LOTHIAN & BORDERS
COMMUNITY JUSTICE AUTHORITY

CHAOTIC LIVES:

A PROFILE OF WOMEN IN THE CRIMINAL JUSTICE SYSTEM IN LOTHIAN AND BORDERS

CONTENTS

LIST OF TABLES

ACKNOWLEDGEMENTS

This research was conducted within a short time period over the summer months of 2008 and it is thanks to the stakeholders involved that the work was completed on time. In particular, the authors would like to thank members of the Women Centred Offending Group and other key professionals across the various agencies for both compiling the necessary data and agreeing to be interviewed. Kirsty Pate (Social Work) and Yvonne Dalziel (NHS) were particularly supportive of this research and helpful with advice, guidance and encouragement throughout the fieldwork period.

We are also extremely grateful to the Community Justice Authority, which not only funded the research and provided key data, but also supported the research team in accessing other agency databases and personnel. In particular, we would like to thank Chris Hawkes and Sally Crighton.

Finally, we would like to thank Kristina Moodie for her hard work and patience in clarifying and classifying often contradictory and confusing data, and Moyra Guilar for transcribing the interview material at such short notice.

Monica Barry
Gill McIvor September, 2008.

EXECUTIVE SUMMARY

There are 20 recommendations made in this report, based on the findings contained in the following seven chapters. The key recommendations are set out below:

- There is a need for more gender-specific interventions for women offenders within both the statutory and voluntary sector, including groupwork programmes, education and employment opportunities, health and counselling services and throughcare/aftercare provision.

- A one-stop shop approach should be investigated based on good practice in other areas of the UK.

- The development of legislation and funding would allow a greater use of structured deferred sentences and diversion schemes, possibly both of which could be available at the pre-sentence stage, with earlier social work assessment of risks and needs being provided to procurators fiscal to supplement their marking decisions.

- Greater consistency and coordination is required to ensure that all relevant agencies receive the necessary information at the referral stage, including the offence type and circumstances, in order to inform their assessment and subsequent intervention;

- There needs to be a greater focus on care/welfare rather than on control/surveillance and should be reflected in policy guidelines, additional practitioner training, and more flexible breach procedures.

INTRODUCTION

Female offenders are becoming a high-risk and high-tariff population because of harsher sentencing practices which have resulted in an unprecedented rise in women's incarceration. Whilst there is evidence that in certain respects men and women have similar 'criminogenic needs', academics and practitioners, perhaps more so than policy makers, recognise the need for interventions with women to be more informal, less structured and supportive of needs other than offending behaviour. Whereas men tend to respond better to interventions which focus on offending behaviour, women need more emotional support for a wider range of problems during periods of crisis.

Understanding the characteristics and needs of women in the criminal justice system is a first step towards the development of effective interventions and services that can divert female offenders from imprisonment and support their desistance from crime. This report thus aims to describe and analyse those characteristics and needs, not only based on quantitative data pertaining to women involved in the Criminal Justice system in Lothian and Borders during a twelve month period, but also based on qualitative data elicited from practitioners and policy makers about the issues surrounding women offenders within the CJA. In so doing, it is hoped to be able to

identify the profile of women offenders in Lothian and Borders, to better understand the journeys that such women make through the system, and how issues relating to their characteristics and lifestyles impact on those journeys, in order to provide consistent, compatible and effective provision for women offenders across the five local authority areas.

METHODS

This research aimed to profile the characteristics and needs of women offenders in the Lothian and Borders CJA through quantitative and qualitative data collection. Quantitative data were collected from the databases provided by thirteen separate agencies (five of which were local authority social work departments), ranging in size from two cases to 11,777 cases, depending on the search criteria. Qualitative data were collected from two sources: interviews with 22 professionals and analysis of 27 criminal justice social work case files.

The total number of women within the criminal justice social work databases was 746, with 57 per cent aged 16 – 30. The main issues which women presented with tended to be mental health, drugs/alcohol, traumatic childhood experiences, domestic abuse and self harm, and financial problems.

Overall, however, the databases were of limited scope and depth to be able to offer a comprehensive and accurate picture of the characteristics and needs of women across the CJA and across agencies. Indeed, agency representatives at interview expressed concerns about the limitations of data held by their own and other agencies in the field.

MARKING, SENTENCING AND ASSESSMENT

Women offenders are by and large receiving harsher sentences and yet often have more complex and welfare-oriented needs than men. Decisions about sentencing are prompted and influenced by prosecutor decision making (as in the marking of cases by procurators fiscal). In Lothian and Borders, although cases are very often diverted from prosecution, diversion schemes are not being used to full capacity across the CJA as a whole.

Interview respondents felt that sentencers did not necessarily take the assessed needs of women into account when disposing of cases, that women may be up-tariffed and that they were treated more harshly than men. Edinburgh and West Lothian accounted for 90 per cent of all custodial sentences across the CJA and 77 per cent of custodial sentences were for periods of six months or less.

Community service, as an alternative to imprisonment, was seen as less appropriate for women, because of a larger proportion of offences of dishonesty and because of childcare issues. Structured deferred sentences are not used in this CJA.

Risk assessment tools were seen to be of limited availability and appropriateness for women offenders and LSI-R in particular may up-tariff women and does not readily identify their specific needs.

SERVICE PROVISION

There is a lack of appropriate gender-specific services for women offenders in Lothian and Borders which limited social workers' capacity to devise viable and convincing action plans. The timing of interventions was also more of an issue for women offenders who may require to stabilise their lives or their drug habits before being able to address their offending behaviour and other problems. Often prison-based groupwork programmes require 4 – 6 months to complete and yet women tend to receive shorter prison sentences than this. Many respondents also felt that a focus on offending behaviour within a given intervention was less of a priority than addressing crises in women's lives or issues relating to mental health, drug abuse, volatile relationships and child protection.

INTER-AGENCY WORKING

Not all agencies involved with women in the Criminal Justice system are represented in all local authorities within Lothian and Borders and there are varying levels and intensities of service delivery across the main areas of need: drug/alcohol treatment; counselling; education/training/employment; housing; and mental health. Likewise, there are no protocols or guidance specific to women offenders that can facilitate inter-agency working.

Whilst respondents at interview could cite numerous examples of good practice in multi-agency collaboration, they also voiced concerns about gaps in inter-agency working. In particular, information sharing between agencies was seen as currently limited, referral criteria were sometimes too rigid (based on an agency's funding, size or remit), referrals were often received too late for effective work to be undertaken to engage women offenders and appropriate follow-on support was often not available.

Respondents argued for a one-stop shop model of multi-agency working and service provision, which would be more convenient and less stigmatising for women and could prove cost-effective and more collaborative by pooling resources of various agencies.

THE DIFFERENCE WITH WOMEN

According to the quantitative data, the main offences that women committed during the period under study were dishonesty (23% of all offence categories) and violent offences (19%). However, respondents at interview suggested that drug offences were also commonly committed by women. There is an assumption that female offending is becoming more prevalent, more violent and more related to drug and alcohol misuse than in the recent past. Coupled with the rise in the number of women incarcerated, health professionals in particular felt that there was a rise in the number

of women presenting with mental health difficulties and experience of current or past abuse. Women were also seen by respondents to be more challenging to work with than men. Drug and mental health services across the CJA vary in terms of availability and referral criteria, and long waiting lists and strict compliance criteria can exacerbate the problems for women with drug or mental health issues. Whilst 41 per cent of women completed their probation orders successfully, 34 per cent were breached, mainly because of non-compliance. Respondents felt that agency staff should have a greater tolerance of women when deciding breach criteria.

What was seen to work in engaging women offenders was an open, trusting and non-judgemental relationship with the worker, offering practical support and a non-stigmatising and women-friendly location. The barriers to such engagement related to the level and quality of provision (location, length of involvement, child care facilities and gender-specific services); to the agencies/workers (lack of time and flexibility, statutory requirements, such as breach, and a lack of staff training; and to the negative views of women offenders themselves about social work services.

CONCLUSIONS

This research has highlighted the fact that women are treated in a disproportionately harsher way than men in the Criminal Justice system; that women need a more welfare-oriented than punishment-oriented approach when dealing with their offending; that current provision is limited in its scope and depth to address the particular needs of women offenders; that inter-agency cooperation does not reflect the specific needs and characteristics of women offenders; and that prosecutor and sentencer decision making precludes the early intervention needed to effectively address the specific needs and characteristics of women. Gender-specific services are needed which include a reconsideration of the role and timing of risk assessment, of breach procedures, of a one-stop shop approach, and of improved use of diversion and structured deferred sentences in addressing the more welfare-oriented needs of women in the system.

CHAPTER 1: INTRODUCTION

THE CONTEXT OF THE RESEARCH

Scotland, in common with other Western jurisdictions, has witnessed an unprecedented rise in its prison population in recent years, leading to growing political concern to increase the use of alternatives to imprisonment. Women still represent a small proportion of the prison population, and their offending behaviour (most commonly shoplifting, petty assault and public order offences) is still less serious than men's. Nevertheless, women's imprisonment is increasing at a greater rate than the imprisonment of men (McIvor, 2007).

Over a ten year period there has been a 90 per cent increase in the daily custodial rate and an 83 per cent increase in custodial remand rate for women in Scotland (McIvor, 2008). In Lothian and Borders, there is an average of 1,600 prison admissions per year of both men and women, with 68 per cent being for six months or less (Lothian and Borders CJA, undated). Although the use of community sanctions has increased in Scotland for women, this increase has been in the higher tariff disposals of probation and community service at the expense of the use of fines, which has decreased (McIvor, 2008). Female offenders are becoming a high-risk and high-tariff population, not usually because their offending is serious in nature but because the numbers of women entering the system are increasing and the sentencing practices of sentencers have become more punitive in relation to women (Hedderman, 2004). Sheriffs are more likely to impose additional requirements on women through community-based disposals which include conditions for drug treatment or medical/psychiatric treatment. The systems in place for addressing women's offending and other issues are less well developed than those for men.

Sheehan *et al* (2007) argue strongly for alternative responses to women offenders which might reduce the use of imprisonment for this vulnerable group. Such responses need to offer support to address women's underlying problems as well as to reduce their offending behaviour, including low self-esteem, mental and physical health problems, limited access to social capital, and limited educational and employment opportunities. They also stress the need for gender-specific responses:

> Simply adapting programmes, interventions or services that have been developed for male offenders is unlikely to suffice. Instead, gender appropriate services need to be developed that engage with issues linked to women's offending (ibid: 301).

Promoting the use of *effective* and *appropriate* community sanctions for female offenders therefore presents particular challenges. There is a growing recognition of the need for gender-appropriate provision because interventions and services developed for male offenders (based on an understanding of male offending) are unlikely to effectively meet female offenders' needs. Indeed, the Lothian and Borders Area Plan for 2008-2011 (Lothian and Borders CJA) states that 'most of the existing community based services are inappropriate for women and there is a need for a complete revision of such services' (ibid: 5).

Whilst there is evidence that in certain respects men and women have similar 'criminogenic needs', it also appears that women have certain distinctive needs and that even where men and women apparently have similar needs, how these needs intersect with criminal behaviour may differ (McIvor, 2007). Practitioners recognise the need for interventions with women to be more informal, less structured and supportive of needs other than offending behaviour. Whereas men tend to respond better to interventions which focus on offending behaviour, women need more emotional support for a wider range of problems during periods of crisis. Community sanctions thus work more effectively with women if they are flexible, not least when women tend to have a greater propensity to breach orders as a result of non-compliance (McIvor, 2008).

THE AIMS OF THE RESEARCH

Understanding the characteristics and needs of women in the criminal justice system is a first step towards the development of effective interventions and services that can divert female offenders from imprisonment and support their desistance from crime. This report thus aims to describe and analyse those characteristics and needs, not only based on quantitative data pertaining to women involved in the Criminal Justice system in Lothian and Borders during a twelve month period, but also based on qualitative data elicited from practitioners and policy makers about the issues surrounding women offenders within the CJA. In so doing, it is hoped to be able to identify the profile of women offenders in Lothian and Borders, to better understand the journeys that such women make through the system, and how issues relating to their characteristics and lifestyles impact on those journeys, in order to provide consistent, compatible and effective provision for women offenders across the five local authority areas.

LAYOUT OF THE REPORT

Chapter 2 describes the methods used to undertake the research, outlines the characteristics of the sample of women offenders and offers suggestions as to how the limitations of such data collection can be overcome in the future. Chapter 3 explores the referral procedures, from marking, through sentencing to risk assessment. Chapter 4 looks at the criminal justice and related services available in the Lothian and Borders CJA and the types of interventions that women receive. Chapter 5 briefly describes the profiles of the various agencies involved with women offenders in Lothian and Borders and explores good practice in, and the challenges for, effective inter-agency working. Chapter 6 discusses the views and perceptions of respondents about the issues and challenges in working with women as opposed to men, and explores the issues of effective engagement of women in the process. Chapter 7 summarises the findings overall and concludes with suggested changes to policy and practice. Each chapter ends with suggestions for change noted by respondents at interview and also makes recommendations based on the findings which may help the Lothian and Borders Community Justice Authority to improve and promote its practice with women offenders.

CHAPTER 2: METHODS

THE RESEARCH SPECIFICATION

The Lothian and Borders Community Justice Authority, via its Women Centred Offending Group, required a profile of the characteristics and needs of women offenders entering and leaving the Criminal Justice system in order to inform risk assessments and subsequent interventions and to identify any gaps in services for this group. This research therefore consisted of an audit of all female offenders entering, currently in or leaving the Criminal Justice system in Lothian and Borders during the period April 2007 to March 2008. An early task in this process was to liaise with representatives from the various agencies to ascertain what computerised versus file-based information they held and how accessible this was to the Research Team. In theory, this audit included the following for *all* female offenders during the year by geographical/postcode area, and across all relevant agencies, although it was only possible to collect a proportion of this information in many cases (see 'Limitations of the study' below):

- **demographic information** (e.g., age, ethnicity, employment status, accommodation status and number of children/dependants);

- **offence history** (presenting offence, remand/bail status, type of disposal/diversion from prosecution and the type and frequency of previous offending);

- **risk assessment** (type of risk assessment tool used, level of risk identified, recommendations and resulting action plans);

- **management of risks/needs** (type and level of need, type and level of intervention, agencies involved and recommendations for throughcare and aftercare).

The Research Team collated and analysed the following information:

1) Documentation relating to policy and practice within the relevant agencies that impacts on their work with women offenders;

2) Data (using a newly compiled SPSS database) of all women offenders entering, currently in or leaving the Criminal Justice system in Lothian and Borders during the period April 2007 to March 2008, including demographic information, offence history, court outcomes and risk assessment as detailed above. These data were used to identify the characterstics of women offenders within the CJA as a whole, as well as to explore variations across the differing geographical areas within the CJA;

3) Interviews with 22 key stakeholders (including representatives from the Women Centred Offending Group, and other key players as identified in consultation with the sponsors. These interviews explored stakeholder views on the level and effectiveness of policy and practice in relation to interventions for women offenders in Lothian and Borders, identified issues and challenges for effective multi-agency working, drew out

the specific issues relating to work with women offenders, and elicited suggestions for change and further development of work with this client group.

DATA COLLECTION

Quantitative data
Table 1 below lists the agencies which provided quantitative databases to varying degrees on women offenders in Lothian and Borders:

Table 2.1: Agency data collected

Statutory agencies	**Number of cases**
Social Work Departments (x 5)	1208
Scottish Prison Service (Cornton Vale)	183
Police	11,777
Scottish Courts Service	3033
Drug Treatment and Testing Orders	22
Voluntary agencies	
Apex	90
Sacro	194
NCH	8
Turning Point	2

The search criteria given to each agency were all women offenders entering, currently in or leaving their service between the 1st April 2007 and 31st March 2008. All statutory agencies bar the NHS and COPFS and all voluntary organisations bar the Salvation Army were able to provide data, albeit to varying degrees.

Qualitative data: Interview material
A total of 22 interviews were completed with key practitioners and managers, as listed in Table 1 below. These respondents included members of the Women Centred Offending Group and other nominated staff with relevant practice experience of working with women offenders. These interviews averaged between 60 and 90 minutes in length and were all digitally recorded and transcribed. Because of the small size of the sample, no names or designations of staff are mentioned in the following chapters. The interview schedule - used partially or fully at interview depending on the agency and respondent's remit - is reproduced as an appendix to this report.

Table 2.2: Breakdown of agency interviews

Statutory agencies	Area	Number of respondents
SWDs	East Lothian	1
	Edinburgh	1
	Midlothian	1
	Scottish Borders	1
	West Lothian	2
Police	Edinburgh HQ	1
NHS	Edinburgh	1
	East Lothian	1
SPS	HM Prison Cornton Vale	4
COPFS	Edinburgh HQ	1
SCS	Edinburgh HQ	1
CJA	Peebles HQ	1
Voluntary agencies		
Apex	Edinburgh	2
Sacro	Edinburgh	2
Salvation Army	HM Prison Edinburgh	1
Turning Point	Edinburgh	1
Total		22

Qualitative data: Case study material

A total of 27 case files were looked at in order to investigate the type and level of intervention with women offenders across the five local authorities. This investigation was deemed necessary to supplement the database analysis, not least because much of the data retrieved from agency databases did not include information on risk and needs assessments or on the 'journeys' that women take through the system. Although limited in scope, the case studies presented in this report offer a flavour of the types of interventions given, the issues facing the women and their level of engagement with the process. Social work staff were asked to identify case files of women within the last year, mainly probationers but also those given diversion from prosecution and community service, based on the following broad criteria:

- high tariff, high risk cases;
- a mix of women who both engaged and did not engage with probation;
- a mix of women whose needs were met and not met, in both one-to-one and multi-agency interventions.
- probation orders of 12+ months with a minimum of six months' involvement (ongoing or closed).

Five case files were identified from East Lothian, West Lothian, Midlothian and the Scottish Borders and seven case files were identified in Edinburgh City. These 27 files comprised two diversion cases, one Community Service case and 24 probation cases.

ETHICAL CONSIDERATIONS

Anonymity of data

There were a number of ethical issues that needed to be addressed in respect of both access to case files which were not already anonymised and the availability of different types of data in different formats from the various agencies. The Research Team did not gather specific contact details or other identifying information on individuals, and these were differentiated only by their SCRO number and date of birth.

Informed consent and confidentiality

Since the research did not require conducting interviews with offenders themselves, or gathering identifiable information on specific individuals, there was no issue of informed consent or confidentiality as far as women offenders are concerned. Access to potential agency respondents was discussed in the first instance with the sponsors and subsequently negotiated with the agencies concerned either by phone or e-mail. Interview respondents were given information on the rationale and scope of the study, its aims and objectives and intended output. Interviews were all tape recorded with the respondents' permission and no individual respondent is identifiable in this report. Where respondents are quoted in the report, no names or designations are given, since in this report such identification did not seem necessary. However, where policy or research literature is quoted, the name(s) of the author(s) and year of publication are given in brackets at the end of the quotation.

