectification if the RAR is to become established as a viable sentencing option. Officers also raised legitimate concerns about quality control. If CRCs plan to outsource RAR activities (to women's centres, for example) then rigorous systems of inspection must be established.

Practitioners also expressed concern that many of their female clients were being overloaded with too many onerous requirements. Sentencers may be unaware of this situation (believing that they are helping women to address multiple problems, for example), and NOMS, the NPS and the CRCs need to better communicate the implications of sentence overload for the successful completion of sentences. The key role of

the Pre-Sentence Report (or equivalent) must be recognised here. It is unlikely that sentencers will impose requirements that have not been recommended in court reports, and so this issue may relate more directly to NPS court staff rather than sentencers (see Birkett, 2016). The knowledge of practitioners (in particular keyworkers) on the principles of sentencing is another important point. In their role as mentors and advocates they have less focus on the ‘criminal justice’ elements, but in so doing, may not fully appreciate how robust ‘alternatives to custody’ actually need to be.<sup>x</sup>

### **Concluding Comments**

This research has highlighted several short-term issues that should be addressed by the CRCs under the current arrangements. These issues must be understood, however, within an increasingly politicised and fragmented penal environment, where mixed-market provision is the norm (see Barry, 2000). It makes logical sense that as profit driven enterprises, CRCs will look to commission services that can be provided in bulk to low risk offenders. Herein lies the problem. Women constitute a small number of the overall caseload, and while they are low risk, many have complex needs. How, then, can Transforming Rehabilitation work for them?

In the run-up to the implementation of the Offender Rehabilitation Act, the former general secretary of NAPO argued that competition runs counter to the traditional culture of probation, with its focus on discretion, ‘best practice’ and trusting local partnerships (Ledger, 2012). Such points are particularly pertinent to the women’s penal field. It is widely accepted that ‘best practice’ for women is that which helps them to address the social problems that may be linked to their offending; provides them with links to mainstream agencies; has capacity and flexibility to allow for ‘top-ups’ or continued support where required and provides practical help with transport and childcare (Gelsthorpe and Wright, 2015: 52-3). Several research studies (see Plechowicz, 2015; Radcliffe et al., 2013) have demonstrated how the network of women’s centres are best positioned to provide women with the above criteria. A major barrier to their current sustainability (and the development of additional services) is one of numbers. While the government may support the widespread use of community punishment for women, the small number in the system creates commissioning problems for private providers. Women’s services cannot benefit from economies of scale (making them cheaper to run) and this results in problems evaluating their impact. This situation creates something of a Catch 22, with CRCs unlikely to invest in any services that cannot prove (or have difficulties proving) their effectiveness.

Gelsthorpe and Hedderman warned five years ago about the unsuitability of the new system for vulnerable women in particular, whose journey to desistance is often slow and interrupted (2012; see also

Radcliffe et al., 2013). There is a real risk that the introduction of the private sector into the offender management market will undermine much of the progress that has been made to date (see Gelsthorpe and Hedderman, 2012; Asher and Annison, 2015; Plechowicz, 2015). Indeed, Annison et al. have gone further to argue that the introduction of Payment by Results runs counter to the Ministry of Justice's commitment to the needs-based ethos of the Corston agenda (2015). Consistent with the conclusions of several official investigations, this empirical assessment also echoes the above concerns. The CRCs, committed to operating as subcontractors of the state, must make real progress if the government is to achieve its Transforming Rehabilitation promises for women.

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<sup>i</sup> Those assessed as being 'high' risk would be supervised by the reformed public sector National Probation Service (NPS) which would also undertake all work in the courts.

<sup>ii</sup> According to NOMS, women account for just over fifteen per cent of all offenders in the community, a number that has remained stable for the past five years:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/479966/noms-offender-equalities-annual-report-2014-15.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/479966/noms-offender-equalities-annual-report-2014-15.pdf)

<sup>iii</sup> A consortium of charities established to promote and realise the aims of the Corston Report 2007.

<sup>iv</sup> The research employed Social Return on Investment (SROI) methodology to attach a financial value to all material outcomes (including social, environmental and economic). For more information, see:  
[http://www.thebromleytrust.org.uk/Indehibit/files/A\\_Wise\\_Commission\\_webReady.pdf](http://www.thebromleytrust.org.uk/Indehibit/files/A_Wise_Commission_webReady.pdf)

<sup>v</sup> Ministry of Justice analysts provide organisations with detailed information relating to reoffending rates for their group of offenders compared to a matched control group with similar characteristics. The difference in outcomes between the groups is a measure of the impact of the programme on reoffending. For more information, see: <https://www.gov.uk/government/publications/justice-data-lab>

<sup>vi</sup> The lessons state that provision for women should be women-only to foster safety and a sense of community; enable staff to develop expertise in working with women; integrate offenders with non-offenders; facilitate a supportive environment for learning and foster women's empowerment, so they gain sufficient self-esteem to directly engage in problem-solving themselves.

<sup>vii</sup> No such announcements had been made at the time of fieldwork.

<sup>viii</sup> A high-level Community Order would need at least two requirements. It is also important to note that sentencers now award the *maximum* number of RAR days that an offender must undertake, and probation officers have the power to stop such activities if they feel that clients have satisfied this part of their order.

<sup>ix</sup> Bottoms's (2001) highly influential framework for understanding compliance differentiates between constraint-based, habitual, instrumental and normative behaviours. While any form of compliance is clearly very

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important, it is the achievement of normative compliance – achieving genuine buy-in to the aims and requirements of the order - that remains the ‘holy grail’.

<sup>x</sup> A third, albeit less important point, is to consider whether the overloading of requirement is being done within one sentence or whether it is an accumulation of sentences (or breaches) without revoking previous orders.