



Breaking out of the Justice Loop:

Creating a criminal justice system
that works for women

by Naomi Delap
and Liz Hogarth



**CENTRE FOR CRIME
AND JUSTICE STUDIES**

 **National Women's
Justice Coalition**

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A note on language: we have used the word woman throughout this document, but the discussion is intended for all those to whom these issues are relevant, whatever their gender identity and how they choose to express it. Please amend the document to reflect your preferred language.

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National Women's Justice Coalition

As an alliance of 26 women's organisations all expert in delivering specialist services to women in contact with the criminal justice system, the National Women's Justice Coalition collectively understands why prison is not the answer for the vast majority of women. Through the women's centre model and the delivery of holistic, gender responsive services, community-based alternatives to custody offer the long-term solutions to improving outcomes for women and girls. Since the NWJC was established in 2021, it has actively been influencing and campaigning for critical reforms to justice policy that will lead to a reduction in the female prison population and a better use of community sentencing. It is time for transformational change. So we are proud to support and champion the key recommendations and good practice examples outlined in this report.

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Introduction

Our justice system, designed for men, is not working for women. Our prisons are full of trauma: over 60 per cent of women in prison have experienced domestic violence and more than half have experienced abuse as a child (Ministry of Justice, 2024a). Our prisons are bad at rehabilitating and deterring women from further offending (Ministry of Justice, 2024b); instead, they actively harm them and their children (Ministry of Justice and HM Prison and Probation Service, 2024a and Minson, 2018). Racially minoritised women are further disadvantaged: overrepresented at every point in the system and more likely than white women to be remanded and receive a sentence in the Crown Court (Hibiscus Initiatives *et al*, 2023). The human and financial cost of the system's failure is significant (Webster, 2024).

The Labour government has announced a bold approach to respond to these issues. The creation of a Women's Justice Board and its new strategy will, it is stated, reduce the number of women in prison and tackle the root causes of women's offending by driving early intervention, diversion and alternatives to custody. If these outcomes are achieved, there will be less crime and fewer victims; and women, their families and their communities will benefit.

This new direction is a cause for celebration. If the initiative is to work, however, it is imperative we learn from the lessons of the past in order to avoid making the same mistakes; and look to other models for solutions in order to deliver, finally, a justice system that works for women.

There must be some kind of way out of here: the Corston Report

We've been here before. Baroness Jean Corston's groundbreaking *Report on Women in the Criminal Justice System* was commissioned by the last Labour government in March 2006 in response to the tragic deaths of six women in HMP Styal within a 13-month period. Amidst the outcry that these deaths prompted was a growing realisation that women do not fare well in the criminal justice system (CJS): "women have been marginalised within a system largely designed by men for men for far too long" (Corston, 2007: 2).

The government accepted 41 of the 43 recommendations of the Corston Report when it was published in 2007. Jean Corston was supported in her endeavours by other strong Labour women: Patricia Scotland, Fiona MacTaggart, Harriet Harman and Vera Baird, who were committed to bringing acceptance that, at last, "equal outcomes require different approaches" (Corston, 2007: 16).

The report highlighted the need to make the CJS responsive to the social and emotional needs of criminalised women, and to reduce the chances of their criminalisation in the first place. It mapped out a vision for a "radically different, visibly led, strategic...holistic, woman-centred, integrated approach" (Corston, 2007: 79). A two-pronged strategy was required to fulfil this vision. Firstly, meeting the needs of women already caught up in the criminal justice system much more fairly and effectively. It was argued that "there are many women in prison, either on remand or serving sentences for minor, non-violent offences, for whom prison is both disproportionate and inappropriate" (Corston, 2007: 1) and that community solutions should be the norm for non-violent women offenders. Community sentences must, however, be designed to take account of women's specific complex needs and child-care commitments.

Secondly, Corston called for more work 'upstream' to divert women from the system early, and, wherever possible, prevent them from being criminalised. This meant bringing health and social justice issues to the fore. The voluntary and community sector (VCS), particularly women's centres and specialist charities providing holistic services for women in their communities; and those with lived experience; were to be at the heart of shaping and delivering this radical and transformative new way forward.

While it is important to recognise the progress that has been made since 2007, the implementation of Corston's recommendations was seriously compromised at an early stage by persistent systems and policy failures (Hogarth, 2017), and sits now within the context of the catastrophic system decline of the past 14 years, impacting across the justice system and throughout public sector services.

So, how did we end up here? What prevented the realisation of the two-pronged vision set out in Corston, which is still so relevant today?