CHARACTERISTICS OF THE SAMPLE OF WOMEN OFFENDERS

Information was provided by local authorities on a total of 1230 cases involving women who were referred between April 2007 and March 2008. These figures include those clients referred to DTTO. Each of the local authorities had developed different databases for monitoring purposes. In Edinburgh, the majority of information (513/539 cases) was provided from a single database. In others, however, information was drawn from a range of different databases. In West Lothian, the sample consisted of 257 cases involving a court report or supervision and 71 diversion cases. The 46 cases in Midlothian included 21 probation cases and 25 cases from a different database (unspecified). East Lothian data included 133 cases involving court reports, 26 diversion cases and two breaches of probation. The Borders data included SERs (87 cases), probation (20), diversion (19), CSO (13), home detention curfew assessment (8) and throughcare (one case).

Table 2.3: Number of cases referred by local authority (including DTTO cases)

Local authority	Number of cases	Percentage
Midlothian	46	4%
East Lothian	161	13%
Borders	156	13%
West Lothian	328	27%
Edinburgh	539	44%
Total	1230	100.0

As Table 2.3 shows, the highest numbers of cases referred to social work departments involving female offenders were in Edinburgh followed by West Lothian, while Midlothian had the lowest. These data relate to referrals, and the number of women who accounted for these referrals was therefore slightly lower (Table 2.4), although Edinburgh and Midlothian still had the highest and lowest numbers of female offenders respectively.

Table 2.4: Number of women referred by local authority

Local authority	Number of women	Percentage
Midlothian	38	5%
East Lothian	79	11%
Borders	112	15%
West Lothian	228	30%
Edinburgh	289	39%
Total	746	100%

Details of women's ages were available in a total of 608 cases. Overall, the women's ages ranged from 17 to 85 years. Women in Edinburgh were youngest on average (26.6 years) while those in East Lothian were, on average, oldest (33.2 years). The average ages of women in Midlothian, Borders and West Lothian were 29.7, 26.9 and 31.6 years respectively. As Table 2.5 indicates, just over a fifth of women were under 21 years of age while just over three-fifths were between 21 and 40 years of age.

Table 2.5: Age of female offenders across the CJA

Age	Number of women	Percentage
16-20	133	22%
21-30	213	35%
31-40	156	26%
41+	106	17%
Total	608	100%

Limited data were available regarding the accommodation status of women referred. Edinburgh was the only local authority to have relatively comprehensive data on accommodation (for 431 cases). This indicated that 200 women had a local authority tenancy (46%) and 102 were living with relatives (24%). Fifty-two women (13%) were in private rented accommodation, 20 (5%) were resident in a hostel or supported accommodation, 15 (3%) were living in 'other accommodation' and 39 (9%) were recorded as being of no fixed abode.

Information about ethnicity was recorded in 938 cases. All of the women in Midlothian, Borders and West Lothian were recorded as being white British. This was also the case for 91/96 women in East Lothian, with the remaining 5 cases being classified as 'other'. Edinburgh had the greatest ethnic diversity among female referrals, though even here most women (441/460 or 96%) were classed as white British. The ethnicity of 8 referrals was recorded as 'other' while the remainder were said to be black Caribbean (4), Chinese (2), Pakistani (2), Bangladeshi (1), black African (1) and Indian (1).

Limited data were also available regarding whether women had children and, if so, whether they were living with them or elsewhere: useable data were only available for Edinburgh and Midlothian. For cases in which the relevant data were recorded, 11/35 women in Midlothian (31%) and 93/390 in Edinburgh (24%) had children living with them while 7/35 women in Midlothian (20%) and 84/384 in Edinburgh (22%) had children living elsewhere.

The majority of the 1,230 referrals concerned women who were unemployed. Overall, relevant data were available in respect of 857 cases, 718 (84%) of whom related to women who were described as unemployed. The highest percentages of unemployed women were found in Edinburgh and West Lothian (87% and 86% respectively) while the lowest were in Midlothian (60%) and Borders (76%). Across the sample as a whole, 112/857 women (13%) were recorded as employed or self-employed, 17 (2%) were in full-time education and 10 (1%) were on a government training scheme, unable to work, in part-time education or retired.

Monitoring data was provided by other statutory and voluntary sector agencies across the CJA on a total of 288 referrals involving women. This included 90 cases from APEX, two from Turning Point and 194 from Sacro. The latter consisted of 19 cases from the Sacro Alcohol Project, 85 from the arrest referral scheme, 28 from the bail information scheme and 62 from a mediation and reparation project. Limited data were available for comparative purposes. This included the age of referrals, with those referred to APEX and Sacro having an average age of 29.3 years. Those referred to the Sacro bail project were youngest, on average (26.1 years) while those referred to the Sacro alcohol project were, on average, oldest (32.2 years). Most of those referred whose ethnicity was recorded were white (180/184) with two women classified as black, one as Asian and one as being of mixed race.

CHARACTERISTICS OF THE CASE STUDY SAMPLE

The age range of the 27 female case studies was from 17 – 43, with 7 aged 17-20, 11 aged 21-30 and 9 aged 31-43. Two were on diversion, one had a Community Service order and the length of the probation orders for the remaining 24 women were as follows: 9 had 12 month orders, 1 had a 15 month order, 9 had 18 month orders and 5 had 24 month orders. Conditions were attached to these orders in 16 of the 24 probation cases. These conditions pertained to community service in 7 cases (with a range of 80-240 hours, although the majority were for 100-150 hours); drug treatment/counselling in 4 cases; alcohol treatment/counselling in 4 cases and mental health support in one case.

The main offence (and often the women were convicted of more than one offence) was breach of the peace (14 of 27 cases), followed by assault (8), breach of bail or other orders (8), theft (6), Misuse of Drugs Act offences (mainly possession) (5), resisting arrest (3), vandalism (3), Road Traffic Act offences (2), fraud (2), wilful fire-raising (1) and child neglect (1).

The number of previous convictions, where noted, ranged from 0 to 30, with 3 first offenders, 12 cases with 1-5 previous convictions, 6 cases with 6-10 previous

convictions and 4 cases with 11-30 previous convictions. The two diversion cases had no record of previous convictions.

Finally, the main issues identified in the case files were as follows, and usually there were 3 or more issues identified in each case:

- mental health (18)
- alcohol problems (16)
- drug problems (11)
- former or current abuse (including self-harm) (10)
- financial problems (8)
- employment (5)
- housing (4)
- bereavement (4)
- relationships (with partners, peers or children) (4)
- self-esteem (2).

LIMITATIONS OF THE STUDY

One of the main issues for quantitative researchers in the Criminal Justice field is the lack of compatibility and consistency between the various databases used by agencies such as Scottish Court Services, the Crown Office, the Police and Social Work. It must therefore be borne in mind that there will inevitably be issues of missing or incompatible data which, in the time allowed for this study, were not easily resolved.

The data collected by social work departments in each local authority and external agencies were not always complete or compatible. Agencies tend to record information using their own unique reference number, and although in some cases the universal SCRO number is recorded, where it is not, it is not always possible to cross-reference individuals between databases. It was therefore decided given the timescale of this research, that the researchers could not link together information regarding offences and subsequent interventions on a case by case basis.

As the researchers were interested only in those individuals who were 'active' in the Criminal Justice system in the period in question, a triangulation method had to be adopted to enable the creation of a dataset: in other words, data relating to social enquiry reports written 'around' the period in question were matched where possible to court outcomes in order to give a fuller picture of the numbers of individuals involved. However, this method is not precise or exact and it can sometimes be difficult to differentiate between SERs, offences, recommendations and outcomes, particularly when such offences are committed in a narrow timeframe and may or may not be 'rolled up'. Likewise, several SER and supplementary SER reports can be requested at any one time, and identifying from computer records which report relates to which offence and to what outcome is not always straightforward. Likewise, in the case of Scottish Courts Service (SCS) and the Crown Office and Procurator Fiscal Service (COPFS), it may be difficult to trace an individual between these two agencies, not least because of the possible 110 day delay (on remand) and up to a year (on bail) before COPFS data is entered on the SCS database (if at all, given fiscal fines and diversion).

PROVISO REGARDING THE SCOPE OF THE STUDY

Both the research specification and this report were never intended to place in the spotlight the effectiveness or otherwise of social work or other agency interventions with women offenders, in terms of description, assessment or critique. It is regretted by the authors if, in describing, assessing and analysing the issues and challenges for women offenders, the content or quality of professional practice may be *implied* to be in question. The focus is always on the pathways, however zigzagging these may be, that women take through the system, not on the policies or practices that help to smooth those pathways.

AGENCY VIEWS ON CURRENT GAPS IN DATA COLLECTION

Respondents at interview were asked whether they felt there were any gaps in the type and quality of data that they currently collected and what additional data would be useful to them in their work with women offenders. This and the following section highlight their responses and concerns. The identified gaps were more to do with limitations in the type or scope of the database(s) that agencies currently used rather than in any failure on the part of agency personnel to collect such data. The following is a summary of their responses:

- Edinburgh City does not collect LSI-R results or data on previous abuse or domestic abuse incidents;
- West Lothian's criminal justice database does not data on the number of children a female offender has;
- Midlothian holds no data on the number of children a female offender has, *why* they are unemployed (only that they are unemployed), which services they previously engaged with and the longer-term outcomes of interventions;
- Borders does not collect information on the longer-term outcomes of interventions or on reconviction rates over time;
- Although comprehensive in its data collection mainly because it is a national agency, SPS does not always receive SER information for short-term prisoners or information on whether an assault conviction was against an adult or a child;
- SPS and social work do not always receive information on the type and circumstances of the offence(s), either from the police or from the courts;
- Voluntary organisations do not always receive information on the type and circumstances of the offence(s), either from the police or from the courts, nor do they necessarily receive information on the risk assessment score or on any pertinent issues relating to the offence/offender.

SUGGESTED CHANGES TO METHODS OF DATA COLLECTION

There needs to be consistent and coordinated data collection within and across agencies and local authorities.

Monitoring and evaluation of the various processes and outcomes of work with women offenders, from referral through intervention to final outcome, are seen as important in ensuring consistent, effective and 'evidence-based' practice.

More follow-up and review work within and between agencies is needed to ensure that interventions are effective in reducing re-offending and facilitating rehabilitation in the longer-term.

SUMMARY

This research aimed to profile the characteristics and needs of women offenders in the Lothian and Borders CJA through quantitative and qualitative data collection. Quantitative data were collected from the databases provided by thirteen separate agencies (five of which were local authority social work departments), ranging in size from two cases to 11,777 cases, depending on the search criteria. Qualitative data were collected from two sources: interviews with 22 professionals and analysis of 27 criminal justice social work case files.

The total number of women within the criminal justice social work databases was 746, with 57 per cent aged 16 – 30. The main issues which women presented with tended to be mental health, drugs/alcohol, traumatic childhood experiences, domestic abuse and self harm, and financial problems.

Overall, however, the databases were of limited scope and depth to be able to offer a comprehensive and accurate picture of the characteristics and needs of women across the CJA and across agencies. Indeed, agency representatives at interview expressed concerns about the limitations of data held by their own and other agencies in the field.

RECOMMENDATIONS

1. Where possible, all criminal justice agencies should collect the same basic data on offenders coming through their systems;

2. Greater consistency and coordination is required to ensure that all relevant agencies receive the necessary information at the referral stage, including the offence type and circumstances, in order to inform their assessment and subsequent intervention;

3. A more consistent and compatible approach to monitoring and evaluation across the agencies may allow for more constructive feedback on effective practice.

CHAPTER 3: MARKING, SENTENCING AND ASSESSMENT

INTRODUCTION

> Women who enter the criminal justice system very often struggle financially, have low levels of education and have few social supports. They are women who are likely to have experienced trauma and abuse, commencing as children, and who suffer from physical and mental health problems as well as substance abuse issues (Sheehan *et al*, 2007: xv).

The above authors note that minor offending by women – despite these militating circumstances - is eliciting a harsher response across the western world (Sheehan *et al*, 2007). Indeed, many respondents in Lothian and Borders suggested that women in the criminal justice system were often involved not because of problematic offending behaviour but because of other issues in their lives which may have prompted offending behaviour, which suggested that a criminal justice 'service' was less appropriate than a welfare service:

> It's not criminal justice that they need… so often it is just about making sure that they're in touch with services to support change.

Indeed, the Chair of the Scottish Prisons Commission, has recently argued (McLeish, 2008) that not only the prison system but also the wider criminal justice system have neither the resources nor the expertise to deal with *all* the problems that result in crime. A more coordinated and holistic multi-agency approach is needed to serve the needs and circumstances of offenders, especially women offenders.

Harsher responses to women's offending are most influential at the point of sentencing, where sentencers make decisions based significantly on the evidence in front of them, and that evidence comes from the Crown Office as well as from social workers writing pre-sentencing reports. Higher LSI-R scores in SERs, for example, are seen to be synonymous with low education, unemployment and poor health and yet rarely can those structural deficits be addressed in a criminal justice disposal. It requires proactive multi-agency working with voluntary and statutory colleagues outwith the confines of a punitive, blaming or surveillance-oriented environment. However, without a major overhaul of the Criminal Justice system as a whole, the immediate focus of attention should be on those making decisions as to whether and under what rationale a woman should enter the Criminal Justice system in the first place. This chapter therefore looks specifically at that referral stage, of marking cases for prosecution, through sentencing decision-making, to the social work assessment process prior to disposal.

MARKING OF CASES

Given that imprisonment, probation and community service are intended to function as high-tariff disposals, and that financial penalties are often deemed inappropriate for women on low income (not least if their offending is for money either for bare essentials or for drugs), there are few options left to prosecutors and the courts in terms of appropriately marking cases and sentencing women. Since March 2008 the Crown Office and Procurator Fiscal Service (COPFS) has had access to legislation

which allows them greater scope for diverting offences away from the Criminal Justice system, for example through fiscal fines and social work diversion schemes and yet such sifting only removes a small percentage of women from official Criminal Justice system involvement.

The Lothian and Borders Area Plan for 2008-2011 encourages a greater use of diversion from prosecution, not least for women who are vulnerable or low-risk offenders, but such diversion schemes are not in operation across all of the CJA local authorities. The following are two case studies where diversion has been used to good effect within the CJA:

Debbie was a 17 year old woman who was living in a homeless hostel after being thrown out of her mother's house. Her father had died a year earlier and she was referred to the Diversion Project for a three month period following the charges of breach of the peace and misuse of drugs. Bereavement counselling was one of the issues raised, alongside reducing her heavy drinking, helping her cope with depression and offering her budgeting advice. She was referred for alcohol counselling, bereavement counselling and housing advice and was given active and constructive advice on benefits, such as applying for a hardship allowance. Debbie attended all appointments, and following an extension of her diversion programme, she was found an employment placement via Careers Scotland and was offered free driving lessons. A subsequent breach of the peace charge was dealt with via a fiscal fine, thus enabling her to continue with other supportive agencies and to avoid a criminal record.

Jean was a 19 year old woman charged with wilful fire raising and breach of the peace. She had her own tenancy but was likely to be evicted because of the charges (the fire raising - an attempted suicide - happened at her home). She had an abusive partner until recently and mental health issues, as well as a drug and alcohol problem. Jean was assessed as suitable for diversion and she responded well to social work support. This was perhaps helped by the fact that her relationship had ended and she had returned to the parental home. She was referred to a drugs counsellor and also had psychiatric support as well as ongoing contact with her supervising social worker.

Whilst diversion from prosecution, with appropriate input, can certainly direct individuals towards appropriate welfare-based services, it would seem that although highly appropriate for women on occasion, social work diversion is not used to capacity across all areas, and indeed it was suggested by one respondent that procurators fiscal have to be 'very careful' about how they proceed with diversion because of public protection and public interest.

Likewise for the Police, there were concerns that whilst they may want to help a woman to access welfare or other services following arrest, police officers cannot

intervene officially in a woman's life prior to an admission or finding of guilt, and even then their role is limited. However, they can and do offer informal advice and information to women in police custody which may help them with problems in their lives other than offending behaviour. The Police also routinely submit referrals to Social Work in respect of vulnerability or other welfare needs of women or their dependents following an offence, which they include in reports to the Procurator Fiscal. In the Children's Hearings system, however, because the focus is on 'needs' rather than 'deeds', the Police have more scope to play a greater and more proactive diversionary role with children and young people in collaboration with other agencies.

SENTENCER DECISION MAKING

The type and location of sentencing court (where relevant) was available from the social work databases in 238 cases in which a social enquiry report had been prepared (though this information was not available for Edinburgh). In most cases (228 or 96%) women were sentenced in the sheriff summary court. The sheriff courts at which women were most often recorded as having appeared were Linlithgow (96 cases), Edinburgh (43 cases), Selkirk (35 cases), Jedburgh (32 cases) and Duns (9 cases). The majority of women who were appearing in court had been bailed (453/654[1] or 69%) while 141 (22%) had been ordained to appear and 60 (9%) had been remanded in custody.

Given the limited amount of court data available, analysis of outcomes has been undertaken instead by local authority. The relevant data – available in 573 cases – are summarised in Table 3.1. In addition to these final disposals, sentence was deferred in 59 cases. These have not been included in Table 3.1 since they would have been disposed of in some other capacity following the period of deferment. Probation (with or without conditions) was the most common disposal across all local authorities (45%), with community service orders being imposed in around one sixth of cases overall. Relatively little use was made of other supervisory disposals, although DTTOs were imposed in 10% of cases in Edinburgh, presumably reflecting the relatively high incidence of drug-related crime committed by women in the city. Around one in 8 cases (12%) resulted in the imposition of a custodial sentence, with the proportionate use of custodial sentences being highest in East Lothian and Edinburgh.

[1] In 13 of these cases bail conditions were recorded as having been attached.

Table 3.1: Main disposals by local authority (source: Social Work Departments)

Offence	Midlothian	East Lothian	Borders	Edinburgh	West Lothian	Total
Admonition	5 (15%)	19 (25%)	9 (8%)	18 (8%)	6 (5%)	57 (10%)
Fine	3 (9%)	0	0	28 (12%)	11 (9%)	42 (7%)
Probation	10 (29%)	14 (19%)	18 (16%)	24 (10%)	44 (35%)	110 (19%)
Probation & conditions[2]	11 (32%)	12 (16%)	31 (28%)	61 (27%)	32 (25%)	147 (26%)
CSO	4 (12%)	11 (15%)	32 (29%)	40 (18%)	10 (8%)	97 (17%)
DDTO	1 (3%)	1 (1%)	3 (3%)	22 (10%)	2 (2%)	29 (5%)
RLO	0	0	1 (1%)	0	11 (9%)	12 (2%)
SAO	0	2 (3%)	8 (7%)	0	1 (1%)	11 (2%)
Custody	0	16 (21%)	8 (7%)	35 (15%)	9 (7%)	68 (12%)
Total	34	75	110	228	126	573

Data provided by the Scottish Courts Service (3033 cases) for the period under study indicated that the majority of women who appeared before the sheriff courts within the CJA appeared in Edinburgh Sheriff Court (1810 cases or 60%), followed by Linlithgow Sheriff Court (600 cases or 20%). The numbers of women appearing before each of the courts in the CJA are shown in Table 3.2.

