

# Women Offenders: the case for a distinct response

The Home Office Women's Policy Team outlines the Government's approach to women offenders.

## Promoting gender equality

On the 12th June this year, the Women and Equality Unit at the Department for Trade and Industry published the report *Delivering on Gender Equality*. This draws together commitments and targets on improving gender equality across all government departments. The intention is that gender consideration should become an integral part of all policy development and delivery, and not an afterthought. Criminal justice practitioners will, increasingly, be required to consider gender issues in the course of their work. This means looking at the way offenders are dealt with and thinking about whether policies and practices, although applying equally to men and women, may in fact impact on them in different, and sometimes unequal ways. This article explains why it is important to respond more specifically to women's offending and how the Government intends to achieve this through the Women's Offending Reduction Programme.

It could be argued that each offender is treated as an individual, and his or her particular circumstances and needs are, therefore, already taken into account by the criminal justice system. If the offender is a woman, the factors affecting her life and her offending would be considered; whether they involve childcare issues, mental health problems, a history of abuse, a drug addiction or a combination of a number of factors. It is right that such an individually tailored response to a person's offending should be adopted. But such an approach will only be of benefit if there are the sentences, services, programmes and other interventions available, and suitable to meet these identified needs.

## The need for a distinct response

Although women have always made up only a small proportion of the offender population, in recent years there has been a significant and disproportionate increase in the female prison population. Over the last ten years the average population of women in prison has risen by over 140%, compared to around a 46% increase in the male population. This largely reflects the fact that courts are using imprisonment for women far more than they used to. Magistrates' courts, for example, used custody five times more frequently for women in 2001 than in 1992, even though the extent and nature of their offending has not been getting worse on the whole. But the increase is not just the result of changes in sentencing. There has also been an increase in women serving longer

sentences for drug importation and therefore a sharp increase in the number of female foreign nationals in prison. 21% of the female prison population are foreign nationals and 71% of these are serving sentences of over 4 years. The majority of women prisoners, though, serve short sentences – 80% less than 12 months.

The wider social consequence of this disproportionate increase has also been cause for concern. Given that social exclusion can be transmitted inter-generationally, children are more likely to be disadvantaged if they have parents who offend. Add to this the fact that women are primary carers and are less likely to have a partner to look after the home and family, women's offending has a far greater impact than men's offending.

All this is not to say that the criminal justice system should be more lenient on women because of the potential consequences for their children, but it does highlight the importance of making sure that prison is only used as a last resort for women offenders who really need to be there. To achieve this, it is vital that community alternatives are a viable option for women offenders. This means that there need to be services and interventions within the community that are able to respond to women's particular needs and which support confidence in, and greater use of, community sentences.

## The Women's Offending Reduction Programme (WORP)

In order to deliver a distinct response to women's offending, the Government has been developing the Women's Offending Reduction Programme (WORP), which will run initially over the next three years. This involves the co-ordination and implementation of a comprehensive programme of work to address the complex range of factors that affect women's offending – including substance misuse, mental and physical health, housing, child-care issues, histories of abuse, poverty and education, training and employment. It seeks to identify ways in which the various departments, agencies and organisations that deal with these issues can work more effectively together to tackle the problems as a whole, rather than dealing with each in isolation.

The initial focus is on improving the availability, and access to, community-based facilities and interventions delivered in a more integrated way, that meet the specific needs and characteristics of women. Greater diversion of women from custody at the pre-

court and pre-sentence stage is seen as crucial, particularly for those currently receiving custodial remands and short sentences.

Responding more appropriately to women's drug use and mental health problems are particular priorities for the WORP. It aims to ensure that women have access to, and are retained in, suitable treatment and services within the community and to dispel the idea that prison is the only 'safe' place to deal with women's drug and mental health problems. The WORP therefore operates in tandem with the Drug Strategy and the Department of Health's Women's Mental Health Strategy, both of which will deliver services and interventions which better meet women's needs in the community. The objective is to identify problems as early as possible and get women into appropriate treatment or intervention before the problem escalates, and therefore reduce the risk of future offending.

The WORP also keeps an eye on future developments and provisions, to ensure that any criminal justice reform, such as the new sentencing provisions contained in the current *Criminal Justice Bill*, takes account of the impact on women offenders in the implementation guidance.

### Delivering on gender equality – the wider context

This is just a flavour of the priority issues the WORP is seeking to address in its initial stages, but over time it will respond to the whole range of factors that affect women's offending. Care has been taken to ensure that the initial stages and the programme as a whole are realistic and achievable. The WORP is not aspirational: it is an agreed plan of action, with ownership and timelines for delivery identified. The programme is an important step towards achieving a coherent and co-ordinated strategic approach to reducing women's offending that builds on progress already made to ensure women offenders' needs are met and not marginalised in policies, programmes and interventions.

*Continued from page 29*

highly gendered situation. Young men, unencumbered by families, may be mobile and have access to gay networks where they may still be able to work in relative safety. Women tied (for a variety of reasons) to the streets will be further stigmatised and criminalized for an act which is not in itself illegal.

These clauses also represent a 'high-gendering' of the law in that they have come about from many of the issues women brought to the fore. Issues such as child sexual abuse, an issue second-wave feminists did much to expose, and child trafficking have become such a huge fear with policy makers that any calls for reasoned debate on the issues seem heretical. The prostitution clauses hark back to the old prohibitionist days of prostitution when radical feminists were naive enough to think that prohibition would create an end to prostitution and its perceived oppression.

It is clear that the clauses on prostitution in the *Sexual Offences Bill* will worsen the existing situation rather than promote social justice. The penalties imposed would hamper the government's attempts to meet the challenge of social exclusion, and would have serious consequences as even more women and men are swept into the criminal justice system.

When the Bill is heard in the House of Commons it would be a wise Home Secretary who removes the adult prostitution clauses pending the wholesale review of all the laws relating to prostitution as recommended by *Setting the Boundaries*, including kerb crawling, telephone box cards, street work and off-street work; a review that must be systematic to have credibility with the public, the academic community, and those involved in prostitution.

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**Note:** At the time of publication, the Sexual Offences Bill had progressed to third reading but had not yet been debated in Commons or received Royal Assent.

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