Women, Girls and Criminal Justice – Next Steps

Clinks and the Corston Independent Funders’ Coalition (CIFC) commissioned a qualitative study in early 2013 to look at next steps in progressing the agenda for women and girls in the criminal justice system and those at risk of entering it. A central recommendation of the study report, completed in July 2013, was:

“There is unanimous support for a renewed strategic focus on women and girls at risk. However, the workshop discussion group looking at collaboration around women and girls at risk came to the conclusion that the issue needs to be re-framed. Rather than starting from the point of women and girls being at risk of entering the criminal justice system we need to recognise that risk includes a range of negative outcomes, of which entry into the criminal justice system is just one; echoing a point made by others in interviews. Such an approach would start from considering the whole woman/girl, her needs and lived experience, and represent a shift away from understanding her through the lens of an individual service. This re-framed and broadened analysis would bring existing partners to the table, draw in new ones who bring fresh and different perspectives, and create a new context that enables people to relate in different ways from what they are used to. It would lift the sector out of the system of organisational and structural constraints within which it appears to be currently trapped, and which causes it to focus on difference and division.”

This paper sets out a possible way forward for developing a programme of work which could fulfil this ambition and achieve sustained and systemic change in this area.

What is the problem we want to address?

There is little need to re-state the well-known data on the multiple vulnerabilities of most women in prison. We all know from our own experience of working in this field that Baroness Corston was right about the characteristics of this group of women. They have often experienced violence and abuse throughout childhood and adult life, they have persistent mental health and substance misuse problems, they live in poverty, in insecure or unsafe accommodation (or are homeless) and exhibit behaviour that can be described as chaotic and anti-social. Prison itself is often a deeply damaging experience.

It is also well known that women with very similar or the same constellations of need can be found in high concentrations in other damaging systems or circumstances; homeless, in secure psychiatric institutions, engaged in street sex work, as chronic users of drugs and alcohol. They are also often women who have lost children to the care system. In most systems they appear in disproportionately small numbers (5% of the prison population, 33% of the population detained in mental health settings\(^1\), about a third of the single homeless population in contact with services\(^2\)) but their needs are often extreme in comparison with

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\(^1\) Care Quality Commission, *Count me in 2010: Results of the 2010 national census of inpatients and patients on supervised community treatment in mental health and learning disability services in England and Wales*, 2011

\(^2\) http://homeless.org.uk/women
the majority of men in similar systems. The 5% of women in prison are responsible for 56% of all the incidences of self-injury across the prison estate for example.³

These are populations that overlap and intersect; they are essentially the same women though they may cycle round different systems/come into contact with different services. Over the years, along with the focus on women in the criminal justice system there have been parallel programmes of work which have looked at this group of women through different lenses; women and substance misuse (DrugScope’s 2005 ‘Using Women’ campaign, which was part of Esmée Fairbairn’s Rethinking Crime and Punishment programme), women and homelessness (the recent St. Mungo’s ‘Rebuilding Shattered Lives’ programme – also funded by the Esmée Fairbairn Foundation) and women involved in prostitution (DrugScope and AVA’s excellent, detailed report ‘The Challenge of Change’ funded by the Pilgrim Trust). There has never been a real cross-sectoral programme of the kind recommended in the Clinks/CIFC report. The closest we have come to this was the MoJ-led cross-departmental team which was set up in the early days after publication of the Corston Report and has now been disbanded.

We know enough about the constellations of problems faced by women across all these groups and the relationships between the different problems to begin to construct a fairly well evidenced (though rough) unifying hypothesis around causality and trajectory. We know with some certainty that unaddressed childhood trauma⁴ (taking a broad definition here to include abuse as well as neglect and seriously disrupted attachment) has a causal relationship with adult mental health problems, substance misuse, self-harm and other self-destructive behaviours.

“The impact of child maltreatment includes a wide range of many complex social and economic problems, with an increased likelihood of mental disorders, health problems, education failure and unemployment, substance addiction, crime and delinquency, homelessness and an intergenerational cycle of abuse and neglect”⁵

We know exploitative relationships and substance misuse both have a relationship with offending, sex work and entry into the criminal justice system (“there appears to be a

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³ Her Majesty’s Inspectorate of Prisons, Women in Prison: A Literature Review, 2005
⁴ A note on language: We are unsure whether ‘trauma’ is the most appropriate term for a number of reasons, in part because we are not clinicians or academics and lack the necessary expertise to make this judgement and not least because trauma must be defined by the person who experiences it. Trauma may also suggest an event rather than prolonged neglect for example. It should perhaps be read in this paper as shorthand for complex and individual collections of extremely negative childhood experiences, often including abuse of different kinds, which have long-term effects. Work is needed to find language to describe this in an accurate, understandable way which makes sense to survivors, honours their experience and does not further stigmatise them.
⁵ Lazenbatt A, ‘The impact of abuse and neglect on the health and mental health of children and young people’, 2010, Queen’s University Belfast
reciprocal relationship between drugs and sex work, each characterizing the other to some extent.\(^6\) Our hypothesis could therefore look something like this:

![Diagram]

Of course, this is a generalisation and the linear construction is an oversimplification (there is evidence to suggest, for example, that first onset of offending may precede first incidence of hard drug use but it is undoubtedly the case that drug dependency, once established, drives offending\(^7\)) but it illustrates what we understand or believe we understand about the relationships between these factors. It begins to distinguish between symptoms and underlying causes.

