

Editorial

This special edition of Prison Service Journal focusses on the issues of women, criminalisation and the need for differential approaches that recognise the part that gender plays in women's pathways into the criminal justice system. Two decades ago, In *Women and Punishment*¹ I wrote about the barriers to reform that existed in England at that time. I cited the plethora of critical reports, research and policy initiatives created over many years, all of which recognised the role of gender and called for differential approaches for women, all of which failed to produce much in the way of positive change.

It's fair to say that since that time there have been some welcome developments — increased understanding of how women and girls' experience of domestic violence, sexual abuse and exploitation drives them into the criminal justice system; the necessity for developing gendered practice that is trauma-informed and holistic, and providing training for staff in police, prisons and probation to ensure better practice; and greater recognition of the important role that community women's centres and specialist women's voluntary sector services can play in addressing women's needs and helping them create change, with some, much-needed but still inadequate, investment in such services.

However, the 'tough on crime' rhetoric of the Blair years and subsequent race by politicians to be seen to punish rather than rehabilitate has led to longer custodial sentences and the consequent prison capacity crisis in England and Wales. The government's *Female Offender Strategy*² stated 'Short custodial sentences do not deliver the best results for female offenders' and made a commitment to reduce the use of such sentences, placing an emphasis on diversion and improved community sentences. Despite this, we have yet to see any sustained reduction in the use of custody. On 30 September 2023 there were 3,570 women in prison in England and Wales³ — a 12 per cent increase on the previous year.

In recognition of the complexity of women's needs and the importance of effective joined-up working between different agencies to address those needs, the policy aim of implementing a 'whole system approach' for women at local level was announced in the Female Offender Strategy. This was to be driven by the subsequent publication of the *Concordat on women in or at risk of contact with the Criminal Justice System*⁴ which sets out how local partners should be working to identify and respond to the multiple and complex needs of women in the criminal justice system. Very limited resources have been made available to support this development. The Ministry of Justice has provided some grant funding for local women's organisations and, via Police and Crime Commissioners, has invested in 'local integration of women's services' in four pilot areas (West Mercia, Kent, Avon and Somerset and Thames Valley). Little is known about how these initiatives are creating change.

The articles and interviews in this special edition range across several themes and rather than just setting out the issues, they explain how differential approaches can be implemented.

In '*Diversion is absolutely amazing*': *How Advance diverts women from the criminal justice system*, **Phoebe Lill, Jessica Trick and Natalie Booth** highlight the importance of diverting women away from criminal justice processes and into gender-responsive support at the earliest opportunity. They show how the London Women's Diversion Service (LWDS), operated by Advance in partnership with other specialist women's organisations and the Metropolitan Police, breaks the cycle of criminalisation by addressing drivers of offending, such as mental ill-health and experiences of abuse and trauma. They point out the value for money achieved by investment in diversion services when costs are compared with those of imprisonment.

In *Achieving an intersectional approach — combating structural oppression experienced by*

-
1. Lowthian, J. (2002) Women's Prisons in England: barriers to reform. In P. Carlen (ed), *Women and Punishment, the struggle for justice* (pp. 155–81). Willan Publishing.
 2. Ministry of Justice (2018) Female Offender Strategy. London: Ministry of Justice
 3. Ministry of Justice (2023) Table 1.1, Offender management statistics quarterly: April to June 2023.
 4. Ministry of Justice (2021) Concordat on women in or at risk of contact with the Criminal Justice System. Cross government agreement to improve outcomes for women in or at risk of contact with the Criminal Justice System. London: Ministry of Justice

Black, minoritised and migrant women in contact with the criminal justice system **Katy Swaine Williams** and colleagues provide evidence of the structural oppression of Black, minoritised and migrant women in, or at risk of, contact with the criminal justice system. They highlight how race and gender intersect and present a compelling picture of racism layered on top of misogyny, stigmatisation of migrants, and religious discrimination leading to greater risks of criminalisation and further trauma. They point to the weaknesses of the Female Offender Strategy, which acknowledges the 'unique challenges' faced by Black, minoritised and migrant women in the criminal justice system, and yet fails to mention trafficked women and pays little attention to migrant women. The article reviews the scant activity undertaken by the state to address racism and finds policies wanting. They conclude with a call for a cross-government approach with strong, visible leadership based on serious collaborative work with Black, minoritised and migrant women and girls, and women's specialist services, centring anti-racist practice.

There is a focus on problem solving courts in the article *To what extent can problem solving courts address the problems women face in the criminal justice system? Using an evidence-based lens to explore best practice in problem solving courts globally* by **Shona Minson** and colleagues and in the interview conducted by **Ruth Armstong**. We are provided with an international perspective and examples of how these models are being implemented in different jurisdictions (including in the UK). We are urged to further develop evidence as to how they might be implemented more widely in England and Wales to achieve better outcomes for women.

Whatever service models are tested to reduce criminalisation of women and improve outcomes, it seems to be clear that the role of specialist voluntary sector women's organisations is central. In the interview I conducted with **Lisa Dando, Rokaiya Khan** and **Abbi Ayers** about the *Value of Women's Centres* we hear of the 'Everyday Magic' that women's centres bring. The very limited investment in women's centres produces value that far outweighs the resources

expended — 'Independent analysis by Alma Economics shows that the benefits generated by Women's Centres outweighs costs across different funding scenarios.'⁵ However, questions about evaluation of women's specialist services are raised by **Kevin Wong** and colleagues in *What women want: a critical appraisal of approaches to evaluating voluntary sector women's services*. The answer suggested is that evaluation should align with what women want and what women's services do rather than what commissioners would like them to do. This approach is strongly echoed in the interview I conducted with the senior leaders of women's services.

Important questions about staff wellbeing are raised in *Supporting the Supporters: addressing the psychosocial challenges of third-sector workers supporting criminal justice-involved women and girls* by **Annie Crowley** and colleagues. The invaluable work by voluntary sector organisations led by women for women can only be sustained if staff are protected from the risks of psychosocial distress and harm. Funding for such services must encompass the means for employers (largely charities) to provide better support for the supporters themselves.

This special edition ends with a book review *Pregnancy and New Motherhood in Prison* edited by Lucy Baldwin and Laura Abbot and reviewed by **Emily Sisson**. It is the first book of its kind in the UK to be published on pregnant women, new mothers and prison. The book critically explores the way in which the criminal justice system responds to pregnant women and mothers.

With thanks to the Phoenix art group at HMP New Hall who took part in the Arts Council Funded, KPPL and York St John University Prison Partnership Project art and drama *Herself* project '**Transformed women**' for producing the front cover.

My starting point for this editorial piece was the lack of progress in implementing change for women and criminal justice, despite the many policy initiatives over the decades. With the creation of a Women's Justice Board and the Independent Sentencing Review soon to report there is perhaps new momentum for change. I hope this edition will be a valuable resource for everyone interested in achieving gendered justice.

5. Women in Prison. (2022) *The Value of Women's Centres*.