2007 to the present: still trapped in the justice loop

Trapped in the Justice Loop (a briefing paper published by the Centre for Crime and Justice Studies in 2017), provided a detailed analysis of what happened in the wake of the Corston Report. As the paper set out, initially there was some cause for optimism: most recommendations were accepted and a strong governance system put in place. Cross-departmental support was secured via an Inter-Ministerial Group; and a National Service Framework, with a three-year programme of work, measurable strategic outcomes and a commitment to annual reporting to Parliament to ensure accountability. Central oversight of regional delivery was seen as key. This was hailed by Maria Eagle, then Champion for Women, as the start of “a long term sustainable strategy for change” (Eagle, 2008).

Ring-fenced funding for the women’s centres crucial to the Corston vision was kick-started by an innovative partnership between the Ministry of Justice (MoJ) and the Corston Independent Funders’ Coalition (CIFC), and by 2010 the network of women’s centres had expanded to 40. The only condition stipulated by the CIFC for the joint funding initiative was that the funding must continue to be ring-fenced. Furthermore, a welcome collaborative approach to policy and practice opened up the CJS to fresh thinking from the women’s sector and academics contributing to the strategy.

Sadly, progress faltered relatively quickly. The dual strategy — aimed at stemming the flow by reducing criminalisation and increasing diversion, as well as reducing women’s imprisonment — suffered a major blow when responsibility for women’s policy shifted from the Home Office to the MoJ, resulting in a more singular focus on women already entrenched in the CJS. The MoJ could not leverage the social change needed for women at risk of offending. Health, for instance, failed to progress any of its community deliverables; and instead centred on Offender Health and on those within prison walls. By 2009, ‘stemming the flow’ was all but lost.

Overall progress stalled, and by 2010, mechanisms to drive delivery had almost disappeared. Funding for women’s centres was delegated to National Offender Management Service (NOMS) in 2010 and then devolved to probation trusts in 2013, without ring-fencing. Trusts were left to decide on the women’s services they wanted to commission, thereby reneging on the MoJ’s agreement with the CIFC. Transforming Rehabilitation, Chris Grayling’s ill-judged reform of 2015, decimated the smooth operation of probation in the community; it was also, as predicted (Gelsthorpe and Hedderman, 2012), hugely detrimental to the still developing network of women’s centres left to battle the vicissitudes of the market alone. Some newer, smaller centres failed, and the iconic Asha Centre – a model, along with Calderdale, for the women’s centre specification – was defunded and closed. Although they were wary of indefinitely propping up services that should be state-funded, charitable trusts and foundations continued to keep some women’s centres afloat; not a sustainable solution.

Between 2010 and 2017 the MoJ strongly resisted calls for a revived women’s strategy, before giving in to pressure and publishing the Female Offender Strategy in June 2018. It was much needed. By 2017 there had been no discernible progress in tackling the over-use of short sentences: in the 12 months from May 2015 to June 2016, 70 per cent of women entering custody were given sentences of six months or less (Prison Reform Trust, 2016). Nor, despite the introduction of the “no real prospect of custody” test (Schedule 11, LASPO Act 2012), had there been

an impact on the rate of custodial remands. Women were particularly adversely affected by the shift to 'same day' and other short probation reports that came to the fore in 2016 with the introduction of performance targets to speed up delivery, which meant the in-depth, comprehensive assessments of women's lives that provided context to their offending – so useful to magistrates' decisions on the imposition of community sentences – were lost in sentencing reports. There were 22 deaths of women in custody in 2016 (Inquest, 2018: 15): a much higher rate than the figures instigating the Corston Report. Since then, numbers have fluctuated, but incidents of self-harm have continued on an upward trajectory and are today at record high levels, with one in three women in prison self-harming, according to the latest statistics from the MoJ (Ministry of Justice and HM Prison and Probation Service, 2017 and 2024b).

So, publication of David Gauke's Female Offender Strategy (Ministry of Justice, 2018a) was welcomed, despite there being no reference to women at risk of offending. The aims were laudable; but, being 'light touch' with no accountability through measurable targets or clear transparent reporting systems, and only a voluntary Concordat with other government departments, it was doomed to be ineffectual. After a highly critical National Audit Office report in January 2022, the MoJ produced a Delivery Plan for 2022-2025; but any progress since has been glacially slow and superficial. As we embark on fresh ambitions of radical change, we ignore this history at our peril. In the opinion of these authors, more of the same offers no prospect of breaking out of the justice loop.