Table 3.2: Women appearing before CJA sheriff courts (source: Scottish Courts Service)

Court	Number of cases	Percentage
Duns	52	2%
Edinburgh	1810	60%
Haddington	221	7%
Jedburgh	160	5%
Linlithgow	600	20%
Peebles	35	1%
Selkirk	155	5%
Total	3033	100%

[2] Includes unpaid work

The SCS data also included details of court outcomes/disposals. Two-hundred and ten cases were still ongoing (continued to trial or for further examination) while 14 cases were discharged. A total of 547 cases were dealt with by way of a DVLA disposal, in two cases a deportation order was made, three cases resulted in a forfeiture order, 11 cases involved the imposition of an exclusion order, in one case an Anti-Social Behaviour Order was imposed and seven cases were referred to the Children's Hearings system. Information about the outcome was missing in 50 cases.

The remaining disposals (2,188 cases) are summarised, by court, in Table 3.3. These data – which include *all* women sentenced and not just those for whom an SER was prepared - indicate that in all areas the most common outcomes were admonitions and fines, though the relative use of each of these disposals varied across courts. The use of custody (8%) was also greater than the use of community service (5%) across all courts, and was on a par with probation (8%). The use of probation and community service varied slightly across courts, with the use of probation being lowest in Edinburgh and highest in Jedburgh and Haddington. Selkirk Sheriff Court made the greatest proportionate use of community service while this was least often used in Haddington and Linlithgow. In around one in twelve cases overall a custodial sentence was imposed. The highest relative use of imprisonment was in Edinburgh and the lowest in Haddington.

Table 3.3: Disposal by sheriff court (source: Scottish Courts Service)[3]

Disposal	Duns	Edinburgh	Haddington	Jedburgh	Linlithgow	Peebles	Selkirk	Total
Admonished	17	251 (19%)	25 (17%)	39 (32%)	120 (29%)	7	17 (16%)	476 (22%)
Caution	0	5 (<1%)	0	0	0	2	0	7 (<1%)
Fine	20	705 (53%)	99 (66%)	47 (38%)	195 (46%)	10	57 (52%)	1133 (52%)
Compen-sation	1	58 (4%)	1 (<1%)	7 (6%)	7 (2%)	0	10 (9%)	84 (4%)
Probation	1	94 (7%)	17 (11%)	15 (12%)	44 (10%)	2	9 (8%)	182 (8%)
CSO	1	80 (6%)	4 (3%)	8 (6%)	16 (4%)	0	9 (8%)	118 (5%)
RLO	0	0	0	1 (1%)	6 (1%)	0	0	7 (<1%)
SAO	0	0	0	0	3 (1%)	0	1 (1%)	4 (<1%)
Custody	1	128 (10%)	4 (3%)	6 (5%)	28 (7%)	4	6 (6%)	177 (8%)
Total	41	1321	150	123	419	25	109	2188

Respondents at interview were asked whether sentencer decision making was necessarily based on the assessed needs of women. It was regrettable that there was no time during this study to elicit the views of sentencers themselves as their perceptions of the issues involved in sentencing women would have been extremely valuable to this debate. The following discussion, therefore, is to a certain extent second-guessing the rationale behind sheriff decision making, given that this discussion is based on the views of professionals outwith the sentencing framework.

The vast majority of respondents felt that sheriffs, when sentencing women, did not always make decisions that were based on the women's needs as outlined in the Social Enquiry Report (SER). However, that said, it is possible that social workers argue *against* certain disposals rather than actively arguing *for* preferred options, and in so doing, SERs may be less influential on sentencer decision making (Harvey, 2008, Pers. Comm.). Some respondents suggested that the sheriff's decision might to them seem 'illogical', and that it seemed to depend often on which sheriff was on the bench at the time. It was difficult to gauge what other factors sheriffs might be taking into account.

A minority of respondents felt that sheriffs and procurators fiscal treated women no differently than men. In respect of procurators fiscal, one professional was frustrated by this tendency to be 'gender-blind', however well intentioned that tendency might be:

[3] Because of the low overall numbers in Duns and Peebles, no percentages have been provided for these courts

> [Procurators fiscal] do not regard gender as being in any way a consideration when they're determining due process… it doesn't fundamentally recognise the position of women within society.

Women's position in society is influenced to a greater or lesser extent by the range and intensity of problems they face as mothers, partners, carers, victims, etc. and their coping mechanisms may reflect their disempowered or marginalised status, for example through the misuse of drugs and alcohol. The needs of female offenders are unlikely to be met through the services available for male offenders (see, for example, McIvor, 2004).

There were arguments put forward at interview which suggested that women were 'up-tariffed' (given harsher sentences which were disproportionate to the offence or to male offenders):

> [W]omen will be sentenced to [prison], whereas if it was a male that had done that, they would get a community disposal. [Sheriffs] seems to be a lot harder on women offenders… I'm working with a girl the now that got three years [imprisonment] for shoplifting, which is absolutely ludicrous, absolutely insane… I think it would be more kind of socially acceptable for men to behave like that, whereas it's not for women, especially [women] that have got children, you know – a mother shouldn't act in that way.

Whilst the majority assumed that previous convictions, attitude to offending and even appearance in court would be influencing factors in sheriff's decision making, it was felt that sheriffs could be quite punitive or paternalistic (in the negative sense of the word) when sentencing women, not least when sentencing them to a relatively short period of incarceration:

> They'll be sentenced… for very short periods of time but that short period of time can really disrupt the whole family unit of that mother… it's a punishment. It doesn't help society and it certainly doesn't help the women. She's unlikely to get any treatment in prison on a short sentence.

> Sending a mother with 3 kids to prison for 3 months in my eyes does more harm than good for her, you know. It's breaking up the family, it's maybe having to put the children into care, she's maybe losing her home, and the work that we can do with her in that time is very, very limited, so it serves no purpose whatsoever.

Prison sentences were deemed inappropriate for all but a minority of serious or violent women offenders, not least short prison sentences as the above quotations suggest. The Corston Report (Home Office, 2007) argued that imprisoning women can have long-term deleterious effects on women and their families, and that sending a woman to prison when she has already established links with caring agencies in the community can rapidly unravel and undermine such work

Information was provided from the Scottish Prison Service on 183 women resident in the CJA who were imprisoned in Cornton Vale during the period under study. Table 3.4 shows the home area of this sample of women. Around two-thirds of prisoners

were from Edinburgh and a further quarter from West Lothian. Fewer than one in ten came from the other three CJA areas.

Table 3.4: Cornton Vale prisoners by area

Area	Number of cases	Percentage
Borders	6	3%
East Lothian	2	1%
Edinburgh	121	66%
Midlothian	11	6%
West Lothian	43	24%
Total	183	100%

The women ranged in age from 17 to 58 years, with a mean age of 31 years. Just under half of the imprisoned women were between 21 and 30 years of age and three-quarters were between 21 and 40 years of age (Table 3.5).

Table 3.5: Ages of women in custody

Age	Number of women	Percentage
16-20	17	9%
21-30	85	46%
31-40	52	28%
41+	29	16%
Total	183	99%

Around one-third of women (62 or 34%) had no convictions prior to the one resulting in their current period of imprisonment. The principal offences for which women had received a custodial sentence are summarised in Table 3.6. Women were most often imprisoned for offences involving dishonesty (primarily shoplifting), non-sexual crimes of violence (assaults), breaches of public order and drug offences.

Table 3.6: Offences resulting in custodial sentence

Offence	Number of cases	Percentage[4]
Drugs	30	16%
Motor vehicle	8	4%
Breach of court order	13	7%
Non-sexual violence	35	19%
Dishonesty	50	27%
Public order	32	18%
Misc./other	15	8%
Total	183	99%

[4] Figures do not add up to 100 as a result of rounding

Information about the length of custodial sentences received was available in 121 cases; in the remaining 62 cases it is assumed that the women were on remand prior to conviction or sentence. The relevant data are summarised in Table 3.7. Two-thirds of the women were serving sentences of three months or less and more than three-quarters were serving sentences of up to 6 months. Arguably, these are women for whom an alternative community disposal might have been appropriate.

Table 3.7: Length of custodial sentence

Sentence length	Number of cases	Percentage[5]
Up to 3 months	80	66%
>3 – 6 months	13	11%
>6 – 12 months	9	7%
>12 – 24 months	5	4%
>24 – 48 months	6	5%
>48 months	6	5%
Life	2	2%
Total	121	100%

It was estimated that over 95 per cent of women in Cornton Vale Prison had addiction problems and perhaps sheriffs feel that prison might be a safer option (from a public protection point of view as well as to protect the woman herself) or that prison might give such women a period of 'respite' to be able to work on their addiction and other problems:

> I do think that [sheriffs will] use Cornton Vale to get them a health service… sheriffs see women as quite vulnerable and maybe requiring help and they do accept that it's very difficult for women to access services within the community.

Sheriffs were certainly felt to be limited in the range of disposals available to them, but also in many cases may not have up-to-date information on what interventions *are* available in the community. Whilst one respondent suggested anecdotally that sheriffs on the west coast of Scotland tended more readily to opt for imprisonment for women whilst the east coast made greater use of community-based disposals, it is not possible – even if this is an accurate reflection – to determine whether such trends are purely geographical idiosyncrasies or are based on a sound knowledge by sheriffs and visiting sheriffs about the range and availability of disposal options in particular sheriffdoms. Where sheriffs *are* familiar with community-based options (or are told in SERs about such options), they may feel compelled to impose a custodial sentence because of a lack of confidence in such alternatives, as one respondent suggested:

> I've certainly had experience of a sheriff putting a woman to custody with the very clear statement in court at the point of sentencing, saying… 'the only reason you're going to custody today is because adequate facilities don't exist for you within the community'.

[5] Figures do not add up to 100 as a result of rounding

There was a certain scepticism, notably amongst social work professionals, as to whether sheriffs understood the philosophy behind community-based interventions such as probation, not least with women offenders. Whilst some respondents felt that prison was used as a welfare option as described above, others felt that sheriffs used probation inappropriately, either as a welfare option for a woman who may be at low risk of re-offending or for longer than either the offence or the circumstances of the offender would justify:

> [The sheriff will] impose a probation order for maybe 18 months when the report's made it clear that a short probation order would be more appropriate… [Probation] would offer women the opportunity to access services, but you're also bringing them into the criminal justice system… [but] you don't want to up-tariff them just in order to help make sure that they access services.

The above quotation also highlights the possibility that SER writers are equally tempted to use probation as a welfare option when a period of deferment (with or without input), may have been more appropriate, if available. However, social workers can struggle with lengthy probation orders imposed on women with little or no history of, or inclination towards, persistent offending, and indeed report writers state in SERs that probation is deemed inappropriate. The following case studies illustrate this point.

Sarah is a 35 year old woman with minimal previous criminal justice system involvement. However, she was found guilty of fraud and theft and was given a 15 month probation order with 150 hours of community service. Because of her inability to engage in probation, no action plan was recorded and little work was undertaken. The SER had strongly suggested that Sarah was not appropriate for offence-focused work, as she was assessed as at low risk of re-offending, and a deferment had been recommended. Misunderstandings about appointments, holiday periods and court deferments meant that little focus was attached to this probation order, and the fact that it was for 15 months meant that there was greater likelihood of further offending due to a lack of constructive input or progress.

Gail is a 20 year old who was found guilty of breach of the peace whilst on bail. Her previous offending consisted of four convictions for assault or breach of the peace. She was, nevertheless, identified as at high risk of re-offending because of her alcohol use and lack of employment, and at moderate risk of harm because of her previous assault charges. Gail was given an 18 month probation order with a condition to attend alcohol counselling and 130 hours of community service, even though it was stated in the SER that the Social Work Department could only monitor a probation order, if imposed, because of limited current resources. The action plan nevertheless included the standard probation induction programme of looking at offending, self-esteem and employment, as well as monitoring the Community Service and alcohol counselling conditions. Gail's main problems were self-harm resulting from depression and binge-drinking. Although the social worker's workload was stretched at the time, they were still able to liaise with housing re her accommodation and with an outward bound programme which proved very successful.

Some women also have a poor image of probation from previous experience. One respondent had been described probation by one female client as: 'you just go and you speak to somebody, and then you go back next week'; although, having said that many women in the criminal justice system have little time for any more in-depth involvement in probation, as the same respondent explained:

> Basically they've got too many workers. I've been told 'I've got six workers… I don't think I really need six workers but one worker's for the bairn, one worker's for me, one worker's from such and such an agency'.

The following case study is of a woman involved in a variety of agencies – none of which were offending-focused; however, she managed to juggle the expectations of these agencies despite her own problematic drug use and lifestyle.

Vikki is a woman in her late twenties whose 2 year old son was in the care of her parents and she had supervised access to him. She was a heroin user and prior to the current court case had been working with a substance misuse agency and a community psychiatric nurse. She was also involved with Children and Families because of her son. Vikki was found guilty of possession of drugs and given a 2 year probation order with a condition of drug counselling/treatment. She had several previous drug-related offences resulting in custody, probation and fines. She was assessed as at moderate risk of re-offending but low risk of harm. The SER actively discouraged prison as a disposal because it might exacerbate her drug use, that community service might be too high tariff and that probation could address Vikki's offending and self-esteem, whilst monitoring her drug support through other agencies. The probation induction programme was undertaken, but otherwise the order was more for monitoring purposes, as she had adequate and successful input from other agencies (such as Children and Families, a Substance Misuse Programme, the CPN, and housing). Indeed, Vikki herself suggested that she had too many professionals in her life, but she still managed to successfully attend as required. The supervising social worker attended some of these multi-agency meetings where appropriate and also helped to find Vikki a new tenancy in order to allow her safer unsupervised access to her son within a year of the probation order starting.

There are also instances where probation is given because perhaps of a lack of alternatives in the community, and it is deemed not only inappropriate by social workers but also by the women offenders themselves, not all of whom have identifiable problems that require welfare support:

> [W]here there was a probation order imposed, I've had women saying, you know, I don't mind doing community service but I really don't want to come and meet with you, you know. There's nothing I need to talk to you about, there's nothing we need to look at. I'll do my community service, I'll get the days done, and that's my punishment… She had defrauded social security and it was loads of money. Another woman, she had actually taken money from a relative… [and] they were both saying to me very clearly, you know, 'you're a nice person, we like chatting to you but…'

Carol is a 17 year old woman who was convicted of assault to injury and vandalism. The family had separated when she was young and she was brought up by her stepfather, who moved house on several occasions. Carol left home at 16 and had not experienced employment, although had been referred to an employment agency during her period on probation. She was given an 18 month probation order and required to attend an alcohol programme. She had no previous criminal record but was assessed as at high risk of re-offending and medium risk of harm (because of a volatile personality, and a lack of victim empathy). After six months, Carol had still not started the alcohol counselling or addressed her anger (which was part of the action plan), and most of the social work input was in writing letters to her requesting that she attend, writing breach reports, and writing supplementary social enquiry reports for further offending. Following the first breach of probation, the order was continued, despite reservations being voiced to the court by the social worker concerned. After the second breach, the order was revoked pending appearance for new offences, following which a Restriction of Liberty Order was imposed. Carol saw probation, and social work involvement generally, as an invasion of privacy, and indeed had not cooperated with the Children's Hearings system in the past.

However, not all women given probation can easily rationalise their predicament or the justification for their disposal, not least because other circumstances in their lives take precedence: however much supervision and support might be beneficial to them, they cannot necessarily 'see the wood for the trees', as the following case study illustrates.

Kristina, aged 31, had little contact with either parent since she was a child. Her mother is the carer for her daughter, whom she had at the age of 17. She was now separated from a second relationship which had resulted in another child, also looked after. Both relationships had been abusive and the current one was exacerbated by the man also being on heroin. Kristina was charged with theft and breach of bail and had approximately nine previous convictions for theft, breach of the peace and Road Traffic Act offences. She was assessed as being at high risk of re-offending and low risk of harm and was given a 12 month probation order, even though the SER strongly suggested that she would not engage in such supervision. The action plan sought to address Kristina's lack of employment, limited finances, relationship issues and problem solving skills. Issues identified were mental health issues, her inability to care for her children, housing, relationship issues and recent drug abuse. As expected, Kristina was not willing to engage with probation and felt that other crises in her life were more important than addressing offending behaviour. It was not possible therefore to look at her mental health and 'criminogenic' needs because of this lack of engagement and no other agencies were involved. During the order, she was given a custodial sentence for a month for a charge which preceded the probation order and which therefore did not result in breach. A Home Detention Curfew application was refused and she refused voluntary aftercare. The case closed with no obvious input or results.

In terms of other potential disposals, it was suggested that different local authorities have differing access to community service order placements and that often sheriffs were unaware of the availability and appropriateness of such orders. For example, a woman with children may not be able to attend placements during the day (depending on schooling), or may have difficulty fulfilling the terms of such orders because of involvement with health practitioners or drug addiction services. Equally, some local authorities find it difficult to obtain suitable placements for women (such as in charity shops), not least if they have a history of offences of dishonesty. Likewise, women may be less interested than men in painting and decorating or environmental work.

Isobel was a 33 year old woman who had suffered mental health problems from the age of 16. Although employed full-time, she had until recently been a heavy drinker. Her child was put on the Child Protection Register following the current offence of assault to injury (of her child), for which she received a two year probation order and 100 hours community service. Isobel had one previous conviction for theft which resulted in a fine. She was assessed as at medium risk of re-offending (because of her mental health problems and alcohol abuse, coupled with poverty and low educational achievement) but at high risk of harm (because of the violent nature of the offence against a child). The action plan was to meet regularly to address her depression, alcohol misuse and debts. A Children and Families social worker was also involved in helping with parenting skills and disciplining, as well as looking at budgeting skills. Within a year of the probation order, Isobel's child was taken off the Register because of her reduced risk of harm and re-offending. Isobel was on medication for depression, was supported in finding furniture when needed, was helped in managing her child's challenging behaviour and reducing her own anger and frustration and was given advice on housing. She also continued to work full-time. The probation order was successful in that Isobel engaged with the workers and all issues identified were addressed during the course of the order. However, it was difficult to find her a CS placement, because of her full-time job and child care commitments as a single parent. However, rather than revoking the CS element of the order, the court granted an extension of 6 months to enable Isobel to complete the unpaid work.

Whilst community service is allegedly a high-tariff disposal (and is, indeed, intended to serve as an alternative to custody), with increasing emphasis on 'paying back' to the community, it has also been seen to have added benefits of increasing women's self-esteem and self-confidence and giving them experience of being 'employed'. Women have more success in completing community service than men and were more likely to gain skills through such work placements (Gelsthorpe and McIvor, 2007). However, women are also more likely to be given a community service order at an earlier point in their offending histories than men (McIvor and Barry, 1998), thus putting them at greater risk of imprisonment should they fail to adhere to the terms of the order.

