

After Corston, the rehabilitation revolution?

Mary Corcoran assesses the impact of gender-focused approaches on policy and practice.

The past decade might be described as a tenuous point in the feminisation of penal policy, although the future influence of feminist-oriented policy is uncertain. Gender mainstreaming has exerted some influence insofar as official discourse now generally acknowledges the need for distinctively gender-focused approaches to offenders and prisoners. Additionally, *The Equality Act 2010* created a gender equality duty, which obliges public service providers both to address a lack of services for women and to ensure that 'mainstream' services address their particular needs. The creation of the Women's Offending Reduction Programme at the Home Office in 2004 was arguably a milestone in mainstreaming gender in criminal justice and penal policy within Whitehall.

Based on their work, the Ministry of Justice and Home Office assisted several projects, often led by partnership between local probation services and voluntary sector groups, for supporting resettlement, diversion from custody and noncustodial supervision for women based in their communities. The Diversion Programme, as it was called, was funded by the outgoing Labour government, but its future under the Coalition government remains uncertain, as discussed below.

These developments can be traced back through decades of feminist and reformist activism and research. However, penal reform campaigns gained additional impetus during the late 2000s, when a proliferation of reports appeared in the public domain bearing damaging critiques of the then Labour government's penal policies. A notable feature of reformist discourse at this point was the degree

of apparent consensus among campaigners and the political classes over the necessity for far-reaching changes to the criminal disposal and treatment of women who offend. Moreover, part of the critical surge emanated from organisations outside of the established penal reform and policy circuits – such as the Women's Institute, church groups, medical charities and the Confederation of British Industry – and thus included markedly divergent ideological standpoints and interests in prison reform. Not all of these campaigns favoured extensive reduction in the use of custody for women, nor were they necessarily radical in their conclusions. Nevertheless, the sense that decades of campaigning had begun to yield hard-won, progressive gains was encapsulated in the publication of and well-publicised acknowledgement of Baroness Jean Corston's (2007) *Review of Women with Particular Vulnerabilities in the Criminal Justice System*. Corston's review largely reiterated some of the core diagnoses and remedies that had formed a long-standing case for reform, buttressed by the weight of academic research. Corston found that:

- Women's offending is a complex phenomenon which produces significant damage to themselves, their children and their families.
- Women's crimes are characteristically acquisitive rather than violent; thus they present a greater risk to themselves than to the public.
- Corston agreed with 'balance of harm' arguments which hold that the harms caused by women's offending are greatly outweighed by the harms and violences that are often aspects of their lives.

- Additionally, imprisonment itself exacerbates and compounds social harms. This was most evident in the lack of capacity in the prison system to detain vulnerable women safely.
- There were numerous examples of institutional failures to respond to the extreme vulnerability of women offenders to in the criminal justice as well as social services.

Corston (2007) accordingly concluded in favour of the necessity for 'radical' reforms to be instituted to the criminal management and disposal of women offenders and prisoners. Her main recommendations were that:

- community penalties should be the norm for women offenders;
- a 10 year timetable should be put in place to reduce the capacity of the women's prison estate;
- spending on women's prisons should be redirected to funding a national network of community-based programmes for women who offend or are at risk of offending;
- greater use should be made of community sentences;
- drug rehabilitation programmes and resettlement support for short-sentenced prisoners should be sufficient to generate confidence in noncustodial sentences;
- support should be put in place for women in the criminal justice system who have experienced domestic or sexual violence or who have been involved in prostitution;

It must be noted that some of Corston's more radical proposals, such as channelling sentencing options into noncustodial alternatives by restricting the supply of prison places, were the first casualties of the subsequent governmental review. The *Strategy for Diverting Women Away from Crime 2009* stripped Corston back to a narrowly diversionary agenda and focused on reoffending risks and 'offender management' partnerships (Corcoran, 2010). That review

did at least generate the *Women's Diversionary Fund* to provide start-up costs for women's community centres for diverting women from custody. This was supplemented the following year by a joint grant fund established by the Ministry of Justice and the *Corston Independent Funders' Coalition* (2011), a consortium of charities set up to 'sustain a shift from imprisonment to community sentencing for vulnerable women offenders, through advocacy, funding and critical partnership with charities and government'.

There are currently 13 women's community centres in operation in England and Wales, alongside several other projects operated by existing voluntary sector agencies. Based on the demonstration project, *Together Women*, the centres operate as 'one-stop-shops', or single-site hubs where women at risk of offending can access services relating to finance, housing, drugs and alcohol support, health services and several other supports. Women service users are either referred by statutory services like probation and/or the police, by other agencies or self-refer.

Sustaining the momentum

The results of published evaluations to date are limited by the fact that they offer short-term results as centres have not been open for long enough to generate longer-term insights (Hedderman et al., 2008; Corcoran et al., 2011). Nevertheless, early indications are that the centres help to reduce the social exclusion and personal isolation of women. Programmes encourage regular engagement and appear to encourage greater compliance with specified activity orders. Service users report the positive benefits of woman-only, drug- and alcohol-free environments. Primarily, users report that the centres meet their immediate needs such as social services, welfare advice, registration with health services, emergency accommodation, mental health and substance misuse supports. Evaluation shows that most service users had previously fallen out of reach of statutory or social providers or had histories of disengaging from criminal justice services.

These positive outcomes reflect existing research findings that show that women tend to respond very positively to interventions while involved in programmes. What is less certain is how progress might be sustained, especially after their interventions are completed.

The issue of sustainability is a core structural challenge to the longer-term viability of the diversion programme. The goals of supporting women to take steps into different life opportunities ought to focus providers' attention on to aftercare and floating support after women complete interventions. However, short-term annual funding cycles – especially in the current fiscal climate – create inbuilt disincentives for long-term programmes. The issue of funding stability is also connected to deterring sentencers from referring women to diversionary programmes because of doubts that projects may not be in existence for the lifetime of a sentence. Additionally, some further challenges lie ahead in convincing some sentencers that programmes can exert long term reductions in women's offending.

Breaking the cycle

With the change in government, campaigners have moved swiftly to press for continued commitment to tailored provision for women in the penal system. Whilst there have been no explicit pledges, there are some equivocal signs that residual elements of the diversionary programme have been retained. The Coalition's Green Paper, *Breaking the Cycle*, regards the various diversionary schemes for women as 'promising' and has signalled (or at least not discounted) the possibility that successful diversionary schemes could also be applied to male offenders, particularly in a coordinated approach to those with more complex issues underlying their offending' (Ministry of Justice, 2011). Whilst the 'rehabilitation revolution' lacks substance as a coherent policy, it has become a rallying cry for reformers and alternative providers from the voluntary sector to extend a 'critical partnership' with government.

Structural inequality between

government and providers remains deeply problematic despite the generous rhetoric and (less generous) funding that has been directed towards the latter to implement diversionary schemes for women. Individual charities are exposed to greater demand as the scaffolding of public services falls away in the current funding climate. Projects for women offenders that have survived into a second or third year of operation report increased caseloads as other services vital to their shared clientele close down. The sector has given a cautious welcome to the proposal that programmes should be funded through a 'payment by results', despite NOMS's continued evasiveness as to what criteria might qualify as a 'result', and the fact that payment would be retrospective, obliging charities to invest their resources 'up front'. What is clear is that penal reform post-Corston will involve several interlinked revolutions in the distribution of funding and a fluid field of providers preferring various treatments and interventions. The potential outcomes of this growth are difficult to predict. ■

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