All aboard!: the shape of the WJB

Not every justice initiative foundered during this period. Created in 1998, the relative success of the independent Youth Justice Board (YJB) in driving reform in youth justice is no doubt shaping current government planning for the strategy on women. The formation of a Women's Justice Board is a strong opening gambit from the Lord Chancellor and the Prisons Minister, Lord Timpson. While not advocating specifically for a WJB, Baroness Corston was clear that "the YJB can be used as a model so far as parallels can be drawn and useful lessons learned" (Corston 2007: 39).

The YJB has effected a dramatic reduction in the number of children in custody through a focus on early intervention, targeted rehabilitation, a data-driven approach, and use of community-based and restorative justice alternatives to custody. Numbers of children in custody have fallen from 3000 in the early 2000s to fewer than 350 in 2024 (End Child Imprisonment, 2024). There is also valuable learning to be drawn from the areas the YJB has found most challenging, including the awful conditions experienced by many children still held in custody, which have led campaigners and academics to conclude that child imprisonment (as opposed to holding children in secure childcare settings) is "beyond reform". Disproportionality around racial and socioeconomic disparities, and for children in care; and issues of persistent reoffending across the system have both continued and worsened (End Child Imprisonment, 2024).

One potential and obvious benefit of an effective strategy on women is to save on the expense of locking them up, but this requires investment: speculating in early intervention to accumulate savings in the longer term. The average cost of a prison place is more expensive for women than men — up to £93,494 a year averaged at one female prison (Ministry of Justice, 2024c) — because of their specific needs in custody (specialised healthcare; support for trauma, substance abuse and domestic abuse; looking after mothers and babies). Again, the YJB offers a useful blueprint. As an independent body with around 100 dedicated staff, running the YJB is expensive compared to the investment that up till now has been made in structures to actively reduce women's imprisonment. The YJB's strategy of prioritising funding for early intervention, multi-agency collaboration, community-based solutions, and diversion from custody means spending on delivery is front-loaded. Government has been careful to manage expectations around investment in the WJB and its work, but perhaps the question should be: how will they deliver radical change, and save money by closing the majority of women's prisons (rather than just one) if they don't invest?

Perhaps the most important lesson for the WJB lies in how the YJB's status as a vehicle appointed by, yet independent of government, with strict accountability mechanisms, enabled it to make progress despite the significant challenges experienced by the justice system as a whole during the last twenty years. John Drew, former CEO of the YJB explains:

"The political founders of the YJB, Lord Norman Warner and Alun Michael MP, were clear then and now that radical change of this sort could not be led by the civil service, so they created the YJB as a Non-Departmental Public Body ("quango"), led by public but not civil, servants. This always gave the YJB more flexibility to challenge the status quo and court controversy in a way that would be anathema to a civil service led organisation. Whisper it quietly but we were a bit quicker at doing things than was the civil service. Ministerial accountability is important, but delivery does not need to come from a civil servant whose past career may not equip them for this particular role".

[\(Drew, 2025\)](#)

It is this structure that has been crucial to the YJB's much greater success, relative to the implementation of the Corston Report, in delivering a transformative programme of justice reform. Those seeking something similar for women must take note.

Keeping it in the community: sentencing and the need to revitalise probation

Sentencing will be one of the key tools through which to reduce the numbers of women in prison, and the Independent Sentencing Review, announced on 21st October 2024, includes welcome consideration as to whether “the sentencing framework should be amended to take into account the specific needs or vulnerabilities of specific cohorts such as … women” (Ministry of Justice, 2024d). It is a great shame that the Review’s scope does not include exploring ways to reduce the rate of custodial remands (currently at the highest level since records began), and solutions such as out-of-court resolutions (like conditional cautioning), which could help to stem the unnecessary flow of women into custody. It will be vital that the review recommends exploring these in further pieces of work, and for the WJB to keep these upstream solutions at the forefront of its strategy.

There have long been calls for a reduction in the over-use of short sentences for women, not least by the Corston Report. Despite recognition that such sentences are both harmful and ineffective, their over-use continues unabated. In 2022, 58 per cent of prison sentences handed down to women were for less than six months (Prison Reform Trust, 2023). However, *Trapped in the Justice Loop* showed that the assumption that reducing the use of short sentences lay within the remit of the judiciary was erroneous. It is impossible to achieve such a reduction within the existing sentencing framework, and without restricting sentencing powers. Furthermore it risks up-tariffing (Hedderman, 2012), especially when magistrates can impose sentences of up to 12 months (Ministry of Justice, 2024e). The Scottish experience of legislating a presumption against short sentences has generated little evidence of significant reduction in prison populations or re-offending, beyond established trends (Centre for Justice Innovation, 2024). There is a lesson here for the Sentencing Review. A presumption against the use of short sentences is not enough: their use must be curtailed.