Kelly is a 17 year old female who was on probation and community service for breach of the peace, resisting arrest, breach of ASBOs and breach of bail. She had a traumatic family upbringing and although currently living with her mother, she tended to stay at friends' houses because of her volatile relationship with her mother. Formerly on supervision to the Children's Hearings system, Kelly's offending is mainly drink-related. Her life is generally chaotic, partly because of her mental health problems (stress, self-harming, and alcohol misuse) but also partly because of a lack of stability in relationships (with her family and her boyfriend who also abuses alcohol). She was assessed as being at high risk of re-offending because of her alcohol use, previous offending and unemployment, but at low to moderate risk of harm. Kelly's probation order was characterised by crisis intervention, breaches for non-attendance or re-offending and confusion over what was expected of her. For example, she did not realise that she was on a curfew order at one point, and consequently breached it. However, when that order ended, the police did not realise she was no longer on it and charged her with breaching it. Equally, the sheriff(s) involved in her case tended to give her community service or probation as a disposal even when this was not 'recommended' in the SER and when they knew she was not attending such requirements. These disposals only added to the likelihood of non-compliance and escalating involvement in the Criminal Justice system. Interestingly, however, when Kelly did do community service, it was seen by her and her social worker as more of a 'work experience' opportunity than a 'payback' or punishment, and offered a chance for increased confidence and self-esteem.

Deferred sentence is another option open to the courts, not necessarily providing social work support, but perhaps providing the offender with an opportunity to be of good behaviour for 3 months or so. However, some sheriffs may deem this inappropriate because of the lack of specific support, treatment, intervention or review in a standard deferred sentence. In three local authorities in Scotland, Angus, Ayrshire and Highland the use of 'structured deferred sentences' (SDS) has been successfully piloted in terms of outcomes and compliance rates (Macdivitt, 2008). SDS requires the offender to attend social work or other agencies for specific support, and to return to court for review along the lines of Drug Treatment and Testing Orders and the Youth Courts (see also Chapter 7).

RISK ASSESSMENT TOOLS

All the social work departments in Lothian and Borders use LSI-R to assess risk of re-offending and RA1-4 to assess risk of harm and all Social Enquiry Reports (SERs) contain the results of those assessments and what factors influence that assessment. It was generally felt at interview that LSI-R was not appropriate for women offenders, its development in Canada being based on meta-analyses of predominantly young men. These perceptions of respondents that LSI-R was inappropriate for assessing the risks posed by women offenders were in line with the academic literature (Maurutto and Hannah-Moffat, 2006; McIvor and Kemshall, 2002). LSI-R scores tend to rank

women as being at a higher risk of re-offending than men and also place little emphasis on the health and other so-called 'non-criminogenic' needs of such women.

Becky is a 17 year old woman whose parents separated when she was a baby and she was brought up by her mother. She was disruptive at school and her offending and volatile nature suggested to professionals that she may have had a traumatic childhood, but if indeed accurate, this was not something she shared with her social worker or other workers. She was also on a rigorous bail scheme involving curfews which she tended to ignore. Charges of vandalism, breach of the peace and breach of bail resulted in an 18 month probation order. Although Becky only had one previous offence of vandalism in 2006, there were five charges pending, including assault, and she was assessed as at high risk of reoffending (because of her attitude, her intimidating behaviour, offending peers, alcohol and drug misuse and unemployment). The SER suggested that community service would not challenge her behaviour and it was recommended that the court defer until the outstanding charges were brought, or that she was given probation, when substance misuse, employment/education, offending and lifestyle could be worked on with her. Becky was referred to Careers Scotland but decided not to take this option, instead finding herself a outward bound course which proved highly successful in helping her stabilise her lifestyle and find a college course. The probation order itself looked at self-esteem, anger management, family relationships and drug use. Becky had several warrants out for her arrest, several offences pending (the details and dates of which she herself was confused about), but she nevertheless complied with probation overall. During the order, the outstanding charges were dealt with collectively, resulting in a fine and in one case, the charge was dismissed. With no outstanding charges, and a college course started, the remainder of the probation order was for monitoring purposes only.

Information about women's assessed risk levels was available from the monitoring data provided in relatively few cases (107), with most of these relating to cases from Borders and West Lothian. The relevant data are summarised in Table 3.8. The majority of women were categorised as having a low or moderate risk of re-offending, with fewer than one tenth of women categorised as having higher risk.

Table 3.8: Risk of re-offending (categorised)

High	Moderate-High	Moderate	Low-Moderate	Low
9 (8%)	1 (1%)	45 (42%)	7 (16%)	45 (42%)

Information about LSI-R scores, as opposed to categories, was also available for 29 cases in Midlothian and 78 in Borders (Table 3.9). Scores ranged from 0 to 45, with an overall mean of 16.4. The mean score in Midlothian (19.7) was slightly higher than the mean score in Borders (15.2). These data tend to confirm the categorised risk levels, with relatively few women producing very high scores of 36+ on LSI-R. On the other hand, both sets of risk data would suggest that while a relatively high proportion of women were seen to have a low assessed risk of re-offending, a relatively high proportion had at least a moderate risk. From the scores below, it can be seen that 73 per cent of women in two local authorities received scores of 11+, which denoted a moderate, high or very high risk of re-offending. This may be because LSI-R itself tends to over-predict risk amongst women.

Table 3.9: LSI-R scores (Midlothian and Borders)

LSI-R score	Risk category	Number of cases	Percentage
0-10	Low	29	27%
11-25	Moderate	57	53%
26-35	High	17	16%
36-45	Very high	4	4%

Again, limited information on levels of risk and LSI-R scores was available from the case files which make up the case study material. The LSI-R scores in 23 cases were noted in case files and these ranged from 10 – 36, with 1 case ranked 0-10, 11 cases ranked 11-25, 10 cases ranked 26-35, and 1 case ranked 36+. These figures, albeit from a small sub-sample of case files, confirms the higher risk levels perceived to be resulting from women's circumstances or previous offending, with the vast majority labelled moderate or high risk of re-offending. The risk of re-offending versus risk of harm levels were as follows: high/medium (8), high/low (4), medium/medium (4), medium/low (5) and low/low (2). Thus, 12/23 cases were ranked as being at high risk of re-offending and 9 at medium risk of re-offending, with only 2 ranked as at low risk of re-offending.

Certainly, from the case studies it could be assumed that LSI-R scores depend on what might, for men, be 'criminogenic need', but for women is a basic need irrespective of offending behaviour. For example, lack of 'structured leisure time' need not result in women offending, although it has been seen in many studies to

encourage male offending. Many women in the case studies were ranked as at a high or very high risk of re-offending because of their unemployment, low educational achievement, past convictions which were often amassed in their youth, and mental health problems. Such actuarial calculations not only prompt often inappropriate or harsh responses from the bench, but they also deny the possibility either that a woman is in the process of desistance from crime or that offending is a symptom of other, more deep-rooted problems in their lives. However, it may be that the practitioners who make these assessments require greater training in the nuances of 'criminogenic need', what the differences in risk factors are for women versus men and how such risk factors might interact differently with a woman's compared with a man's propensity to re-offend.

It was outwith the scope and timing of this study to compare LSI-R scores with subsequent offending of women, let alone to compare these with men's scores. However, the case studies would suggest that basing the likelihood of re-offending on factors such as mental health, unemployment and relationship difficulties is somewhat missing the point of the exercise, or that the exercise itself is misplaced. It would seem more constructive to categorise people not on the likelihood of re-offending but on the likelihood that influencing variables or 'risk factors' may prompt people to offend. A focus on 'needs' which stabilise a lifestyle, rather than on offending which results from that lifestyle, may also inform sheriffs as to an appropriate disposal.

Not only might LSI-R scores up-tariff women but also they are open to wide variation depending on the assessor. As has been found in other studies of risk assessment in social work (see, for example, Barry, 2007), different social workers will assess differently depending on their age, length of service and experience in the field, and some may prefer to use their discretion or professional judgement more than actuarial methods. Not only are there differences within agencies, but also widely varying and often competing differences between agencies. One professional suggested that LSI-R was incompatible with the risk assessment tools being used by Children and Families social workers, who focused more on the child than on the mother. Likewise, the voluntary organisations involved with women offenders in Lothian and Borders are not assessing their clients in respect of risk of reoffending or risk of harm, but for two reasons: first, to gauge whether there is any risk to staff working with that individual and secondly, to assess the woman's needs and, in so doing, to be able to identify and prioritise the types of interventions required. The Police, likewise, do not risk assess in terms of re-offending or harm: 'all we're doing is gathering evidence and reporting the facts'; their main reasons for risk assessments are for human rights/dignity and staff safety reasons.

One respondent mentioned that different information from risk assessments is stored on different databases *within* the same agency and a further respondent hoped that a 'single shared assessment[6]', along the lines currently used by community care colleagues, might be rolled out across the country, and be shared between social work,

[6] The Single Shared Assessment aims to coordinate and streamline differing sources of information 'so that assessment and subsequent care planning are person centred, needs led, co-ordinated and effective' (http://www.aberdeencity.gov.uk/acci/web/site/PPS/NSC/men_ssa.asp, accessed 26.09.08). The approach is currently being piloted on people with community care needs who are accessing services from health, social work and housing.

health and the voluntary sector agencies. It seems that where the focus is on needs (as in community care interventions) rather than offending, it is more consistent, more holistic and therefore more effective. Such a common information sharing procedure would complement the planned roll-out of the risk assessment tool, LS/CMI, across Scotland and would greatly ease the workload for workers as well as ease the inconvenience for services users with multi-agency involvement. It would also help in accessing research material for monitoring and evaluation purposes.

SUGGESTED CHANGES TO MARKING, SENTENCING AND RISK ASSESSMENT

More information should be made available to the police on agencies providing informal, non-statutory services for women at the point of arrest.

The use of custody for women should be kept to a minimum, and more diversion programmes should be implemented across local authority social work departments.

Deferred sentences – both structured and standard – could be used to greater effect by sentencers.

Earlier risk and needs assessments (at the arrest or marking stage), along the lines of the current SER at the sentencing stage, would possibly help procurators fiscal and prosecutors at an earlier stage in the process.

An information sharing protocol across all relevant agencies is needed.

Gender specific risk assessment tools for women and specialist tools for younger women would acknowledge and inform the differing needs of these groups.

SUMMARY

Women offenders are by and large receiving harsher sentences and yet often have more complex and welfare-oriented needs than men (Sheehan *et al*, 2007; McIvor, 2007). Decisions about sentencing are prompted and influenced by prosecutor decision making (as in the marking of cases by procurators fiscal). In Lothian and Borders, although cases are very often diverted from prosecution, diversion schemes are not being used to full capacity across the CJA as a whole.

Interview respondents felt that sentencers did not necessarily take the assessed needs of women into account when disposing of cases, that women may be up-tariffed and that they were treated more harshly than men. Edinburgh and West Lothian accounted for 90 per cent of all custodial sentences across the CJA and 77 per cent of custodial sentences were for periods of six months or less.

Community service, as an alternative to imprisonment, was seen as less appropriate for women, because of a larger proportion of offences of dishonesty and because of childcare issues. Structured deferred sentences are not used in this CJA.

Risk assessment tools were seen to be of limited availability and appropriateness for women offenders and LSI-R in particular may up-tariff women and does not readily identify their specific needs.

RECOMMENDATIONS

4. The researchers welcome the Scottish Government's acknowledgement of the role of Community Justice Authorities in emphasising that the Criminal Justice system alone cannot address all the needs and problems that offenders have and that the welfare element is as crucial as the punishment element in dealing with offenders, especially with women offenders. It is recommended, however, that the CJAs take a more proactive role in ensuring such a multi-agency response to both justice and welfare issues;

5. The Scottish Government should identify ring-fenced funding for diversion schemes in all local authorities and these should be well-publicised with procurators fiscal;

6. Staff training should be made available to practitioners in identifying, differentiating and assessing the needs of women and how these impact on or influence their offending behaviour;

7. Consideration should be given to assessing the basic needs of women offenders (not just the risks posed by their offending) at an earlier stage in the process of involvement in the Criminal Justice system;

8. Consideration should be given to the possible implementation of an information sharing system along the lines of the Single Shared Assessment piloted currently within the Community Care field, which would streamline and coordinate assessments and services for offenders requiring multi-agency input.

CHAPTER 4: SERVICE PROVISION

INTRODUCTION

Service provision for criminal justice clients in Scotland is increasingly based on principles of risk minimisation, accountability and 'what works'. Within Criminal Justice Social Work Departments, these principles are enshrined in the National Standards and Guidelines. Despite such clear messages for practice, there is an ongoing debate, based on research into social workers' and offenders' perceptions of 'what works', about whether welfare and other needs can be addressed without detracting from the primary task of reducing re-offending using cognitive behavioural methods. McIvor (2001), in a study of probation practice in Scotland, found that social workers were more likely to address the wider needs of women than their offending behaviour, although the converse may be true for men. Nevertheless, social workers lack training and confidence in working with women offenders with multiple needs (Criminal Justice Social Work Development Centre, 2007).

The Corston Report (Home Office, 2007) identifies three categories of vulnerability in women offenders, and offending behaviour is not featured in these. They are: 1) domestic circumstances (e.g., abusive partners, child-care issues, single parenthood); 2) personal circumstances (mental health, self-esteem, substance misuse); and 3) socio-economic circumstances (poverty, unemployment, isolation). As 'victims' perhaps more so than 'offenders', the Corston Report argues that a combination of these circumstances in women's lives can lead to crises which may include offending, but the increasingly punitive nature of criminal justice interventions is more likely to exacerbate rather than alleviate such circumstances.

This chapter looks at interventions for women offenders in Lothian and Borders and explores respondents' views about the effectiveness and challenges of such interventions, not least in the present climate outlined above.

INTERVENTIONS FOR WOMEN OFFENDERS

Invariably, respondents felt that interventions with women were limited by the availability of resources (both practical and financial) which were relevant and specific to women offenders. The Home Office (2007) found that some 30 per cent of women in England and Wales lose their accommodation as a result of imprisonment, and generally, it was felt by respondents in Lothian and Borders that there were not enough community based services, such as counselling services for women experiencing abuse and not enough services for women in crisis (e.g., drug stabilisation programmes or emergency housing):

> Trying to get women housed in an emergency is an absolute nightmare [and] trying to get women to access a drugs service when they feel ready to do it. They might get a referral 8 or 9 or 10 weeks later when they're not ready to do it.

Likewise, respondents felt that workers lacked the experience and resources to produce a viable action plan which satisfied the courts, the politicians *and* the woman

with whom they were working, not least if a woman had been on probation in the past to little obvious effect:

> I think workers often struggle to know what to actually offer very chaotic women that aren't engaging very well in the process… I can think of a woman offender recently [and the SER writer] recommended probation and it was like 'oh my God, what do we do now?' because she's had probation about four times.

Part of the problem with offering a viable and constructive action plan to women offenders in the community is that existing services are not gender-specific and do not therefore necessarily meet the particular needs of women. For example, whilst there is one women's probation groupwork programme in Edinburgh, this is run on an ad hoc basis depending on numbers, which means that a woman may have to wait several months for such a programme to start. Equally, groupwork programmes are difficult for women with children who maybe do not have access to babysitters or cannot attend outwith school hours. Nevertheless, the Edinburgh-based women's groupwork programme has had a positive impact on many women, as illustrated in the following case studies:

Suzanne was brought up in a household marred by parental alcohol abuse and domestic abuse. She left home at 14 to live with her boyfriend. She is now 38 years old and lives with her current partner, also an offender. She was given an 18 month probation order in 2007 after successfully appealing against a 3 month prison sentence for minor assault. She has 16 previous convictions for assault, theft, breach of the peace and drugs, and has experienced probation and custody in the past as well as having fines imposed. Suzanne was assessed as at very high risk of re-offending(because of her previous convictions, low educational achievement, mental health and alcohol use) and was considered at low to moderate risk of harm (because of previous assault charges and no apparent feelings of remorse). The SER recommended a deferred sentence, however Suzanne was placed on the Women's Probation Groupwork programme and the action plan also suggested monitoring her drug support (via CDPS with whom she had been working for some time) and her alcohol support (via Sacro). Issues identified included mental health/depression, self-harm and drug and alcohol misuse. Although Suzanne felt that the probation group duplicated work that she was doing on a one-to-one basis, it gave her self-confidence and boosted her self-esteem and level of independence from her partner. She had no formal warnings, although missed a few appointments because of ill health. Suzanne's drug use stabilised via CDPS and although she was referred to WEST (drug relapse programme), she declined this added support because she felt the Women's Probation Group already helped her in that regard. She was helped through the group to apply for training courses and did not reoffend in the first nine months (at the time of writing).

Yvonne was 35 when she received a 2 year probation order in 2007 with a condition of drug counselling following the offences of possession of drugs and breach of DTTO. Previous offending comprised 8 drug-related or dishonesty charges for which she received fines and DTTO. Yvonne was assessed as at high risk of re-offending and moderate to high risk of harm. She was addicted to heroin (and on methadone) and her 3 children were looked after, although she had access to two of them on a monthly basis. She was living with an abusive partner who was also a drug addict. The SER recommended probation and drug counselling and the action plan suggested the Women's Probation Group, which proved subsequently very successful for Yvonne. Issues identified included debt, depression, bereavement counselling and a lack of structured time, and during the order she was advised on benefits (via the Citizens Advice Bureau) and assisted in applying for courses. Yvonne had one formal warning for failing to attend. CDPS refused to take her on as a client, because of a lack of engagement on previous occasions, and she was thus referred to two drugs projects: WEST and WEAG. She was assaulted by her partner during the course of the order and the social worker referred her to Women's Aid, after which she was supported in finding a tenancy transfer.

A major problem in devising and implementing interventions for women offenders is not only the presence of crises in their lives which firstly require attention, but also the time available for the proposed intervention, although this is a problem predominantly for prison-based staff, but applies also to statutory throughcare. Within the prison itself, interventions are very much dictated by the length of sentence, and one respondent suggested that for women with drug addiction problems, the minimum length of sentence that enabled constructive work with them would be 18 months. Not many women warrant such long sentences, but an 18 month sentence would mean serving 9 months, of which it may take 3 months to stabilise and engage the woman and 4-6 months to run a specific groupwork programme. Likewise, prison-based health professionals in particular may perhaps be wary of Home Detention Curfews, not least where these have no conditions attached and mean that the woman's sentence (and involvement in prison-based programmes) is cut short with little notice of their impending release date.