We know something of when unaddressed/unresolved trauma starts manifest itself in behavioural terms, what differences there may be in the way it plays out for girls and boys (very crudely, internalised v. externalised distress), and how and when systems start to impact differently on girls and boys with similar histories (for example, and again very crudely, schools failing to identify silent distressed girls v. overly punitive responses to outwardly ‘troublesome’ boys). Broadly speaking these things start to happen in adolescence and it may make sense for our initiative to take this as its boundary.

We can also infer some of the system failures which must have taken place for girls and women to follow this broad trajectory (recognising that recovery is possible, with the right help). Where was safeguarding? What therapeutic interventions should have been provided


\(^{7}\) DrugScope, Using Women, 2005
in the care system? What about access to appropriate mental health and substance misuse support? Was the opportunity to intervene to prevent further abuse in adult life missed? Why did diversion from the criminal justice system not happen?

Based on this, we can fairly confidently summarise the problem as:

There are concentrations of women with similar clusters of extreme vulnerabilities in very damaging circumstances and systems including prison.

Their trajectories towards these highly damaging outcomes appear to be driven by unaddressed/unresolved trauma (defined broadly to include abuse, neglect, exploitation and disrupted attachment, and with the caveats around language set out in footnote 4).

They begin to exhibit the behavioural manifestations of this early experience in different ways to boys in adolescence (which is also when service responses begin to differ).

They have been failed as children and as adults by the services meant to protect them, to support their own resilience and to assist their recovery.

The Clinks/CIFC report notes the existence of “numerous case studies that evidence the failure of services to meet women and girl’s needs because of a siloed approach to working”. This is also true at the level of policy/campaigning. The siloed approaches that have been taken, mentioned above, whilst they have gained some traction in individual systems, have arguably failed to effectively make the case that these are issues that cross sectoral/departmental boundaries and need a correspondingly integrated response. We need a unifying message and set of principles.

System-focused approaches are also individually tactically limited. In the case of criminal justice for example we are well aware of MoJ and NOMS ambivalence to the Corston agenda and their default position that women are only a tiny proportion of the people they are concerned with.

The Clinks/CIFC report recommends there should be a “clearer, more rigorous, well-articulated and evidenced model that communicates the very essence and rationale for the approach to working with women and girls....in the absence of a theory-informed case and language, arguments are weak and vague”.

We suggest an approach grounded in unaddressed trauma and its after-effects could provide a unifying cross-silo message along with the more rigorous, well-evidenced model the report calls for. Clinks’ 2012 report on women and criminal justice (with the MoJ Reducing Reoffending Third Sector Advisory Group) somewhat anticipates this, saying that “the approach to girls and women at risk must have, at its core, a strategy for responding to
the overwhelming levels of abuse and violence that girls and women at risk of offending report”.

What kind of change do we want to promote?
We want a system in which:

- Women and girls with multiple vulnerabilities stemming from unaddressed trauma are provided with effective, holistic services which support their recovery and prevent them from ending up in highly damaging and destructive environments, including prison.
- Any services which come into contact with this group of women and girls (including those which deal with the consequences of the failure of other systems – criminal justice, homelessness for example) provide a response which is sensitive and appropriate and does not re-traumatise them.

This implies change at different levels; in how services are commissioned and how they are delivered on the frontline.

How will that change happen?

- Policy makers, commissioners and frontline workers need to be motivated to want to change.
- They need to know what good looks like in terms of service responses.
- They need help to understand how to move towards a better system or service from the status quo.

To stimulate the first element of this, there needs to be a sea change in the way women and girls who have experienced unaddressed trauma and are suffering the after-effects are viewed by statutory systems once they move into adolescence and beyond. There needs to be a correction to the view, summed up by DrugScope that: “Concern for women who have been victims of child sex abuse - and other serious violent and sexual crimes - often seems to abruptly run out after the damage inflicted in their childhood leads them as adults into a hopeless and desperate cycle of drug addiction and offending”.

This kind of change requires a re-framing of the discourse around this group of women and girls. CIFC and Clinks have until now talked in terms of women offenders and women ‘at risk of offending’. This was a term used by Baroness Corston largely for political reasons to enable her to widen the scope of her Home Office-commissioned report (she had to emphasise the connection with the brief she had been given which was women in prison). It is not necessarily a useful term now or one we should be bound by as it presupposes ‘offending’ is the principle harm to be avoided and it binds the agenda to one system.