The argument for increasing the use of community sentences is a strong one. An 2018 analysis comparing community-based court orders to short custodial sentences for female offenders found a significantly lower reoffending rate for the community orders (30 per cent vs. 73 per cent) (Ministry of Justice, 2018b). Yet, as the Chief Inspector of Probation, Martin Jones, points out in his statement on the Independent Review of Sentencing on 30 October 2024, there has been a dramatic fall in the use of community sentences: from c150,000 in 2012 to c71,000 in 2023. “Over the same period the growth in post-sentence supervision has meant that the probation service is spending a far greater proportion of its resources preparing prisoners for release and supervising and enforcing license conditions” (HM Chief Inspector of Probation, 2024). The probation service has fallen victim to the prison-centric approach to justice, despite there being “a compelling case to move less serious cases from prison into the community. There, a better resourced, more stable probation service, working closely with local partnerships, would reduce reoffending, keep communities safer and prevent further victims” (HM Chief Inspector of Probation, 2024). Women in particular would benefit from an increased focus on community sentences, given the reality that much of their offending is low level, albeit often prolific.

Caution is needed, however, in face of the rhetoric that community orders need to be ‘tough’, ‘robust’ and ‘punitive’, with even more coercive requirements, such as curfews and tagging, in order for them to be seen as effective alternatives to custody. Surely this establishes a disproportionate response for the many women with low risk, repeat offending, and one that risks setting them up to fail. There are also significant concerns about the

increased use of technology that has already been demonstrated to be flawed in its application (Williams, 2025). Care will need to be taken to ensure the composition of community orders includes a balance between punitive and rehabilitative measures, appropriate to the circumstances of the individual and their dependents.

We must not only focus on community sentences; deferred sentences should also be considered. These used to work well when probation was more proactive in working closely with courts, and they could do again, particularly for lower risk women. An initial court report with a detailed assessment and a plan of action co-designed with a woman could give the court the confidence to opt for deferral. Ongoing engagement with and interest from sentencers, along with clarity around expectations, can be experienced as positive by those coming in front of the courts. If the period of deferment is successful, a constructive community disposal can follow, thereby avoiding a woman getting sucked further into the justice system. Deferred sentencing offers a real opportunity to stem the flow.

The reality is, however, that any potential changes considered within the Sentencing Review will only stand a chance of success if there is transformational change and further investment in the probation service. Probation is still in a woefully un-resourced state post the Transforming Rehabilitation failure and the scramble for unification. Any further resets to scale back probation involvement, simply to avoid stretching resources to complete breaking point, will be disastrous. If the use of community orders is to be increased and the inappropriate use of short custodial sentences curtailed, probation must be able to reclaim its pivotal role within and around the courts. Community sentences for women can only be effective with a well-provisioned, gender-aware and trauma-informed probation service, that can evidence that it works proactively and well with women. A return to comprehensive assessments of the challenges facing women, in the context of their offending, would improve confidence amongst the judiciary. That, coupled with additional training, is likely to increase the use of community sentences. The confidence of the judiciary will be bolstered too if it is assured that probation is working well with its local delivery partners, such as Community Safety Partnerships, women's centres, specialist services and beyond. Probation needs to be in and of its local community and it has to get back to what it was traditionally good at: practical supervision that builds a relationship with the offender, whether in supervising community orders or licences.

This is a major challenge, not least given the state of significantly defunded public services in recent years, but if the WJB is to realise the ambition to cut the numbers of women in custody, the challenge has to be met. The prominence and efficacy of probation in all aspects of its role can only be achieved if it is decoupled from the current HMPPS configuration and shifts from being prison-centric to focus much more on its work within the community and not primarily, as it feels now, on the public protection work (as important as this is), and current over-focus on recalls to prison.¹ This could be done if funding is reallocated away from prisons into local community services, enabling community orders to function well; with the vital supportive women's specialist services working alongside, and helping to coordinate access to decent drug, alcohol, domestic abuse and mental health services and safe and appropriate housing.