As was seen in Chapter 3, Community Service orders account for only a small minority of disposals, but it could not be ascertained – given the scope of this study – whether that minimal use was as a result of the women being unwilling to undertake community service or as a result of sheriffs not being confident of the availability of such placements. Certainly it would seem in parts of Lothian and Borders that both reasons apply. In terms of women's willingness to undertake community service, they may be wary of accepting statutory child care facilities (such as registered child minders paid for by the Criminal Justice Social Work Department) because of past experiences with Children and Families, and yet cannot easily find child minders through their own social networks. Alternatively, there may be no female workers to supervise such placements and women may be reluctant to work with a male worker. In terms of availability of Community Service placements, these are often dependent

on there being employers who can offer work for women which is appropriate to their capabilities and interests, but also appropriate to their type of offending (e.g., women are more likely than men to be convicted of offences of dishonesty which may preclude them from working with vulnerable people or as shop assistants). Together, these issues make it difficult to find Community Service placements for women offenders.

In terms of the timing of throughcare interventions, notably voluntary throughcare which is more likely to be relevant for the majority of women since they tend to be sentenced to shorter-term custodial sentences, one respondent felt that enquiring about throughcare prior to release from prison, filling in the necessary forms and getting an appointment in the community on release was often a lengthy process and left little or no time for the throughcare provider to visit and engage with the woman whilst still in prison. Such engagement was seen as crucial in ensuring continuity of service between the prison and the community and encouraging the woman to attend on release.

When prioritising multiple needs, the main concern is that the woman is safe in terms of physical, mental and emotional wellbeing. Although one respondent felt that staff were inexperienced at, or fearful of, prioritising basic needs compared with offending behaviour, the key areas of concern identified by practitioners were felt to be mental health, drug stabilisation and coping with former or current abuse, whilst still addressing child protection issues. Respondents also felt that the woman was 'central to the whole process' of assessing risks/needs as well as devising a constructive, appropriate and reviewable action plan.

Halley was a 23 year old woman from a stable family background who was now separated from her violent and alcoholic husband, and living with her 3 children in homeless accommodation at the time of being given a 2 year probation order for breach of the peace ('shouting and swearing and threatening violence' in the street). This order was served in another part of Scotland, which because of its rural nature may have resulted in a higher tariff disposal than might be expected given the offence and the fact that she only had one previous conviction from five years ago for breach of the peace (which had resulted in a £200 fine). Halley had had no previous engagement with social work and was assessed as at low risk of reoffending and harm. The SER had suggested she was not suitable for probation because of her low tariff status. Halley's main problem was her ex-husband and his family who wanted greater access to her children and the action plan was merely to monitor her progress. However, following a serious violent incident at the hands of her ex-husband, she moved to Lothian and Borders and much of the social worker's time there was taken up helping her with housing (initially emergency housing but latterly a tenancy), liaising with the wider family, and allocating her a health visitor. Although she failed to attend appointments several times, and was given a fixed penalty for a further offence (which did not constitute breach), discretion was used not to issue warnings. Probation was successful irrespective of the fact that Halley was a low tariff offender, its success being because she was offered practical and emotional support at a crucial time in her life, which might not otherwise have been forthcoming were she not on probation.

Rosie was a 20 year old who had a close family, although her parents had separated when she was a child. She had 18 previous convictions for assault, breach of the peace and breach of bail predominantly and was given a year's probation order for a possession of drugs offence and breach of an ASBO. The condition of the order was that she attend Sacro and Venture Trust and she was also currently subject to a Community Service Order. Rosie was assessed as at very high risk of reoffending and moderate risk of harm (because of previous convictions, anti-social attitudes and drug use). The SER recommended probation with conditions of voluntary organisation attendance for alcohol support (SACRO) and outward bound training (Venture Trust). Previous experience had suggested that Rosie related better to voluntary than statutory input, which made these conditions of a probation order all the more relevant and likely to succeed. She was arrested a week following the start of her order and remanded in custody on a charge of assault to injury, but subsequently bailed. Although alcohol use was an issue to be addressed (and a condition of the order), Rosie did not attend SACRO initially as her life was too chaotic, although she did manage successfully to complete a three week course with Venture Trust. Her social worker helped her to complete her CS order and also liaised closely with the hostel in which she was living following an attempted suicide and assault of another resident. Rosie's housing needs seemed to take up much of the time initially on probation but with additional support from agencies for employment/training and further outward bound training, her lifestyle stabilised, and although she received a first warning, she did not breach the order in the first nine months (at the time of writing).

The focus on risk of re-offending and public protection is very much a male-oriented agenda, not least because women rarely present a risk to the public through their offending, and arguably if their *other* needs were met more readily, they would be less likely, in any case, to re-offend. Women fall outwith the politicisation agenda currently dominant in the 'law and order debate'; they are not, as one respondent suggested, a 'political priority'. The emphasis currently on risk of re-offending and risk of harm also seems to have left some workers feeling that it may be inappropriate to focus on a woman's basic needs if this is at the expense of the wider 'political' agenda of reducing re-offending:

> I think that there's been such an emphasis on risk and a focus on talking about offending that sometimes I think workers feel that they shouldn't be doing stuff that's emotionally supportive of clients… there's an issue about staff's understanding of what it is that women need to help them reduce their offending… workers are confused about what their role and remit is with women. Should we be more soft in our approach with them, or should we treat them the exact same as men?

SUGGESTED CHANGES TO SERVICE PROVISION

More female workers in Community Service and more Community Service placements for women are needed across the CJA.

There is a pressing need for greater continuity between prison-based and community-based interventions, not least in terms of voluntary throughcare for women offenders.

To avoid the 'postcode lottery' effect of fragmented provision, there should be, as far as possible, a consistency of services across and within local authorities.

More counselling and treatment services are needed, not least for women with dual diagnoses and substance misuse problems and for women who are past or current victims of abuse.

Women-only groupwork programmes (including for drug or alcohol misuse), which are funded on an equitable basis with such provision for men, would better serve the needs and offending propensities of women offenders.

More funding and/or better coordination of services might ensure shorter waiting lists, especially for drug treatment projects, and an increase in GP prescribing services across local authorities.

SUMMARY

There is a lack of appropriate gender-specific services for women offenders in Lothian and Borders which limited social workers' capacity to devise viable and convincing action plans. The timing of interventions was also more of an issue for women offenders who may require to stabilise their lives or their drug habits before being able to address their offending behaviour and other problems. Often prison-based groupwork programmes require 4 – 6 months to complete and yet women tend to receive shorter prison sentences than this. Many respondents also felt that a focus on offending behaviour within a given intervention was less of a priority than addressing crises in women's lives or issues relating to mental health, drug abuse, volatile relationships and child protection.

RECOMMENDATIONS

9. Clarity of purpose and better training in the aims of Criminal Justice interventions with women offenders would improve the confidence of supervising social workers and provide more effective responses to the particular needs of women offenders.

10. There is a need for more gender-specific interventions for women offenders within both the statutory and voluntary sector, including groupwork programmes, education and employment opportunities, health and counselling services and throughcare/aftercare provision.

11. Groupwork and other programmes both in prison and in the community should be available on a rolling programme basis and be short enough to complement and be contained within shorter sentences (whether prison- or community-based).

CHAPTER 5: INTER-AGENCY WORKING

INTRODUCTION

Multi-agency working is becoming required practice within the Criminal Justice system, partly as a means of ensuring a comprehensive and integrated 'package' of support for offenders, but also possibly to protect individual agencies from being held responsible when things go wrong (Barry, 2006). Inter-agency responses to the reduction of offending and integration of offenders are more likely to ensure an holistic approach, not least with women offenders. Women offenders often have multiple problems, emotionally, economically, socially and health-wise (Worrall and Gough, 2008), which require various agencies with specific expertise to work cooperatively. The Social Exclusion Unit (2002) argued for better community links offering more focused services for women, but this requires proactive and coordinated links between agencies, both voluntary and statutory. This chapter looks at the range and extent of such inter-agency working in Lothian and Borders and the challenges that such a proactive and coordinated approach might raise.

A BRIEF PROFILE OF AGENCY INVOLVEMENT ACROSS THE CJA

Edinburgh

Edinburgh has the only probation groupwork programme for women, but it is run on an ad hoc basis, when numbers allow, and is staffed voluntarily by social workers and other agencies. NCH runs an intensive probation project for both young male and female offenders, as well as a drugs counselling service for under 17 year olds. Sacro is sub-contracted by the Social Work Department to provide voluntary throughcare services in Edinburgh. Sacro also runs a Community Links Centre in the City, which is a one-stop shop for agencies working with offenders. It also runs an alcohol programme for women, a one-to-one counselling service and a support project for drug using street workers. The Willow Project, an NHS initiative proposed specifically for women offenders in association with Sacro and other service providers, will run programmes for health promotion, therapy and employability, including cookery, nutrition, alternative therapies, arts and crafts and substance misuse and sexual health advice. CDPS is also specific to Edinburgh, although covers East Lothian on a part-time basis. LIBRA is an alcohol counselling service for women in the City as well as in Midlothian. Turning Point has several projects (housing and drugs support), operating in Edinburgh as well as in other parts of the CJA, as does Women's Aid. The court-mandated Domestic Violence Probation Project (DVPP) and the voluntary perpetrator service, Working With Men (WWM) both offer specific partner support and services. Many Edinburgh GPs have opted out of prescribing for drug-dependent women but Locality Clinics have been set up in some areas which GPs may attend on a part-time basis. Apex is starting a groupwork programme for women offenders in early 2009, which provides debt counselling as well as employment and training input and it also has an employability project in association with Napier University. Edinburgh Prison is the only establishment in Scotland to have a purpose built Visitors' Centre. The Visitors' Centre building is owned by The Onward Trust and managed by the Salvation Army, providing support to prisoners' families. This is done through working in partnership with a range of agencies including Scottish Prison Service, Families Outside, Lothian and Borders Community Justice Authority and NHS Lothian.

East Lothian
Women offenders in East Lothian tend to be older than the national average, have a greater propensity to alcohol-related offending than drug-related offending and to offend more as a result of violent relationships or road traffic violations. An internal research exercise (Harvey, 2008, Pers. Comm.) also suggested that women in East Lothian are more likely than the national average to be disposed of by way of community service and custodial sentences. In East Lothian, there is no groupwork programme for women, no intensive probation programmes, no supported accommodation for women offenders (who tend to move to Edinburgh for such support), no diversion scheme and no agencies specifically working with women, apart from Women's Aid. There is a higher than average number of visiting sheriffs currently in East Lothian who may be less lenient with women and less familiar with the disposal options available. They tend not to use DTTO much (with only an estimated third of places taken up currently), although do use community service (even though there are limited placements for community service and limited child care facilities for women on such orders). The East Lothian Council on Alcohol is the main alcohol-related project and MELD and CDPS are the main drug-related projects. East Lothian has a dedicated SER writer, employed on a free-lance basis.

West Lothian
The Criminal Justice Social Work Department in West Lothian has a dedicated assessment and SER team. Whilst West Lothian used to have a groupwork programme specifically for women, this is not currently active because of funding limitations. There is a men's groupwork programme, along with a domestic abuse programme for men (which has a women's worker to support the victims). DTTO shares the same office as criminal justice social work and there is also a Drug and Alcohol Service, although there is an issue of waiting lists for drug services currently. Women's Aid and Apex also operate in West Lothian, but abused women seeking counselling are referred to the nearest Open Secret project in Falkirk, which can be costly to the Social Work Department and inconvenient for many women. However, negotiations are ongoing for Open Secret to develop a project within West Lothian.

Midlothian
Midlothian is a small local authority with easy access to locally-based service providers. Children and Families and the addictions team both share an office with Criminal Justice Social Work. Midlothian women offenders present with mainly substance misuse problems and there are several drug services available, such as the Substance Misuse Service, MELD, Edinburgh and Lothian Council on Alcohol and LIBRA. Women's Aid is also active in Midlothian, as in other local authorities within the CJA. The vast majority of GPs in Midlothian have opted out of prescribing methadone in the local authority. A groupwork programme for women on probation is due to start in November 2008 which will focus on needs as well as offending behaviour. There is no diversion scheme in Midlothian and whilst there are two employment focused agencies, Women Into Work and Mytech, there are few agencies overall in what is predominantly a rural area.

The Scottish Borders
There is no groupwork programme for women or men in the Scottish Borders. Sex offenders travel to Edinburgh for such groupwork programmes. There is a Borders

Alcohol Programme (structured over 6 weeks) and a Borders Community Addictions Team, which offers one-to-one counselling. Face to Face (for under 25 year olds) also offers drug and alcohol counselling, but not to women specifically. There is also Add Action (alcohol counselling), a needle exchange run by Turning Point, and Women's Aid services. There is deemed to be a lack of general health and counselling services in the Scottish Borders, however. There is also a small diversion scheme which receives more referrals for women than men.

PROTOCOLS AND GUIDELINES

There are numerous guidelines and protocols developed within and across specific agencies which focus on staff safety, anti-discriminatory practice, assessment and management procedures, human rights, data collection and information sharing. These include National Standards, MAPPA Guidance, ViSOR, the Pan Lothian Partnership and within-agency guidelines. Whilst the Equality Act (2006) places a 'gender duty' on the public sector to specifically address gender issues alongside race and disability, there are no specific protocols that apply to women offenders as yet, although certain guidelines mention women as a specific group. In Lothian and Borders, for example, the Prisoner Security and Welfare Manual produced by the Police has a sub-section on 'female prisoners'. This stipulates that, unless 'exceptional circumstances' prevail, females should be escorted and attended to by a female officer and that pregnant women should not, other than in exceptional cases, be held in police custody but released prior to a court appearance.

The Lothian and Borders Criminal Justice Social Work Consortium's Staff Procedure document for risk assessment and management contains a sub-section on women (alongside sub-sections on violent offenders, domestic abuse perpetrators, young offenders and sexual offenders) who are subject to the LSI-R risk assessment tool. This document, although stating that LSI-R is appropriate for use with women, gives the proviso that risk factors apply differently to women than men and that risk scores may over-categorise women compared with men. Staff are urged to bear these anomalies in mind when categorising the risks that women offenders pose, pending a recommended recalibration of the tool for women.

Whilst the National Standards do not differentiate between men and women offenders in laying down the guidelines for work with criminal justice social work clients, one recent document published by the Criminal Justice Social Work Development Centre (2007) sets out the guiding principles and research findings which inform best practice in interventions specifically involving women offenders. Its aims are to:

- raise the quality, profile and priority of work with female offenders;
- encourage critical examination of current service provision for female offenders; and
- offer support to mangers and practitioners on best practice and quality service provision.

With the exception of the few agencies that consider their service to be purposefully generic rather than gender-specific (e.g., COPFS and the Police), the majority of respondents felt there was a need for specific guidance and protocols relating to female offenders as a separate group from male offenders. Such guidance may go

some way towards providing a more flexible yet focused approach to the problems facing agencies working with women offenders, not least in a multi-agency environment.

GOOD PRACTICE IN INTER-AGENCY WORKING

Policy makers, managers and practitioners alike are increasingly seeing the benefits of inter-agency working in criminal justice, not only in ensuring a more holistic approach to the needs of offenders but also in ensuring greater accountability and information sharing. However, different local authorities, and even different areas within local authorities, demonstrate varying levels of success in harnessing the cooperation of a number of agencies, which are often competing for resources and have their own constituents and remits to protect. Likewise, different Social Work Departments within the CJA may take a lesser or greater proactive role in supervising clients who are also already engaged with other agencies.

Mary, aged 25, received a 12 month probation order for assault and breach of the peace. She has mental health problems and is the victim of domestic abuse from her partner. She was assessed as at moderate risk of re-offending because of previous convictions (which were committed some 7 years ago), and partly as a result of her abusive partner and their volatile relationship. Because other agencies were already involved with Mary, probation was more of a monitoring exercise, although the social worker still managed to be in touch with her on a fortnightly or weekly basis. Issues identified were mental health, alcohol misuse, domestic abuse, self-harm, housing and debts. Mary was already being seen by a community psychiatric nurse, a mental health officer, and a housing support worker, but during the course of probation, she was also referred to Women's Aid, and to a psychologist and alcohol counsellor, all of which she attended as required. Following a further assault charge relating to retaliation on her partner, and resultant breach of probation, the probation order was continued for the remaining six months. Mary complied fully with the requirements of her order, and continued to engage successfully with the multi-agency 'package' of support beyond the period of her probation order.

Respondents in this study were generally enthusiastic and complimentary about the level of good practice generated through inter-agency working in Lothian and Borders. The following partnerships were cited specifically at interview as being examples of positive and constructive multi-agency working which directly or indirectly impinged on interventions with women offenders:

- Criminal justice social work and the police (Edinburgh, notably in respect of domestic abuse, and in Midlothian);

- Women Centred Offending Group (CJA-wide);
- Women's Probation Group (Edinburgh);
- Professional Concerns Meetings (West Lothian, for families as a whole);
- MAPPA (West Lothian);
- Addiction services, CJSW and Children and Families (Midlothian, all operating from the same building);
- Mytech (Midlothian);
- a good network of employers for Community Service placements (Midlothian);
- Domestic Abuse Working Group (Borders);
- Families Outside/Salvation Army (notably at the Visitors' Centre at Saughton Prison);
- Throughcare Addiction teams (Edinburgh);
- Scottish Prison Service/Phoenix;
- Sacro throughcare project (Edinburgh);
- Turning Point/Health;
- Apex/Health;
- Willow Project (Edinburgh);
- Apex/Napier University (Edinburgh);
- Turning Point/DTTO/GP services/Health Board (Edinburgh);
- Community Links Centre (Edinburgh).

Two other projects outwith the Lothian and Borders CJA were also cited as areas of good practice in multi-agency working. These were the 218 Project (Glasgow) and Tayside Intensive Support (a throughcare addictions service). The 218 Time Out Project evaluation (Loucks *et al*, 2006) demonstrated the effectiveness of an holistic and gender-specific approach to women offenders in addressing their needs, not only in terms of reducing offending but also in reducing alcohol and drug misuse.

Although the NHS has been criticised in the past for being less able to work collaboratively with criminal justice social work because of their focus on 'patients' rather than 'offenders', several respondents suggested that the NHS was moving positively in the direction of greater multi-agency awareness and cooperation:

> Our health colleagues… [are now] recognising the health agenda as it applies to offenders… They're coming round in a very surprising and encouraging way and making a significant level of commitment, financial commitment, to providing services… for women.

Nevertheless, there were concerns raised by respondents about the challenges and gaps in inter-agency working, not least with women offenders, and these are described briefly below.

GAPS IN INTER-AGENCY WORKING

One of the major barriers to effective inter-agency working cited by respondents related to information sharing, notably in respect of health professionals but also to a lesser extent Children and Families professionals, and again this is the issue of differing agencies having differing clients for whom they were responsible and perhaps not seeing the value of, or having the resources for, holistic working. Some

respondents also would like to know what happens to clients once they refer them on, but such feedback is rare.