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8 Reducing Reoffending Third Sector Advisory Group (RR3), Breaking the cycle of women’s offending: a system re-design, Clinks, 2012
9 Using Women, 2005
A focus on women and girls and unaddressed trauma/neglect would use different, more unifying and tactically more helpful language to cover the same territory. It would avoid the traps of ‘just desserts’ and punishment which arise when the focus is on people primarily as offenders. A new ‘moral outrage’ argument could be brought to bear.

This discourse would need to be grounded in joined-up evidence of prevalence, of the accuracy of a much refined version of the hypothesis of causality presented above, the systems failure that leads to disastrous and expensive outcomes and of the efficacy of different approaches to supporting resilience and recovery (therapeutic and otherwise). Powerful life stories which chart the journeys of women and girls will also be needed.

Most of the services which are relevant here are commissioned locally. National policy shapes to an extent what they may or may not do and what their priorities are but as much emphasis needs to be placed on local as on national change. Work with statutory services in local areas to demonstrate methodologies for systems change will be needed. These could function as exemplars and provide sites for cost/benefit analyses.

**What role should we play?**
There is energy for collaboration in this field, confirmed by the Clinks/CIFC report and workshop as well as two CIFC-convened meetings that preceded them last year An approach grounded in an evidence-based narrative around trauma would be one likely to be recognised as relevant across different fields; the women’s centres (some of which already use ‘trauma informed approaches’), childhood and domestic abuse organisations, mental health services, substance misuse agencies etc. It would avoid the need to ‘persuade’ organisations to be interested in preventing offending/preventing women entering the criminal justice system, which those outside the immediate field may see as peripheral to their concerns.

Clinks and CIFC now proposes that a cross-sectoral Alliance of practitioners, funders, large ‘household name’ organisations, academics and clinicians should be established, with a high profile independent Chair. This large Alliance would have a tight central working group drawn from its members, which would provide a strategic/governance role to a staff team, which would include a senior-level Director/Coordinator plus policy and comms. capacity. This is similar to the model of Barrow Cadbury’s Transition to Adulthood Alliance and like T2A the campaign audience is likely to be policy makers and commissioners rather than the public.

The comms. expertise is particularly important as many of the women we are talking about wouldn’t identify themselves as traumatised. There is a real danger of this terminology being stigmatising and unhelpfully and inaccurately deterministic (understating resilience and the possibility of recovery). Messages would need to be carefully crafted to avoid these potential pitfalls and also to emphasise synergy with agendas with traction such as early intervention.
The programme would include:

- Work to re-frame the debate in the terms described above (including early work on the appropriateness of ‘trauma’ as a key concept) and to agree a ‘manifesto’ with members, with cross-sectoral relevance (perhaps describing a set of agreed core principles for responding to this group of women and girls, wherever they appear).
- A campaign with a strong ‘moral outrage’ message
- The development of a robust evidence base and knowledge hub as described above
- The collation and dissemination of life stories of women and girls from different parts of the system, demonstrating the commonalities between their experiences
- A workstream focused on the transmission of good practice through the voluntary and statutory sectors (awards, communities of practice, guidance for frontline workers)

The work of the Alliance could also include the ‘exemplar’ local systems change work (perhaps trauma/gender experts working together with a systems change organisation such as Vanguard) in a local authority to provide an answer to the question of how this might be done in a systematic way. This may be a second stage to the programme, once the evidence base is secure.

The Alliance could be an independent organisation or, for administrative purposes, could be lodged with any relevant organisation (an open call for organisations interested in hosting is one idea). However, in this case it must be clearly separately branded; it would be essential that it is not perceived as a project of any one group in any one silo.

**Proposition**
The proposition now is that a transitional structure is established in order to work towards the launch of an Alliance in 6-9 months. We think the following tasks need to be completed during this period:

- Consideration of different models for the governance, structure and hosting of the Alliance
- Funder engagement and marshalling of resources
- Work on language and messages, including the involvement of women with lived experience of the issues set out above
- Branding
- Appointment of the Alliance working group, Chair and commissioners (depending on structure)
- Recruitment of key staff
- Development of a manifesto or similar founding document/report to underpin the launch the Alliance
- Organisation of the Alliance launch itself
Much of this work will need to be done in collaboration with you and other cross-sector experts but we propose that representatives from Clinks and the funders, together with external advisers form a small central interim working group immediately to drive the programme forward. An interim project lead will be appointed as soon as possible to work to the interim group, probably based at the LankellyChase Foundation.

**Your views**

At the meeting on the 24th of September we need your views on this paper and the theory of change it contains, the proposed way forward, any early thoughts on the structure of an Alliance, who else needs to be involved and the extent to which you are interested in continuing involvement.

Clinks & the Corston Independent Funders’ Coalition
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