¹ In 2022 there were 1593 women recalled to custody; an increase of 10 per cent on the previous year (Ministry of Justice, 2024f)

Ahead of wider revitalisation of the probation service, there are some potential 'quick wins'. Although good probation practice with women is a bit of a postcode lottery, in a number of areas probation works well with women's centres, supporting their pivotal role in the whole-system-approach to help women access the local public services they need in a timely manner. The National Probation Institute and Probation Inspectorate could play a greater role in spreading the learning from current good practice that exists. For example, lessons from the good work undertaken in the Kent Surrey and Sussex area on women-led supervision (Ellis Devitt, 2020) include a recognition of the time needed to work well with women and other local partners, and the emotional labour this involves; the flexibility needed to ensure appointments accommodate women's child-care responsibilities; and the need for probation officers to have clinical supervision.

While recent increases in probation officer numbers are welcome, it does mean that many in the workforce are relatively new and inexperienced. Expansion of any current in-house training on working with women would be beneficial and could be done quickly and easily by buying in training from experts in the women's sector, including those with lived experience. The WJB would also do well to look at the issue of standards. As well as holding women's centres to account for their success with justice-impacted women, it is time to set standards for the probation 'offer' to women, and to ensure performance is monitored against these standards.

For women by women: the role of women's centres and specialist women's services

Baroness Corston recommended the central role of a national network of women's centres and specialist organisations in delivering the radical vision of her report, because of their unique approach:

"These centres seek to provide constructive and humane responses to many women who need a whole range of support from community-based services including both psychological therapy to aid personal development and practical assistance to help them develop economic prospects. They are primarily "women" not "offenders".
(Corston, 2007: 61)

Corston was impressed in particular by centres like Calderdale, that had operated for decades with a focus on addressing social, financial, health and well-being issues for local women. She was convinced that such centres could help women impacted by the criminal justice system to get the support they needed within their local community. In addition, whilst Corston had also already been convinced by the track record of organisations such as the Asha Centre, Anawim and Clean Break, much further evidence over the years since has been gathered to further prove the effectiveness and success of women's centres. This includes the MoJ's own Justice Data Lab, which published statistically significant evidence in 2017 that the re-offending rates of those supported by women's centres were 5 per cent lower than the control (Justice Data Lab, 2015). The Case for Sustainable Funding for Women's Centres, published in 2020 by the feminist economics think tank Women's Budget Group, highlights the "staggering savings" that could be made by investing properly in the women's centre model, estimating that "£1.7bn is spent on issues linked to female offending, whilst in the long term £2.84 is saved for every £1 spent on women's centres" (Women's Budget Group, 2020).

The Tackling Double Disadvantage Action Plan One Year On Progress Report (2023) paints a picture of the CJS that has drastically worsened for racially minoritised women and girls:

"...with new evidence of systemic racism and sexism in the police, and police-perpetuated VAWG [violence against women and girls]. This appears to have led to a collapse in women and girls' trust in the police, particularly amongst those who are racially minoritised. Government rhetoric about 'illegal migrants' threatens to increase existing hostile attitudes and behaviour both within and outside the criminal justice system, while measures implemented through the Nationality and Borders Act and proposed through the Illegal Migration Bill limit the rights of migrant and trafficked women and widen the net of criminalisation".

(Hibiscus et al, 2023: 4)

Women's organisations such as Hibiscus Initiatives, SHEWISE, the Muslim Women in Prison Project and the Phoebe Centre play a crucial role in providing specialist, trusted services supporting racially minoritised women, and should be placed at the centre of confronting the intersectional disparities these groups experience.

But sustainable funding for women's centres and specialist organisations has continued to be challenging to secure. After the disaster of Transforming Rehabilitation, women's organisations fought for the right to bid to provide specialist 'holistic' support for women in new Commissioned Rehabilitative Services (CRS) through commissioned probation contracts in 2020. Although many were successful, some women's centres (particularly

very small ones) did not qualify to tender and those that did were often competing against generic, large, non-specialist providers. As a result, some very experienced centres have faced years of financial uncertainty and have come close to closing.

Organisations who won contracts, or were subcontracted to deliver community rehabilitation support for women on probation have found that funding didn't always offer full cost recovery and/or that what was commissioned hobbled centres' abilities to work with women as holistically as desired, and for long enough to have the impact needed. Finding the funding for the invaluable prevention work with women upstream was to prove even more difficult. Nonetheless, women's organisations have soldiered on (Burman *et al*, 2023), doing what they can, with staff working beyond sustainable limits, and relying on a complicated combination of funding from probation, their local authorities, health, police, and independent charitable trusts and foundations.

