

'What Works' and community sentences for women offenders

Anne Worrall reviews the use of community sentences for women and questions the extent to which women's specific needs are being prioritised.

One of the best-known criminal justice statistics is the trebling of the female prison population since the early 1990s. What is less well known is that the number of women placed on supervised community sentences has nearly doubled, from around 11,000 in 1991 to around 20,000 in 2001 (Home Office 2002a). This compares with an increase of around 33 per cent in the number of men given such sentences (from around 77,000 in 1991 to 102,000 in 2001). The case for promoting greater use of community sentences for women as alternatives to custody is unassailable. Women commit fewer crimes than men, their criminal careers are shorter and they serve shorter (though equally disruptive) prison sentences. Their rates of recidivism are lower than those of men regardless of the sentence they receive.

All this indicates that both the economic and social costs of imprisoning women are difficult to justify in the majority of cases. However, despite the evidence that women offenders are likely to respond better to community based sentences than

now represent 1 in 8 of all such orders, compared with 1 in 18 a decade ago. Nevertheless, the absolute numbers of women on community punishment orders (CPOs) remain small and there is no overall policy to address the well-known specific problems that women experience while completing CPOs — such as child care, inappropriate work, insufficient female supervisors and sexual harassment.

Community rehabilitation (probation) orders remain the most popular community sentence for women, though their increase has been less marked, suggesting some ambivalence about their contemporary role, especially when the use of accredited offending behaviour programmes is involved.

To the question, 'What works for women offenders?' the official response seems to be 'Whatever works for men offenders with a few adjustments', judging by the reports of the Joint Prison/Probation Accreditation Panel in England and Wales (Home Office 2002b). There are now a number of accredited programmes which can be used with either

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to prison, the new National Probation Service has yet to respond with any clear strategy or commitment to reducing the number of women serving short prison sentences.

There are two broad kinds of supervised community sentence — community rehabilitation orders (formerly known as probation orders) and community punishment orders (formerly known as community service orders). Since 1992, these two orders can be combined (now known as community punishment and rehabilitation orders). The introduction in 2000 of Drug Testing and Treatment Orders has made little impact so far on the female prison population, with 83 per cent of such orders being made on men. Intensive Supervision and Monitoring schemes (formerly known as Prolific Offender Projects), which involve police-probation partnerships, have also failed to attract many women, since very few qualify as 'prolific' or 'persistent' offenders.

The largest proportionate growth in community sentences for women has been in community punishment (community service) orders and women

men or women and probation service areas may tailor these to all-women groups if they wish — and if they have sufficient numbers of women with whom to work. However, programmes designed specifically for women are having greater difficulty in obtaining accreditation. The West Mercia community-based programme for women (Roberts 2002), chosen as an original 'pathfinder' and much praised by the *Wedderburn Report*, was considered by the Panel to lack focus on factors linked to offending (in particular, drug misuse) and on offending behaviour itself (despite the inclusion of a specific module for persistent offenders). Slightly more hopeful was a programme for women involved in acquisitive crime and described by the Panel in 2000 as 'encouraging'. This was superseded by developmental work on a programme designed by the Canadian owners of the Reasoning and Rehabilitation programme (T3 Associates) but this has faced criticism from the Panel in its third report (Home Office 2002b) and has not yet been accredited. The failure of the West Mercia programme to obtain accreditation throws into sharp relief the conflict between criminal and social justice.

In order to be accredited, programmes are required to meet eleven very specific criteria which demand clarity in respect of evidence-based models of change, targeting of risk factors, use of effective (for which read 'cognitive behavioural') methods, programme integrity (consistency of delivery), monitoring and evaluation. The West Mercia programme operated on rather different (though, arguably, not incompatible) assumptions about the lives of women who offend. Its aim was to help women avoid further offending by increasing their abilities to solve complex problems legitimately, by holding in balance the demands made upon them, the external resources and legitimate opportunities available to them, and their own capacities and abilities. The programme worked on the principle of 'normalising' rather than pathologising women who offend and facilitating their access to a wide range of community resources. Nevertheless, the programme designers would argue that it did, in fact, meet the criteria for accreditation. For example, evaluation appears to demonstrate that, while the reconviction rates of completers and non-completers were similar after six months, differences began to appear between the two groups after a year and were considerable after two years.

When policy-makers start talking about 'adapting' programmes and risk assessment tools for use by women, they adopt the language of 'need'. However, rather than analysing and seeking to meet those needs through better access to community resources, 'needs talk' may merely replace 'risk talk' and 'high need' women are redefined as 'high risk' women who can then be subjected to the same programming as 'high risk' men. The only difference conceded is that women are more 'responsive' (which means they talk more), so programmes may require changes to examples, exercises and delivery style. Approached in this way, women present only a minor challenge to the delivery of programmes. But evidence for these assumed similarities is not conclusive and there is much evidence to "Confirm differences between the social circumstances, needs and possible motivations of male and female offenders" (Gelsthorpe 2001). A more radical criticism of cognitive behavioural programmes is that, at a fundamental level, they fail to contextualise women's offending within their often long-term victimisation, and they insist that women have more rational choices in their lives than they do. In a now much-quoted Government statement, it is asserted that women only "Believe that their options are limited" by poverty, abuse and drug addiction. (Kendall 2002). A number of writers have argued that such programmes are not part of the process of the 'empowerment' of women, but rather of their 'responsibilisation'. Instead of empowering women to make genuine choices, cognitive behavioural programmes hold women responsible for their own rehabilitation but in conditions not of their own

choosing.

In its recent Diversity Strategy paper, *The Heart of the Dance* (Home Office 2003) the National Probation Service sets out its objectives in relation to community sentences for women — that community sentences should be used more widely and that they should be delivered effectively. But there appears to be little urgency about the action to be taken to achieve these objectives. From December 2003 there will be annual recommendations to inform the development of provision for women and a report "pulling together the various strands of work on women covering policy and service delivery" (Home Office 2003:20) is expected in May 2004. It is hard not to conclude that the needs of women offenders remain a low priority for the National Probation Service, despite the increase in numbers serving community sentences.

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