Where information sharing was possible, it often came at a price: some GPs, for example, might charge social workers a fee when passing on written information; GPs also require a mandate to be signed by the patient and faxed from the social work office to the GP surgery and it may take time (one respondent suggested up to 8 weeks) for certain information to be returned from GPs - although GPs were generally good at meeting SER deadlines. Children and Families workers are also perhaps wary of sharing information other than on a 'need to know' basis (although this is not clearly defined and is therefore open to interpretation). Children and Families workers may also have a different sense of what constitutes good parenting, even in cases where a woman is on prescribed drugs, albeit 'stablilised':

> I have been in houses where the children are mauket [dirty], for want of a better word… It's 11.00 and [the child has] still got its nappy and its babygro on but that child has laughed its head off and the mother is a good mother, but [the Children and Families social worker] may not take that view. It's 'you will do as I do and these boxes will be ticked or I will have your child off you'… I mean, if I at all was concerned about any of these children, I would have no hesitation in saying these children need to be removed and they need to be removed now.

Whilst some respondents felt that certain agencies had too rigid criteria for referral (some Women's Aid hostels, for example, will not accept women on methadone prescriptions), others also felt that referrals may be inappropriate or came in without warning. Throughcare referrals from prison were often made at the last minute leaving community-based workers with little or no time to meet the woman in advance of her release date, thereby establishing a rapport with her and more likely guaranteeing her arrival at the project on release. On the other hand, prison-based staff also felt frustrated in their attempts at inter-agency working where services in the community were lacking:

> You can do all this great work in prison, they can be, you know, clear of drugs, they can be stable, and you're putting them out and the only place you've got to offer them is a hostel… you're setting them up to fail right away 'cos you're putting them back in with drug users.

Certainly, it is not the fault of individual workers or of their referral processes that these criticisms arise, but it tends to boil down to the funding arrangements and resources available in each agency. Having long waiting lists and strict criteria for eligibility, for example, are likely to be a direct consequence of limited resources within and across agencies and a fear of losing what little influence and funding they already have:

> The criminal justice system … for me there is no actual 'system'… you've criminal justice social work, you have the police, you have sheriffs, you have PFs, you have voluntary organisations. There isn't actually any kind of strategy of communication of information. We're all working in our own little area... a lot of voluntary organisations are actually fighting for survival, you

> know, referral rates, etc, etc. Similarly, criminal justice social work has got its kinda boxes it needs to tick and the police have got a totally different kind of agenda, as do - I've missed out the SPS. How could I miss out the SPS?! They've got a hugely different agenda… And sheriffs, where do they fit into all that?

Women learn differently, think differently and engage differently to men, and women-only environments which are accessible, non-stigmatising and non-authoritarian often facilitate their successful engagement (Gelsthorpe and McIvor, 2007). These authors cite research which suggests that women learn better in connective and collaborative settings rather than in distinctive and competitive settings. To this end, Women's Offending Action Teams have been piloted in two regions of England which provide a one-stop shop women's centre or floating service specifically for women offenders. Multiple needs require multiple services, but these currently in Scotland are dispersed across communities which means an added strain on the lives (and diaries) of women, not least those with child care commitments, in terms of keeping appointments. Given that attending different agencies for different needs is often a condition of orders, the possibility of breach is more likely where there are more appointments to keep. Several respondents thus argued for a one-stop shop arrangement specifically for women offenders in Scotland, in a convenient, non-stigmatising, easily accessible and central location within each local authority. The Corston Report (Home Office, 2007) also strongly recommended such an approach to multi-agency service delivery.

A one-stop shop would allow professionals to come in on a part-time basis to work with clients and would also allow agencies to communicate with each other more readily for the sake of the client. Clients would also be able to access several workers/agencies at the same time in the same place, and crèche facilities would be easier to arrange where the costs were maybe shared across agencies. Equally, and perhaps most importantly, women would be treated as 'women' rather than as 'offenders', but working where necessary to reduce re-offending as much as dealing with their issues as victims, mothers, partners and patients. The Visitors' Centre at Edinburgh Prison, and no doubt illustrated equally well in other prisons, was cited as an example of good practice in the one-stop shop model of inter-agency working:

> The work that [the Salvation Army is] doing [at Edinburgh Prison] - together with the health workers, together with library workers - feels to me to be almost co-terminus with the range of services you'd want available for women offenders. Now, that is based on their consultation with them, with them defining their own needs and when they come here, they're asked what they regard their need as being and more often than not, they are to do with benefits, to do with writing, to do with communication, to do with facing and confronting authority and that's what [the Visitors' Centre] tries to assist them with. But it's fascinating that actually I think there are really significant similarities between the needs of the women that use this centre and women offenders… not many people can get to that realisation… that offending is nothing but a symptom of something else.

SUGGESTED CHANGES TO INTER-AGENCY WORKING

A one-stop shop approach to providing services to women (not only post-sentence but also more generally) would ensure greater convenience, less likelihood of non-attendance at appointments, reduced transport costs and a more holistic and inter-agency approach to the needs of women.

Management and practitioner attitudes need to become more flexible, allowing staff to use greater discretion with women where necessary and to engage with other agencies to offer a more holistic service to women offenders.

Communication between and within agencies needs to be strengthened, not only for information sharing purposes but also to offer a more holistic and tailored service for women offenders.

A consistent and collaborative approach by workers across agencies would help to better engage women in services and allow for continuity of the relationship between worker and client.

SUMMARY

Not all agencies involved with women in the Criminal Justice system are represented in all local authorities within Lothian and Borders and there are varying levels and intensities of service delivery across the main areas of need: drug/alcohol treatment; counselling; education/training/employment; housing; and mental health. Likewise, there are no protocols or guidance specific to women offenders that can facilitate inter-agency working.

Whilst respondents at interview could cite numerous examples of good practice in multi-agency collaboration, they also voiced concerns about gaps in inter-agency working. In particular, information sharing between agencies was seen as currently limited, referral criteria were sometimes too rigid (based on an agency's funding, size or remit), referrals were often received too late for effective work to be undertaken to engage women offenders and appropriate follow-on support was often not available.

Respondents argued for a one-stop shop model of multi-agency working and service provision, which would be more convenient and less stigmatising for women and could prove cost-effective and more collaborative by pooling resources of various agencies.

RECOMMENDATIONS

12. Gaps in service provision across local authorities should be filled where possible to ensure consistent services in all areas of need for women.

13. Specific protocols and guidelines for work with women offenders would ensure better communication and shared gender-specific practice across all agencies.

14. Agency remits and referral criteria could be more flexible - funding sources permitting – to allow women to access services more readily.

15. The development of a one-stop shop approach to addressing the offending-related and other needs of women offenders, informed by good practice in other areas of the UK, would ensure greater multi-agency cooperation and collaboration, would offer women an accessible and 'women-friendly' centralised service and would minimise the likelihood that women would breach community-based orders.

CHAPTER 6: THE DIFFERENCE WITH WOMEN

INTRODUCTION

> I think there's been a tendency to, you know, in terms of equality, [to] treat people the same and say well that's what we do for men, so why should it be any different for women, and I think there's got to be a wee bit of change of thinking there because what we're doing currently doesn't work very well.

There are mixed views amongst professionals and academics alike about whether women are or should be different to men in terms of the services they receive in the Criminal Justice system. In this research, agencies such as COPFS and the police tended not to differentiate between men and women, not least because of being seen to be non-discriminatory, equitable and non-judgemental in the service they provide. Likewise, health professionals tend to see women – and men – as 'patients' rather than 'offenders'. Social workers, on the other hand, are increasingly of the view that women need to be treated differently to men, not least because the current risk assessment tools and interventions available to them are predominantly male-oriented and offence-focused and are inflexible in assessing the particular risks for women.

This chapter focuses on the difference or otherwise between women offenders and their male counterparts. It firstly looks at changes in trends over time with women offenders and respondents perceptions of the traits of women offenders. The chapter then focuses on the issues relating to specific groups of women and specific offences, before looking at perceptions of how to effectively engage with women and the barriers to such engagement.

CHANGES IN WOMEN OFFENDERS OVER TIME

Tables 6.1 and 6.2 below outline the trends in disposals for male and female offenders in the Lothian and Borders CJA over the period 2002 to 2007.

Table 6.1: Disposals by year for male offenders

Disposal	2002-03	2003-04	2004-05	2005-06	2006-07
Community sentence	2,023	1,896	2,175	2,357	2,214
Custody - long term	351	363	307	336	382
Custody - short term	1,901	1,783	1,774	1,733	1,847
Financial penalty	10,713	10,028	10,081	10,328	10,955
Other	1,203	1,186	1,332	1,462	1,907
Total	16,191	15,256	15,669	16,216	17,305

Table 6.2: Disposals by year for female offenders

Disposal	2002-03	2003-04	2004-05	2005-06	2006-07
Community sentence	429	420	398	439	432
Custody - long term	17	21	19	25	27
Custody - short term	143	172	176	121	180
Financial penalty	1908	2075	2046	1979	2182
Other	396	444	534	523	661
Total	2893	3132	3173	3087	3482

It would seem from these figures that whilst short-term custodial sentences for men have remained relatively stable over the last 5 years, short-term custodial sentences for women have increased year on year (although there was a significant drop in 2005-06). It has not been possible to collate the types of offences over the last five years relating to women, but an increase in custodial sentences need not necessarily reflect an increase in seriousness of offending by women (and could be more a reflection of policy, media or sentencer anomalies). Nevertheless, the perceptions of key stakeholders interviewed in this research suggest that female offending is becoming more prevalent and more violent.

The views of social work staff in Edinburgh were that there were more violent women offenders now than maybe 5 years ago, with drugs, mental health and relationship issues exacerbating women's offending behaviour. Likewise, in Midlothian and West Lothian, violent offending was seen by social work staff to have increased, mainly amongst younger women with drug and mental health problems. East Lothian, however, was seen to have an older female offender population (mid-twenties to mid-thirties) with drink driving and drink-related assault/breach of the peace being the predominant offences. In Borders, there was a perceived increase in young people committing alcohol- and drug-related offences, including breach of the peace and thefts. Certainly the main trend across the CJA was felt by social work staff to be an increase in drug-related offences of dishonesty and violence. It was also felt that young women nowadays have similar values and attitudes to young men, in that they are immersed in a culture of alcohol and drugs, they are more independent and assertive, they are more likely to drive, and more likely to be involved in volatile relationships at a younger age.

As far as prison staff are concerned, there was an impression of a dramatic rise in the number of women incarcerated in recent years, with more drug-related offending, more violence, more young women, more ethnic minorities, more volatile or violent relationships causing retaliation by women, longer sentences and more female life prisoners.

One NHS professional suggested that some three-quarters of their female clients now have children and over a half may be involved in the Criminal Justice system. However, the number of mothers whose children have been removed from them has also increased, causing concern amongst health professionals about the mental health needs of such women:

> There's a lot of depression, there's a lot of self-harming, there's a lot of children taken off mothers in hospital, you know. They're just removed from them at birth. I understand the social work [concern], the women aren't helping themselves, but I mean, that's certainly not going to help somebody's mental health, you know, their child being removed at birth.

Health professionals also felt there was more likelihood of (current or past) abuse and depression amongst drug using women, whether or not in the Criminal Justice system and whether or not mothers. There were also more Eastern Europeans, more drug smuggling into prisons (at the request of male partners) and more prostitutes who were working privately and on their own, rather than through massage parlours, hence increasing their risk of potential harm and exploitation.

The COPFS respondent had noticed an increase in drug driving as well as drink driving offences, and the voluntary organisations felt that as well as an increase in women generally within the system, there was more theft and violence, more drug problems combined with alcohol problems, more young people, more prostitution and more women on prescribed methadone.

THE PERCEIVED PROFILE OF WOMEN

The perceived characteristics of women amongst the professionals interviewed were not very positive. Women were generally seen as more difficult to engage than men: 'workers say how difficult they find it working with women… women are hard work'. They were described as being 'too open', emotional, chaotic, lacking in motivation and unable to respond well to crises. They were more likely than men to experience a clash of personalities with workers, had more complex issues, were more demanding and wanted to meet more regularly with workers than men. They were also more wary of social workers generally (because of a fear of having their children taken from them and placed in care).

However, that said, the vast majority of respondents agreed that the problems experienced by women were less to do with offending propensity as such and more to do with underlying problems in their lives that may lead them to offend. Offending was thus a symptom rather than a cause of their involvement in the Criminal Justice system and, as highlighted in Chapter 3, the Criminal Justice system is arguably not the appropriate arm of the state nor should it be the sole provider of services to deal with the multiple welfare concerns of women offenders.

WORKING WITH SPECIFIC WOMEN

The main 'types' of women that were challenging to professionals were those with drug problems, those with mental health problems and younger women. They were seen as challenging more because of the lack of services available for them rather than any inherent traits in such women which precluded their engagement with services.

Women with drug problems

One professional described services for drug users as a 'postcode lottery', with varying levels of service delivery across the CJA. Equally, different agencies in each local authority area have different practices, not least GPs who may or may not

prescribe methadone at their surgeries, thus putting a further strain on already hard-pressed addiction services within community-based health projects. Likewise, some DTTO services are less keen to prescribe methadone to a woman who also has an alcohol problem, whilst DTTO projects in other areas are more tolerant. Equally, DTTO workers may be less likely to work with a woman who has mental health issues in addition to their drug problems.

The Community Drug Problems Service (CDPS) – the major health-based drug treatment programme in Edinburgh City and East Lothian – can have a waiting list in the City of up to a year for non-priority cases. The 'priority' waiting list itself can be up to 3 months, and only pregnant women and those being released from prison are eligible for such priority treatment. CDPS is not a crisis service as such, and nor is its focus on reducing re-offending: '[W]e test patients for diagnostic and clinical reasons only. We're not there to police the women'. This emphasis on 'patients' rather than 'offenders' can often cause tension between CDPS and social workers, with the latter perhaps wanting more regular drug testing of women on probation as a means of monitoring progress towards stipulated outcomes.

Women with mental health problems

The experiences of many women, both as children and as adults, have made them more likely to suffer from mental health problems. Former child abuse, current mental, physical or sexual abuse, low incomes, parenting or caring roles, drug and alcohol use as a coping mechanism, and difficult relationships with male partners are all contributory factors to a woman's mental health and such factors can exacerbate offending behaviour. It is perhaps not surprising, therefore, that a high number of women on probation or in prison suffer from mental health problems. Often their mental health problems are also exacerbated by drug or alcohol misuse and vice versa, and workers find it difficult to engage with them until either their substance misuse or mental health problems are stabilised. Attending appointments, coping with crises and undertaking groupwork programmes are difficult when one's mental health is generally poor, or fluctuating on a regular basis. Ironically perhaps, health professionals in particular seem to have a lower tolerance than social work, for example, of clients not turning up for appointments and may withdraw a service as a result. For women in crisis, whose successful completion of a court disposal might depend on regularly attending a project, this can be a major obstacle to engagement. Likewise, some health professionals working specifically with addictions cannot concurrently work with a dual diagnosis such as mental health problems, and yet often the two problems are intertwined. Support from a health professional, such as a community psychiatric nurse, is often difficult to access in an emergency, and a woman who is self-harming, for example, may have to wait 6 weeks for appropriate support.

Young women

Young women between the ages of 16 and 18 are not well catered for in terms of services within the Criminal Justice system and in the interface with the Children's Hearings system. The Edinburgh-based women's probation group only works with those young women over the age of 18 (because it was not deemed appropriate to have a group containing 16 year olds with much older women). However, that said, Cornton Vale Prison has run mixed-age groupwork programmes for women from the age of 16 upwards to apparently great success:

> Cornton Vale… had all ages in it and [the worker] said it was really interesting because a lot of the younger women were teaching the older women a lot of things, especially when it came to the older women's feelings about their children, because actually a lot of the young women would say 'well my mum thought that, but actually that wasn't…', you know, and then the older ones were able to support the younger ones.

Young woman may also not be eligible for addiction services across the CJA, although NCH in Edinburgh has a specialist resource for young women under 18 with drug problems.

One other health worker felt that younger women were more difficult to engage and to retain in services, not least those services focusing on the treatment of drug problems:

> The young people [are]… very difficult to retain in treatment… for various reasons. Maybe they are out working to supply their habit, they may be having to attend multiple agency meetings, appointments… their day is filled with meetings… the women get released from prison and they've got no housing, some of the children are in separate foster homes, they've got different days for access… they're very difficult to catch.

Breaches of ASBOs and custodial remands also placed younger women at risk of eviction or made them ineligible for priority housing, which meant a greater likelihood of homelessness, vulnerability and reconviction.

Other challenges

Other issues relating to types of women which were identified by respondents include the fact that there are few counselling services for women, not least women who have experienced abuse. This applies not only in the community but also in prison, where psychologists, for example, may work on a part-time basis and have a waiting list for inmates needing a service. The fact that a woman, not least on a community-based order, may be embroiled in an abusive or domineering relationship with a man, only serves to exacerbate their already chaotic lives:

> [Women] cannot get out of that relationship… abusive partner, child there, he's the primary drug accessor… and he divvies the drugs up as he sees fit, he takes the benefits… he really has a huge domineering influence over the female, which leaves that female very vulnerable…females try to leave a relationship and return, and then leave, and then return… If she runs away from that situation, she's running away from her comfort zone. Where's she going? With a child, with a drug addition, with all this baggage?

A further issue across all agencies and local authorities is the issue of compliance and breach procedures. Reasons for termination of probation orders were available from social work databases for 61 cases in Borders, Edinburgh and West Lothian. According to these data, 25 cases (41%) were completed successfully, seven (11%) were discharged early and five (8%) were transferred out of the area. Three cases were apparently terminated after being deemed unsuitable for probation while in 21 cases (34%) orders were revoked as a result of breach (in almost all cases as a result

of failure to comply). With regard to breach relating to individual women in the case studies, breach proceedings were brought in 11 of the 24 probation cases, mainly because of failure to attend appointments. Edinburgh City seemed less likely to initiate breach proceedings than the other four local authorities, although it should be borne in mind that the sample size and criteria cannot allow for any meaningful analysis of these cases.

The tendency to treat both sexes equally is reflected most damagingly in setting criteria for compliance and breach of orders. It was often felt that women require more patience, more tolerance, more time to resolve other issues in their lives, and that discretion was needed by workers when such women failed to attend appointments and could not justify their absence with official documentation.

Grace, aged 30, had spent much of her life in homeless hostels after leaving home at 16. She had two children in her late teens but they were looked after and she only had supervised access to them on a weekly basis; she was also unemployed and had learning difficulties and mental health problems. She also misused alcohol and self-harmed. Grace was assessed as medium risk of re-offending (because of two previous convictions - for fraud and breach of CS, unemployment and alcohol use), but at low risk of harm (no previous violence, or alcohol-related offending). She was given probation for theft even though the SER suggested that she would not understand or benefit from probation supervision. Although Grace did not attend several appointments, discretion was used to keep her on probation rather than to breach her, mainly because of her learning difficulties and the fact that a multi-agency response to her needs was proving very successful. The probation order was secondary to the input from other agencies by and large. It was noted, for example, that the social worker could not expect Grace to adhere to the requisite number of probation appointments because she went into respite care on a regular basis or had other appointments with housing, community care about her mental health issues and Children and Families social workers about her children. Nevertheless, the multi-agency approach worked well, to the point where her offending ceased over time, and she reduced her alcohol intake.