Following advocacy from a group of women's centres and the Women's Budget Group in 2020, the MoJ awarded core costs grants to many women's organisations in order to stave off financial collapse precipitated by the lack of core funds, and to allow them to do some of the upstream preventative work with women at risk of offending. Even with this welcome addition, the women's sector continues to experience extreme financial precarity. A significant step forward in 2021 was the founding of the National Women's Justice Coalition (NWJC), a coordinated, ambitious approach to reforming the criminal justice system for women through a network of 26 specialist service providers and a National Voice and Advisory Panel of women with lived experience. The 26 organisations making up the NWJC estimate they currently face a deficit of over a quarter of their projected expenditure for the financial year 2025-6 (Women's Budget Group/National Women's Justice Coalition, forthcoming 2025). The NWJC led calls for the formation of a Women's Justice Board before and during the general election in 2024, and is now advocating strongly for adequate funding for the voluntary sector (National Women's Justice Coalition, 2024).

Now is the time to deploy the benefit of the women's specialist sector in delivering women's justice. But to do that requires real understanding of the challenges they have faced up till now; sufficient, sustainable resource over the long-term; and a fair and equitable commissioning process that does not exclude small specialist providers and enables organisations to work to the best of their abilities to help women. The women's sector waits with collective baited breath for the spending review announcement in the Spring to understand whether this will happen.

Nothing about us without us: representation and lived experience

Women's organisations share a deep understanding of women's lives, their needs and how to meet them, stemming from decades of provision rooted in communities; specialist staff; a holistic, trauma-informed, intersectional approach; and the lived experience expertise it nourishes and champions. The WJB will benefit from the lived and learned expertise brought by the women's sector but only through meaningful representation on the board itself (in order to shape the vision and strategy), and its adjacent expert groups (in order to shape its implementation). It is imperative that the WJB co-designs its structure and strategy together with the women's sector and women with lived experience, and that such involvement is ongoing.

Various expert reference groups with representation from voluntary sector organisations have been convened to input into women's justice policy in the past, but have not always resulted in meaningful collaboration. For example, in 2021, the Advisory Board on Female Offenders was told about the Conservative government's plan to build an additional 500 prison places for women only very shortly before the policy was announced publicly; a plan that flew in the face of the stated aims of the Female Offender Strategy and Concordat, and was condemned by the women's sector. This experience left many voluntary sector stakeholders feeling betrayed, and the current government and its civil servants must take care not to repeat such mistakes.

Lived experience representation in this context is particularly important for reasons of practicality and principle: it is neither effective nor ethical to shape solutions for groups of people without involving those people. There have been some examples of meaningful engagement with and representation of the voluntary sector and women with lived experience in pockets, and these have generated valuable policy and practice improvements. For example, the Chief Social Worker for England's review into prison Mother and Baby Unit applications (Trowler *et al*, 2022) worked closely with Birth Companions, a specialist charity working with women having their babies in very difficult circumstances, including in prison. Birth Companions convened a paid advisory board of lived experience experts who contributed their personal insights, and shaped the review's scope and the way the findings were reported. The review has led to a number of significant changes in practice.

More work needs to be done to understand what has so far prevented us from moving forward on widespread lived experience representation and culture in women's justice, particularly in the HMPPS/MoJ workforce and in leadership roles. It is hoped that Prisons Minister James Timpson and Health Secretary Wes Streeting, with their own proximity to lived experience in this area, will push us through this particular barrier.

Move on upstream to your destination: the shift to prevention

As outlined above, the loss of a ring-fenced budget for women's centres; shift in ownership of the strategy from Home Office to MoJ; and degrading of implementation, reporting and accountability mechanisms were amongst the financial and structural decisions that stymied implementing the more radical prong of Corston's approach: the move to stop the criminalisation of women at the earliest possible opportunity and stem the flow of women into the justice system in the first place. Fourteen years of austerity that defunded public services, plus the ravages of COVID-19 and the cost-of-living crisis, have served to deepen the socio-economic drivers of women's offending.

There is no doubt that this area of transformation is more challenging to plan, finance, implement, and audit. The move upstream is reliant, as are all shifts towards prevention, on the funds and faith to front-load investment in order to achieve savings later on down the line; and the commitment and structures through which to coordinate significant collective action across justice, health, social care and housing systems by multiple partners.

Experiments at local/regional level and in the devolved nations with Whole Systems Approaches (WSAs), the *Blueprint for Women Offenders in Wales*, and Scottish efforts to implement the recommendations of the 2012 *Commission on Women Offenders* have generated valuable successes and learning (Senedd, 2023 and Scottish Centre for Crime and Justice Research, 2022), and there is some wisdom in the argument that it is at regional systems level that these approaches are most effectively designed and applied.

However, the successes of WSAs in increasing engagement and reducing reoffending have been tempered by challenges around unstable funding, uneven geographical coverage and lack of integration into wider CJS reforms. The work of diversion and preventing criminalisation has been particularly hindered, not least because entrenched socio-economic drivers and structural inequalities got worse during the past 14 years but perhaps also because WSAs are not *intrinsically* focused on prevention. Moreover, as Jean Corston observed: "without a proper central structure, regionalised provision of services is likely to lead to further dilution of expertise in women-specific agendas at a time when what is needed is a central point of excellence and a champion for women to drive agendas forward" (Corston, 2007: 6).

It is hoped that the Women's Justice Board can fulfil just such a central point of excellence and act as a champion for women. But the WJB's mission also requires a new organising idea and framework in order to drive the radical prevention agenda that is needed, and has been promised.

Women's criminalisation is preventable: the public health approach

Since the government's announcement of a new strategy for women's justice, the Sentencing Review and the formation of the Women's Justice Board, ministers and civil servants have been out and about gathering ideas, while the voluntary and community sector has moved to influence what happens next (National Women's Justice Coalition, 2025).

Interesting, promising and proven interventions, concepts and ideals abound, from residential women's centres to better use of technology; women's problem-solving courts to out of court disposals, diversion, deferral, trauma-informed care, restorative justice ...there is no shortage of expertise in the practicalities or principles through which women's justice could be improved.

What we have heard less about are the overarching mechanisms or frameworks of change through which radical transformation could be delivered effectively. As touched on above, Whole Systems Approaches are good at operationalising a systemic approach to what already exists, rather than explicitly driving the agenda towards prevention. This is where we believe a different and complementary concept, the public health approach, could be transformational in reshaping the effectiveness and equity of the justice system for women. Furthermore, the two approaches working together in synergy could revolutionise the culture of women's justice, fostering a system that is compassionate, integrated, and prevention-driven, with the Women's Justice Board serving as a pivotal agent of change.

The Public Health Approach borrows principles from public health to frame the criminal justice system in terms of prevention, addressing root causes, and promoting societal well-being. It is metaphorical because it applies the methodologies and concepts of public health – rather than actual healthcare – to social and justice issues. This approach has been used with proven results for decades in relevant areas such as reducing violence. In 2002, the World Health Organisation published its World Report on Violence and Health (World Health Organisation, 2002), a review of the problem of violence on a global scale with recommendations to adopt a public health approach to tackle it. Desperate to find a way to tackle the rising homicide rate in Glasgow, Strathclyde Police formed what became the Scottish Violence Reduction Unit in 2004/5 and was the first ever police force to join the WHO Violence Prevention Alliance.

That year, Scotland had been branded the most violent country in the developed world with 137 homicides in one year, 41 of which were in the city of Glasgow alone; leading the city to be dubbed the 'murder capital' of Europe. As *Violence is Preventable not Inevitable: The Story and Impact of the Scottish Violence Reduction Unit (SVRU)* recounts:

"The declaration that violence was a public health issue brought a new language for discussing and challenging the problem, of encouraging new ways of thinking, and helped to assist the prospect of new alliances and partnerships, acknowledging that this was a problem for all society, not just one part or profession".
(Hassan, 2020)

Key to this was a very intentional focus on prevention: just as it is better to vaccinate against disease than treat it, so it is cheaper and more effective to prevent violence. In the SVRU this work is organised in three levels of intervention: primary (tackling the conditions which allow violence to develop); secondary (early intervention to stop things getting worse); and tertiary (responding to violence once it has happened, treating the effects and rehabilitating the people/areas affected). The impact of the SVRU's public health approach to violence over the 19 years since its foundation has yielded impressive results, with a 60 per cent reduction in homicide across Glasgow and 52 per cent across Scotland (Scottish Police Authority, 2024).

Other relevant examples of public health approaches include Portugal's drug decriminalisation policy, implemented in 2001, which alongside other policy changes has been credited with leading to a reduction in drug-related deaths, HIV infection and incarceration rates; as well as shifting public attitudes towards understanding addiction as a health issue (Rego *et al*, 2021). Work by the NHS England Health and Justice agency's Liaison and Diversion services have also given promising results in increasing diversion from custodial sentences and contributing to savings in the criminal justice system (Disley *et al*, 2021).