The implications of an early breach could prove devastating to a woman in crisis, not least where the consequence of breach might be a custodial sentence. Indeed, the Corston Report argues for 'a radical new approach, treating women both holistically and individually – a woman-centred approach' which allows for greater flexibility in rates of compliance and breach (Home Office, 2007: 2):

> [B]reaches of community orders must be made more flexible as a matter of urgency… there needs to be more tolerance for women who fail to meet appointments because of their domestic responsibilities and their underlying anxieties (Home Office, 2007: 8-9).

WORKING WITH SPECIFIC OFFENCES

The Lothian and Borders Police database provided to the research team details all crimes committed by women during the period April 2006 to March 2007. This constitutes a total of 11,777 offences, and these are broken down by local authority and by crime category in Table 6.3 below.

Table 6.3: Crimes committed by women (source: Lothian and Borders Police)

Crime group*	City of Edinburgh	Mid & East Lothian	West Lothian	Scottish Borders
Crimes of Violence	166 (2)	40 (2)	29 (1)	13 (1)
Crimes of Indecency	38 (1)	3 (<0)	3 (<0)	0 (0)
Crimes of Dishonesty	1799 (27)	336 (19)	386 (18)	165 (15)
Fire raising, vandalism and malicious mischief	215 (3)	105 (6)	133 (6)	93 (8)
Other Crimes	1154 (17)	230 (13)	362 (17)	214 (19)
Miscellaneous Crimes	2508 (37)	728 (42)	880 (42)	498 (44)
Motor Vehicle Offences	907 (13)	304 (18)	315 (15)	153 (13)
Total	6787	1746	2108	1136

***** *Crimes of Violence = Murder, Culpable Homicide, Serious Assault, etc;*
Crimes of Indecency = Rape, Indecent Assault, Public Indecency, etc;
Crimes of Dishonesty = Theft, Fraud, Housebreaking, etc;
Other Crimes = Breach of Bail, Offensive Weapon, Possession of Drugs, etc;
Miscellaneous Crimes = Breach of the Peace, Minor Assault, etc;
Motor Vehicle Offences = Drink Driving, No Tax, No Licence, etc.

From the above police statistics, it would seem that the most common offences committed by women that come to the attention of the police are 'miscellaneous crimes', crimes of dishonesty, 'other crimes' and motor vehicle offences. Contrary to popular belief, however, crimes of violence are not common amongst women offenders. Crimes of dishonesty are also more prevalent in the City of Edinburgh than elsewhere in Lothian and Borders.

Details of the main offences with which women had been charged were also available from the social work databases in 995 cases. As Table 6.4 shows, the most common offences were those involving dishonesty, violent offences and breaches of public order. However, the classification of offences in the 'miscellaneous/other' category appears to have differed across local authorities making it difficult to make further cross-authority comparisons of offence types. Cases placed by the researchers in this category mainly involved offences of vandalism and (to a lesser extent) fire-raising. However how this classification was used by local authorities could not be determined from the available data.

Table 6.4: Main offences for which referred

Offence	Midlothian	East Lothian	Borders	Edinburgh	West Lothian	Total
Drugs	8 (17%)	14 (9%)	6 (5%)	7 (1%)	20 (14%)	55 (6%)
Motor Vehicle	3 (7%)	23 (15%)	0	13 (2%)	6 (4%)	45 (4%)
Breaches of court orders	3 (7%)	2 (1%)	14 (12%)	1 (<1%)	14 (10%)	34 (3%)
Violence (non-sexual)	8 (17%)	27 (18%)	27 (22%)	96 (18%)	34 (24%)	192 (19%)
Dishonesty	10 (22%)	24 (16%)	27 (22%)	133 (25%)	31 (22%)	225 (23%)
Pubic order	9 (20%)	7 (5%)	34 (28%)	0	32 (23%)	82 (8%)
Miscellaneous/other	5 (11%)	53 (35%)	12 (10%)	289 (54%)	3 (2%)	362 (36%)
Total	46	150	120	539	140	995

Most agencies were familiar with the types of offences that women present with when referred for an intervention, although in some instances agencies (notably in the voluntary sector) are not told what the presenting offence is or do not have enough information to inform the focus of their assessment and subsequent intervention. Broadly speaking, the main offences that women across all local authorities were perceived by professionals to commit were possession and supply of drugs and dishonesty (shoplifting, theft and fraud), though monitoring data suggested that relatively few women were charged with a drug offence as a *main* offence. Less common offences were Road Traffic Act violations (more so in rural than urban areas), public disorder offences, prostitution and non-payment of fines (the latter two of which predominantly come from the District Court and are more likely to be picked up directly by voluntary organisations). Prostitution was felt by one respondent to be better approached as a business which should be regulated rather than as an offence which should be punished. A zero tolerance approach to prostitution may lead to women going 'underground', and with an estimated 90 per cent of prostitutes also having a drug problem, a punitive approach might exacerbate rather than alleviate their offending behaviour.

It was generally felt that the type of offence a woman commits is less important in focusing the intervention compared with men, possibly because women's offending has the common denominator of being related to other welfare issues in their lives (mental health, poverty), whereas men may often offend for opportunistic reasons or merely for excitement.

ENGAGING WOMEN OFFENDERS

> I think men often come along to probation without very much experience of other [social work] services… A lot of the women who would come have had a lot of social work involvement before… and I think that affects how they view probation and criminal justice… and I think sometimes women often

> come thinking this is just another social work service that isn't really going to do anything much.

Respondents were asked at interview what factors facilitated and inhibited the engagement of women in their agency. The main factors which facilitated engagement were the building of a good rapport/relationship with women, trusting them, being non-judgemental, honest, consistent and respectful, and helping them to build confidence and self-esteem. All these factors should be paramount in dealings with male offenders also, but they were seen as particularly helpful in engaging female offenders, and were factors that social workers tended to be more familiar with through their training:

> Being a criminal justice social worker, you've got that kind of complex task of engaging a person and their behaviour but still talking to them about all their own personal problems and victimisation, and I think… that's core in the relationship with women.

> A woman has to trust that she can be open, be honest, that you won't judge her… it's a very shameful experience for a woman to come in and say that she's got social workers working with her family… there's a lot of shame involved there and it requires a lot of sensitivity.

Many workers suggested that priority has to be given to offering practical help to women in crisis and allowing the offending behaviour work and the compliance procedures to take second place. Likewise, there is a need to match the worker to the client, not least given the suggestion that women tend to react more adversely to personality clashes with workers than men might.

Ann is a 22 year old woman who suffered from drug misuse, depression and abuse. She lived with her boyfriend of 6 years' standing and had 6 previous convictions for fraud, breach of the peace and assault. The current charge of breach of the peace, assault and resisting arrest resulted in an 18 month probation order and 100 hours CS in 2006. Ann had been assessed as at high risk of reoffending (because of a previous lack of academic qualifications as well as drugs, low income, unemployment and previous convictions), and at moderate to high risk of harm (because of assault charges previously). The action plan recommended one-to-one work as Ann had not engaged with the Women's probation group in the past and it was felt her low self-esteem may make her vulnerable in a group setting. Within a year of starting probation, she was given her final warning for failing to attend and remanded in custody. However, the breach was withdrawn and the sheriff agreed to continue her probation order for a further 6 months because of her vulnerability. She was also given a change of social worker because of a clash of personalities with her first allocated social worker. Discretion (in terms of compliance) by the social worker was a factor in the successful completion of this order and Ann engaged well with one-to-one supervision latterly as well as successfully completing her CS order.

There is an ongoing debate about whether women offenders need women workers or whether it is the skills rather than the gender *per se* of the worker that is important. Research has found that women offenders more readily engage with female workers than with male workers (Mair and May, 1997; Wright and Kemshall, 1994). However, other research has found that some women have no particular preference for a male or female worker (McIvor, 2001) and therefore matching worker and client often needs to be a two-way process, guided as much as possible by the woman's preference, but bearing in mind staff availability and workloads.

One final factor which was seen to facilitate a woman's engagement was a convenient and non-stigmatising location for criminal justice and related agency offices, and the ideal scenario may be for all agencies to be represented in one office – a 'one stop shop' (see Chapter 5). Several respondents argued that a one stop shop, where various agencies came together on certain days, would ease the pressure on women who had multi-agency involvement – and certainly it would seem that women on probation, for example, are more likely to have additional conditions attached to meet with more than one worker during the course of their involvement with social work.

Barriers to effective engagement

There were three sets of factors which created barriers towards the effective engagement of women with agencies and services. These were related to a) the level and quality of provision; b) the limitations of agencies/workers; and c) the attitudes of women offenders themselves.

a) In terms of **the level and quality of provision**, one of the most commonly cited barriers was the location of agency offices and the lack of a one stop shop, as mentioned above. Such a facility might ease the issues of the stigma attached to visiting criminal justice agencies, the need to attend multiple appointments, transport costs and child care provision. Agency offices were not necessarily distributed across all areas of a local authority and in rural areas, with high transport costs, this proved a barrier to women attending for appointments or accessing a certain type of service. Likewise, the location of certain offices may create a barrier for women who dislike the stigma attached to entering, for example, a drug treatment project or who feared meeting an ex-partner or his family whilst in, or within the vicinity of, the building. Women on ASBOs may also be ordered to remain away from certain areas of the town or city in which they live, precluding them from accessing services such as a chemist for prescriptions, etc.

A second factor in the provision of services was the length of such involvement. As mentioned in Chapter 4, prison-based respondents suggested that a minimum length of custodial sentence of 18 months was required for a chaotic drug user to be able to *meaningfully* engage with groupwork programmes within the prison. Whilst not condoning the extended sentencing of women to custody, there was an acknowledgement also that short prison sentences were not cost-effective and could do more harm than good to a woman requiring support:

> Sending someone to prison for 30 days of which they'll spend 15 days in custody is totally pointless. What can you do with that person in 15 days? It just doesn't seem to serve any purpose whatsoever… All you're doing is, you know, stabilising their drug use and then putting them back out. You don't have time to do any kind of offence focused work or anything with them… They'll be in long enough just to lose their house and they'll be going out homeless.

There was also concern in some local authorities that community service placements were limited in scope for women, not least if they had previous offences of dishonesty which might preclude them working with people or in charity shops, or if the woman or the social work department could not access child care provision whilst she was working on a placement. This concern about child care extended beyond community service, however, and into the realms of office-based appointments. Many women attend such appointments accompanied by their child/children and this can cause some consternation not only for the client but also for workers who wish to discuss sensitive issues, or merely wish to concentrate on a task with the woman alone:

> It's very difficult for a mother to access a service when they've got their kid in tow and you need to start talking about the nitty gritty… you can't do it basically. You can't sit there while the kid's going: 'mummy?', 'what's your name, mister?'… and that mother is not in a place where she can sit down and say 'look, this is the shit that's happening for me and this is what I need to sort it out'… if there's a staff member available at the time… they'll sit with the kid and play with the kid… we've got boxes of toys and stuff… [but] we're not nursery nurses.

Finally, the lack of gender-specific services for women was seen as a major obstacle to effective engagement as was the perhaps misguided assumption that women should and could benefit from the same services offered to men, such as employability or offending behaviour programmes. Equally, some respondents felt that throughcare services for women leaving prison, in terms of housing, GP availability and drug treatment and prescribing centres were not gender-specific, not least when women may have greater needs than men for housing and health services on release. Prison staff in particular felt frustrated by the possibility that focused work done in prison may be dissipated on release because of a lack of follow-up services (such as drug treatment or counselling), and a lack of 'seamless' staff support between the prison and the community.

b) In terms of **the limitations of agencies/workers**, the main concerns of respondents were that staff lacked the time, given often heavy workloads, to engage meaningfully and constructively with women offenders, not least when women often required a greater flexibility of approach (and more attention given to their welfare and other needs) than perhaps men would. However, such approaches were less possible given the constraints on time, agency remit, practitioner workloads and availability of services. A further concern was the fact that most of the agencies were working within a statutory framework which meant that social work staff often felt obliged to adhere to National Standards (in terms of attendance rates, compliance and breach procedures) and other agency staff (e.g., CDPS, Turning Point or Sacro) were

under an obligation to 'report back' to the supervising social worker where the services they offered were a statutory addition to probation.

Whilst social workers often used their discretion in terms of compliance, there were certain obligations placed on them through National Standards (and perhaps also through pressures on workload) to 'stick to the rule book' in terms of warnings, final warnings and breach procedures being implemented. Given that women tend to require more time and flexibility in their engagement with workers, using the same criteria for compliance with women as with men seemed often to be counterproductive in merely 'holding onto' women, if not engaging with them. Likewise, health-based drug reduction programmes often had compliance criteria (and waiting lists) which necessitated them either reducing medication or denying a service to those who did not attend appointments. Prison-based staff in particular were also aware of the possibility of tokenistic engagement by prisoners who needed to engage in the service/programme in order to be eligible for release. This again militated against effective engagement with such prisoners.

A further concern of respondents in terms of agency/worker input is the lack of training of staff in issues such as mental health or drug addiction, not least where such issues were not seen to be relevant to the task of reducing re-offending but were nonetheless deemed essential to address during the course of an intervention. Equally, where health staff did not deal with 'dual diagnoses' (such as a combination of mental health and drug addiction) or where they differentiated clinically between mental health and mental illness or between cognitive impairment and learning disability, there was a resultant likelihood that certain women would not receive an appropriate or holistic service.

c) **The attitudes of women offenders** can also prove a barrier to effective engagement with criminal justice agencies, not least because of past negative experiences of both criminal justice and child protection agencies. Whilst not all offenders will have had experience of agencies in the past, or indeed have had negative experiences of such agencies, respondents were almost unanimous in suggesting that a woman's dealings with Children and Families social workers in particular may have resulted in them feeling wary, fearful or antagonistic towards *all* social workers or other agency workers:

> With the changing emphasis on child protection… it can feel muddy for criminal justice clients. They're not quite sure why you're asking all these questions about their kids, if they're in for a road traffic offence.

SUGGESTED CHANGES TO EFFECTIVE ENGAGEMENT

More staff training is needed on the needs of women, on drugs, alcohol, mental health and relationships, and on other agency services/remits.

Social work and other offices need to be more welcoming, better equipped and less stigmatising.

More resources are required within agencies for transport for women to either visit or be visited by their children and other family members.

Women need to be encouraged more to build self-esteem and self-confidence, through empowering practices but also through the [formal] acknowledgement of achievements.

Child care facilities should be an integral part of agency offices to offer women with children the confidentiality and space to discuss problems freely and without distraction.

More family support is needed across agencies, to enable women whether offenders, relatives or victims, with children, parents or partners, to cope with the stresses and challenges of families and relationships.

Criminal Justice and Children and Families social work departments need to raise their profile amongst women to ensure greater confidence in the service provided and less fear of reprisals when things go wrong.

Longer-term funding of voluntary organisations is needed so as to enable consistency and continuity of approach to women's needs in the longer-term.

SUMMARY

There is an assumption that female offending is becoming more prevalent, more violent and more related to drug and alcohol misuse than in the recent past. Coupled with the rise in the number of women incarcerated, health professionals in particular felt that there was a rise in the number of women presenting with mental health difficulties and experience of current or past abuse. Women were also seen by respondents to be more challenging to work with than men. Drug and mental health services across the CJA vary in terms of availability and referral criteria, and long waiting lists and strict compliance criteria can exacerbate the problems for women with drug or mental health issues.

Whilst 41 per cent of women completed their probation orders successfully, 34 per cent were breached, mainly because of non-compliance. Respondents felt that agency staff should have a greater tolerance of women when deciding breach criteria.

According to the quantitative data, the main offences that women committed during the period under study were dishonesty (23% of all offence categories) and violent offences (19%). However, respondents at interview suggested that drug offences were also commonly committed by women.

What was seen to work in engaging women offenders was an open, trusting and non-judgemental relationship with the worker, offering practical support and a non-stigmatising and women-friendly location. The barriers to such engagement related to the level and quality of provision (location, length of involvement, child care facilities and gender-specific services); to the agencies/workers (lack of time and flexibility, statutory requirements, such as breach, and a lack of staff training); and to the negative views of women offenders themselves about social work services.

RECOMMENDATIONS

16. Social work and other agency offices should ideally be in neutral and comfortable surroundings, offering a confidential, non-stigmatising and easily accessible service to women offenders, along the lines of a one-stop shop.

17. Better child care provision is needed for women offenders with appointments or community service placements, either in the community or shared between agencies within the same building.

18. There needs to be a greater focus on care/welfare rather than on control/surveillance and should be reflected in policy guidelines, additional practitioner training, and more flexible breach procedures.

CHAPTER 7: CONCLUSIONS

> I think the under development of gender-specific service provision in Scotland is actually one of the biggest [gaps] because people don't understand the need for it, you know. People understand the need for programmes for sex offenders, programmes for violent offenders, programmes for this, that and the other. What they don't understand is the need for different services and different types of interventions for women. It's just not even on the radar.

The issue of gender-specific services for women offenders is an area of priority according to this research study, amongst others. The issues raised by respondents and the case study material both highlight the lack of services which are pertinent and appropriate for women. This chapter concludes by briefly exploring five key themes emerging from this research which all highlight the need for gender-specific services, and in so doing, hopes to inform the way forward in developing effective services for women offenders in Lothian and Borders and beyond. These key themes are that:

- women are treated in a disproportionately harsher way than men in the Criminal Justice system;
- women need a more welfare-oriented than punishment-oriented approach when dealing with their offending;
- current provision is limited in its scope and depth to address the particular needs of women offenders;
- inter-agency cooperation does not reflect the specific needs and characteristics of women; and
- prosecutor and sentencer decision making precludes the early intervention needed to effectively address the specific needs and characteristics of women.

THE HARSH REALITY

Research literature internationally has highlighted the fact that women are treated more harshly than men in criminal justice systems. Without being able to compare the treatment of women in the Criminal Justice system in Lothian and Borders with their male counterparts in this research study, it can nevertheless be seen from the data that women are being assessed by social workers as being at greater risk of re-offending than their 'criminal careers' might suggest and that they are also given higher-tariff disposals, possibly as a result of such assessments, but also for reasons relating to sentencers' lack of knowledge or confidence in the options available to them.

The quantitative data and the case studies highlight the potential limitations of LSI-R as a risk assessment tool for women. The vast majority of women were scored as being at moderate or high risk of re-offending, not so much because of past offending but because of circumstances largely beyond their control. Whilst the proponents of LSI-R might argue that low educational achievement, low income, drug misuse, unstructured leisure time and the like are risk factors in encouraging offending behaviour, these antecedents if addressed first, could dramatically halt an individual's escalation in offending and acceleration through the system, not least for women whose offending is – to them – a rational alternative to, or coping mechanism for, the lack of control and direction they might otherwise have in their lives.