It does not require a huge leap of imagination to see how this approach could be translated to women's justice at a system-wide level to complement existing good practice, with the public health approach providing the framework and vision, emphasising upstream prevention and long-term societal well-being; and WSAs offering the operational strategy, ensuring all components of the justice system and related services work cohesively to implement this vision effectively. The Prime Minister's recent commitments to localism and joined up government auger well for such an innovative approach now too. Central oversight of regional delivery, perhaps through metro mayors or combined authorities, coupled with government departments finally working closely together rather than in silos, will be essential elements of the structures needed for such crucial change.

More space than we have here will need to be given over to exploring the philosophical and ethical aspects of a public health approach to addressing women's criminalisation and offending in order to ensure notions of justice are met satisfactorily for victims and society; and to a detailed analysis of the practicalities of implementing such an approach.

This is a once in a generation opportunity to transform our justice system for women. The government will need to be brave and decisive. The stakes are high. However, we are confident that by learning lessons from the past, from the evidence base and from innovation in other areas, we can break out of the justice loop, once and for all.

Recommendations

If the ambition for transformational change for women is to finally to be realised, then lessons must be learned from past endeavours; current good practice expanded; and a new systemic strategy embraced. The list of recommendations below is not exhaustive: but captures the key elements needed to secure change.

The Women's Justice Board (WJB)

- The WJB should be modelled on aspects of the Youth Justice Board with proven efficacy; including being independent, data driven and actively focused on early intervention and prevention.
- The WJB's structure and strategy must be co-designed with the women's sector and women with lived experience.
- The women's sector and women with lived experience should be adequately represented on the Board and Partnership Delivery Group.
- A ring-fenced budget, encapsulating the full range of activities identified by the Board should be awarded by the Treasury.
- To ensure accountability, transparent reporting structures should be put in place, identifying at regular intervals the progress achieved; barriers to be surmounted and next steps to be taken. The WJB should report regularly to parliament.
- The inequity and disproportionality experienced by racially minoritised women in the criminal justice system must be addressed as a priority.
- If the WJB, as currently framed, is unable to fully address the 'women at risk' prevention agenda, then, reflecting a pivotal Corston recommendation, an Inter-Departmental Ministerial Group for women who offend or who are at risk of offending should be established.
- Once the Board's strategy is clear, ambitious targets and timelines for reducing women's imprisonment should be set.

Sentencing and probation reform

Whatever the positive outcomes for women that may emerge from the Sentencing Review, a revitalised probation service will be essential in expanding the use of community sentences geared to meet women's circumstances and needs.

- The sentencing framework should be revised to reflect the specific needs or vulnerabilities of women.
- A presumption against short sentences is insufficient; their use should be curtailed.
- The pivotal role of probation within the courts must be reclaimed. To improve the confidence of the judiciary in court reports, probation should provide comprehensive reports on all women, detailing the complexities of their lives and inputs from other agencies and women's voluntary sector projects, alongside an assessment of their offending.
- There should be standards set for probation service work with women, with adequate support systems put in place for staff. Performance should be monitored against the standards set.

Women's centres and specialist organisations

- Women's centres and specialist organisations are at the heart of the holistic, woman-centred and integrated approach called for in the Corston Report and should be reflected as such in the strategy developed by the WJB.
- There needs to be sustainable funding for women's centres and other projects, with longer term provision of funding and full cost recovery.
- There must be a ring-fenced budget to avoid the precarity of funding that has continued to threaten the survival of the sector.
- The commissioning processes should be reformed to ensure that small centres and projects can compete fairly.

The Public Health Approach

- A public health framework should be implemented to address the root causes of women's criminalisation, emphasising the crucial importance of prevention and societal well-being to stop women being unnecessarily caught up in the criminal justice system.
- The WJB should set up a time-limited Task and Finish Group, asking officials to work with women's sector colleagues and experts in this field to develop a delivery framework to reflect the public health approach set out here.
- National and local strategies must be aligned if change is to be cohesive and transformational. There must be central oversight over regional delivery, such as by metro mayors or combined authorities, putting localism to the fore and ensuring effective investment of any funds redirected, as they must be, from prisons into the community.

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The National Women's Justice Coalition is an alliance of 26 women's organisations from across England and Wales that share a collective mission to drive systemic change to reduce the stigmatisation of women and girls in contact with the criminal justice system and improve outcomes for them.

At the Centre for Crime and Justice Studies we create lively spaces for collaboration and learning, where conventional criminal justice policy agendas are scrutinised and challenged, fresh knowledge and ideas are discussed, and transformational solutions are developed.



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