Equally, the 'moderate' risk of re-offending rating that the LSI-R tool infers invariably points to disposals such as community service or probation in the eyes of social workers, which may result in women being up-tariffed. The risk assessment is also used arguably too late in the process – at the sentencing stage rather than at the stage of deciding whether or not to prosecute.

This report has also highlighted concerns of professionals about breach criteria being overly harsh on women offenders who lead chaotic lives, are often in crisis and who cannot cope with the expectations of agencies often piled upon them. Equally, differing agencies have differing approaches to, and criteria for, breach of 'contract' if not breach of a court order. It would seem that breach criteria are too rigid for women whose failure to comply is not so much related to re-offending as to an inability to keep appointments. In Lothian and Borders during the period under study, it would seem that only marginally more women successfully completed a probation order as breached it (see Chapter 5: Other challenges). Further research could elicit whether women's increased involvement in the Criminal Justice system is in any way related to current preoccupations with breach procedures and women's inability to comply.

WELFARE NOT PUNISHMENT

This research has supported international literature which suggests that women's increased offending is a manifestation of a complex range of problems in their lives, resulting from poor mental health, a greater reliance on drugs and alcohol and greater vulnerability as a result of abusive relationships, whether past or present. Women also have different needs to men in terms of practical, social, emotional and financial concerns. These are invariably not taken into account in the marking and sentencing of women offenders and are not adequately dealt with by social work and other interventions either in the community or in prison. Respondents at interview commented regularly on the lack of welfare provision for women in Lothian and Borders, and no doubt this is not particular to this CJA, but is undoubtedly the case across Scotland as a whole.

Women tend to respond better to a proactive welfare approach rather than to a reactive punitive approach when involved in the Criminal Justice system. However, there is an increasing move towards a more punitive and risk-focused model of criminal justice service delivery across the Western world which increasingly denies offenders the opportunity to address circumstances in their lives which may (or may not) exacerbate – if not cause - their offending behaviour. Equally, criminal justice social work interventions tend to be time-limited (albeit often for good reason), but if they are too short they leave no time to firstly stabilise a woman's practical circumstances, mental health or substance abuse, which may well be the causes of their offending behaviour.

CURRENT PROVISION

Voluntary organisations in the Lothian and Borders, as no doubt elsewhere in Scotland, have historically developed as much around funding opportunities as around gaps in services, and there is little likelihood that such provision is audited and monitored over time to ensure its necessity or focus. There are currently a myriad of organisations across the Lothian and Borders which do not necessarily meet the needs

of women offenders and statutory bodies alike in *particular* geographical areas. That said, the vast majority of services offered are indeed used to good effect, often beyond their capacity. However, there seems to be little coordination of what services serve what constituents in what geographical areas and on what grounds. The lack of consistency of coverage of such organisations across the CJA also results in the 'postcode lottery' criticism that women in certain areas of certain local authorities will be unable to access the services they need.

Both statutory and voluntary agencies need to adapt to the fact that women offenders have different needs and processes of engagement than male offenders, and even though women may only constitute 17.2 per cent of the convicted offender population in the CJA, they still require a service that meets and addresses their needs, not only in the communities in which they live but also within prison.

Prison sentences of a short duration have little positive impact on women's issues and offending behaviour. Whilst Cornton Vale Prison does excellent work in addressing the needs of women with whom it works, the vast majority (77%) of women given custodial sentences in Lothian and Borders in 2007/08 were sentenced to imprisonment for 6 months or less, thus denying them the chance of meaningful groupwork programmes whilst in custody.

In terms of probation supervision, when women engage in a meaningful way in such interventions, the cognitive behavioural approaches of standard/induction probation exercises can prove highly successful in engaging women to think about the pressures and trigger points that influence their behaviour and attitudes. However, it is so often the case, as illustrated in the analysis of the sub-sample of case files, that crises take precedence in the minds of most women offenders and *should* be given priority. Arguably, however, the role of 'crisis intervener' is not necessarily appropriate for social workers to take on, nor necessarily compatible with the 'case manager' role of planning, managing and monitoring the case management plan as set out in the revised National Outcomes and Standards for criminal justice social work in Scotland. Such a 'crisis intervener' role could perhaps be better adopted by paraprofessionals, as promoted in the 21st Century Review of Social Work, *Changing Lives* (Scottish Executive, 2006). In this respect, mentoring is as crucial as monitoring for many offenders who lead chaotic lives (Barry, 2000) and is reflected in the emerging use in other parts of Scotland of non-statutory support workers who work alongside social workers to provide women on supervision with additional advocacy and support.

INTER-AGENCY COOPERATION

Inter-agency cooperation is crucial in providing effective, 'seamless' and coordinated services for offenders, not least women who have multiple needs. This research has suggested that better inter-agency collaboration and more proactive cooperation between agencies within Lothian and Borders, as no doubt elsewhere in Scotland, is required in order to provide a coordinated service for women offenders. The challenge in addressing the needs as well as the deeds of women offenders is to identify a common purpose and remit that would more effectively bring together a diverse range of agencies such as criminal justice, health, housing, education, employment, child care and leisure. This report has highlighted the fact that Criminal Justice is not – and should not be - a 'catch-all' system for women who offend. Likewise, the health needs

(both physical and mental) of women offenders have been highlighted in this report as a priority area in reducing offending and encouraging social reintegration of offenders, and the Health Board, in respect of women offenders in particular, is a highly significant and pivotal player in this process.

A one-stop shop approach

As demonstrated in this research, women often have multiple needs that require multiple resources. And yet a woman's need, or requirement, to attend various agencies during the course of a court order is often her downfall, in that agencies can be disparate in their eligibility criteria, are often geographically remote from each other and can impose stringent conditions for attendance which compete with other agency expectations. The findings from this report strongly argue for a one-stop shop approach to dealing with women who offend in order to provide women with a highly coordinated, collaborative, non-stigmatising, gender-aware, convenient and women-friendly service for those whose otherwise chaotic lives result in involvement in the Criminal Justice system.

EARLY INTERVENTION

As mentioned above, having a risk assessment completed on an individual at the sentencing stage is maybe too late in the process, not least given that sentencing decisions are premised on whether or not a procurator fiscal marks a case for prosecution. If a risk assessment were to be conducted (with or without a risk assessment tool) at the point of referral to the procurator fiscal rather than at the point of disposal, arguably such input could aid in the marking process of whether to prosecute, divert or take no further action. Whilst procurators fiscal currently pride themselves on dealing in offence-focused facts rather than mitigating circumstances, a greater flexibility of approach at this stage in the process could well reduce the workload and budgets of the Criminal Justice system as a whole. Two options in particular seem relevant to women offenders: structured deferred sentences and diversion from prosecution, as discussed below.

Structured deferred sentences

As mentioned in Chapter 3, structured deferred sentences - where sentence is deferred for specific social work or other input and then reviewed by the sentencing sheriff at the end of a stipulated period – have been successfully piloted in other areas of Scotland. Such sentences are low-tariff, high-input disposals which focus on needs rather than deeds and are therefore ideally suited to women offenders. Packages of support could include the development by supervising social workers of existing or new arrangements with other agencies and enable a more 'hands-on' rapport to be built up between individual women offenders and the sentencing sheriff, along the lines of initiatives such as the youth courts and DTTO. Such sentences would also be invaluable in stalling (if not eliminating) acceleration through the system because of welfare needs not being met, further offending ensuing and breach proceedings resulting.

Diversion from prosecution

Lothian and Borders CJA has the highest record across all the CJAs of diverting individuals from prosecution. Whilst Lothian and Borders constitutes only 17.8 per cent of Scotland's population, in 2006-07, Lothian and Borders held 44 per cent of all cases diverted from prosecution across Scotland (503 of the total of 1,133 cases dealt with in this way), with women constituting 49 per cent of those cases (Scottish Government, 2006). This is a remarkable achievement and a strong foundation on which to build the use of diversion schemes not only within Lothian and Borders but across Scotland as a whole.

Some of the circumstances and offences in the case studies of probation examined in this research were almost identical to case studies of diversion, the only difference being the decision made by the procurator fiscal rather than any differences in the women's circumstances or offending histories. The social work input is often the same and the outcomes equally successful. The following two case studies illustrate this point, where either diversion or a structured deferred sentence could have proved equally effective and arguably less costly (not only financially but also in terms of compliance):

Susie was 19 at the time of her probation order for 18 months following an assault to injury and breach of the peace charge, resulting from a fight in the street with another young woman. Previous charges included vandalism, breach of the peace and assault but this was her first criminal record. Susie was assessed as medium risk of re-offending and medium risk of harm (because of the assault charges). The action plan involved one-to-one work to address her anger, to look at drug/alcohol issues, literacy and victim awareness. This was a standard 'programme' of probation but included a further suggested input on bereavement counselling following the death of Susie's mother some years previously. She was referred by her GP for such counselling but did not take it up. She was given a further probation order some months later on another charge, which ran concurrently. She engaged well with probation and made some changes in her life as a result of the input.

Gina was in her forties at the time of driving while disqualified, and she was given a two year probation order and 160 hours Community Service. She had 3 previous drink-related offences which were dealt with by admonishment. Her children were living with a family relative because of her history of alcohol misuse, but she had daily access to them. The SER suggested a deferred sentence, not least because Gina was getting good support from the Children and Families team in the area. She was considered at low to moderate risk of reoffending and moderate risk of harm (as a result of road traffic offences), and the only issue identified was her alcohol abuse, for which she continued involvement at an alcohol counselling project that she had been formerly attending, prior to being given probation.

CONCLUDING REMARKS

This report has attempted to identify, clarify and specify the characteristics, needs and issues of women offenders in Lothian and Borders, through database analysis and through interviews with key professionals. What has been missing from this research, however, is the perceptions of women themselves who are arguably better placed than most academics, policy makers and practitioners to offer a view on what the issues are for women and how best to address them. Nevertheless, it is hoped that this research will go some way at least towards ensuring that the views and experiences of women offenders will not be lost in the near future in developing more specific and relevant services for such a vulnerable group.

RECOMMENDATIONS

19. A greater role may be considered for paraprofessionals in the Criminal Justice system in terms of community-based and welfare-oriented disposals.

20. The development of legislation and funding would allow a greater use of structured deferred sentences and diversion schemes, possibly both of which could be available at the pre-sentence stage, with earlier social work assessment of risks and needs being provided to procurators fiscal to supplement their marking decisions.

OVERALL RECOMMENDATIONS

1. Where possible, all criminal justice agencies should collect the same basic data on offenders coming through their systems;

2. Greater consistency and coordination is required to ensure that all relevant agencies receive the necessary information at the referral stage, including the offence type and circumstances, in order to inform their assessment and subsequent intervention;

3. A more consistent and compatible approach to monitoring and evaluation across the agencies may allow for more constructive feedback on effective practice.

4. The researchers commend the Scottish Government for acknowledging the role of Community Justice Authorities in emphasising that the Criminal Justice system alone cannot address all the needs and problems that offenders have and that the welfare element is as crucial as the punishment element in dealing with offenders, especially with women offenders. It is recommended, however, that the CJAs take a more proactive role in ensuring such a multi-agency response to both justice and welfare issues;

5. The Scottish Government should identify ring-fenced funding for diversion schemes in all local authorities and these should be well-publicised with procurators fiscal;

6. Staff training should be made available to practitioners in identifying, differentiating and assessing the needs of women and how these impact on or influence their offending behaviour;

7. Consideration should be given to assessing the basic needs of women offenders (not just the risks posed by their offending) at an earlier stage in the process of involvement in the Criminal Justice system;

8. Consideration should be given to the possible implementation of an information sharing system along the lines of the Single Shared Assessment piloted currently within the Community Care field, which would streamline and coordinate assessments and services for offenders requiring multi-agency input.

9. Clarity of purpose and better training in the aims of Criminal Justice interventions with women offenders would improve the confidence of supervising social workers and provide more effective responses to the particular needs of women offenders.

10. There is a need for more gender-specific interventions for women offenders within both the statutory and voluntary sector, including groupwork programmes, education and employment opportunities, health and counselling services and throughcare/aftercare provision.

11. Groupwork and other programmes both in prison and in the community should be available on a rolling programme basis and be short enough to complement and be contained within shorter sentences (whether prison- or community-based).

12. Gaps in service provision across local authorities should be filled where possible to ensure consistent services in all areas of need for women.

13. Specific protocols and guidelines for work with women offenders would ensure better communication and shared gender-specific practice across all agencies.

14. Agency remits and referral criteria could be more flexible - funding sources permitting – to allow women to access services more readily.

15. A one-stop shop approach should be investigated based on good practice in other areas of the UK.

16. Social work and other agency offices should ideally be in neutral and comfortable surroundings, offering a confidential, non-stigmatising and easily accessible service to women offenders.

17. Better child care provision is needed for women offenders with appointments or community service placements, either in the community or shared between agencies within the same building.

18. There needs to be a greater focus on care/welfare rather than on control/surveillance and should be reflected in policy guidelines, additional practitioner training, and more flexible breach procedures.

19. A greater role may be considered for paraprofessionals in the Criminal Justice system in terms of community-based and welfare-oriented disposals.

20. The development of legislation and funding would allow a greater use of structured deferred sentences and diversion schemes, possibly both of which could be available at the pre-sentence stage, with earlier social work assessment of risks and needs being provided to procurators fiscal to supplement their marking decisions.

REFERENCES

Barry, M. (2007) *Youth Offending in Transition: The search for social recognition*, Abingdon: Routledge.

Barry, M. (2007) *Effective Approaches to Risk Assessment in Social Work*, Edinburgh: The Scottish Government.

Barry, M. (2000) 'The Mentor/Monitor Debate In Criminal Justice: What Works for Offenders', *British Journal of Social Work*, 30, 575-595.

Criminal Justice Social Work Development Centre (2007) *Service Provision and Intervention Guidance*, Edinburgh: National Development (Champions) Group: Working with Female Offenders.

Gelsthorpe, L. and McIvor, G. (2007) 'Difference and Diversity in Probation' in L. Gelsthorpe and R. Morgan (eds.) *Handbook of Probation*, Cullompton: Willan Publishing.

Harvey, S. (Pers. Comm) *Data collection and analysis exercise*, East Lothian: Social Work Department.

Hedderman, C. (2004) 'Why are more women being sentenced to custody?', in G. McIvor (ed.) *Women who Offend: Research Highlights in Social Work 44*, London: Jessica Kingsley.

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*, London: Home Office.

Loucks, N., Malloch, M., McIvor, G. and Gelsthorpe, L. (2006) *Evaluation of the 218 Centre*, Edinburgh: Scottish Executive.

Macdivitt, K. (2008) *Evaluation of Structured Deferred Sentence Pilots*, Edinburgh: the Scottish Government.

Mair, G. and May, C. (1997) *Offenders on Probation*, Home Office Research Study 167, London: Home Office.

McIvor, G. (2001) *Community Supervision of Female Offenders: Client and Staff Perspectives*, Paper presented to the Australian and New Zealand Criminology Conference, Melbourne, Australia.

McIvor, G. (2004) *Women Who Offend: Research Highlights in Social Work 44*, London: Jessica Kingsley.

McIvor, G. (2007) 'The nature of female offending', in R. Sheehan, G, McIvor and C. Trotter (eds.) *What Works with Women Offenders*, Cullompton: Willan Publishing.

McIvor, B. (2008) *Women and Community Sanctions in Scotland*, Paper presented at the European Society of Criminology, Edinburgh.

McIvor, G. and Barry, M. (1998) *Social Work and Criminal Justice – Volume 6: Probation*, Edinburgh: Stationery Office.

McIvor, G. and Kemshall, H. (2002) *Serious Violent and Sexual Offenders: The Use of Risk Assessment Tools in Scotland*, Edinburgh: Scottish Executive.

McLeish, H. (2008) 'Imprisonment in contemporary Scotland'*, Sacro Annual Lecture*, Edinburgh, October.

Maurutto, P. and Hannah-Moffat, K. (2006) 'Assembling risk and the restructuring of penal control', *British Journal of Criminology*, 46 (3): 438-54.

Scottish Executive (2006) *Changing Lives: Report of the 21st Century Social Work Review*, Edinburgh: Scottish Executive.

Social Exclusion Unit (2002) *Reducing Re-offending by Ex-prisoners*, London: Home Office.

Scottish Government (2006) *Diversion from Prosecution by CJA*, Edinburgh: Scottish Government Statistics.

Worrall, A. and Gough, M. (2008) *Giving them back their dignity: A review of the Adelaide House Outreach Project for Women Offenders*, London: The Butler Trust.

Wright, L. and Kemshall, H. (1994) 'Feminist probation practice – making supervision meaningful', *Probation Journal, 41, 2*: 73-80.

APPENDIX 1: INTERVIEW SCHEDULE

Initials: **Agency:** **Date:**

1. What is your role in relation to women offenders in this agency?

Risk assessment

2. Could you tell me where you generally receive your referrals from in respect of women offenders?

3. What risk assessment tools are used in respect of women offenders in your agency?

4. Are these tools consistent with other agencies tools in respect of women offenders?

5. To what extent do you think that *disposals* are based on the assessed needs of women offenders?

6. What other factors, if any, influence the choice of *disposals*?

7. To what extent do you think that *interventions* are based on the assessed needs of women offenders?

8. When women present with multiple needs, how are these needs prioritised in terms of interventions?

9. What other factors, if any, influence the choice of *interventions*?

Interventions

10. What programmes and other resources does your agency specifically have for use with women offenders?

11. What programmes and other resources do you draw on from other agencies?

12. What are the challenges and gaps in respect of interventions with different *types of women offenders*?

13. What are the challenges and gaps in respect of interventions with different *types of offences*?

14. Do your staff have any concerns about their ability to engage appropriately and effectively with women offenders?

15. What do you think facilitates women's engagement with your agency?

16. What do you think are the barriers to more effective engagement by women with your agency?

Inter-agency working

17. What are the specific policies, protocols and guidelines in respect of women offenders, both within your agency and between agencies?

18. What other agencies do you have contact with in respect of women offenders? *[Probe also for health projects and locations]*.

19. Can you give examples of good policy and practice in respect of inter-agency working with women offenders?

20. What are the challenges and gaps in policy and practice in respect of inter-agency working with women offenders?

Data collection

21. What information do you currently collect on women offenders and how is this recorded?

22. What are the gaps in the information you record, if any? *[Probe reasons for such gaps]*.

23. Do you consider your information on women offenders is compatible and consistent with other agencies' information?

24. In what circumstances would you share information with other agencies?

25. Can you tell me your impression of the numbers, types and needs of women offenders coming through your agency in the last year (Apr 07-Mar 08)? *[probe for the numbers that cannot be accommodated by the agency and why].*

26. Have these numbers changed in any way compared with previous years?

27. Finally, what changes would you like to see made to policy and practice in respect of women offenders?