

# JOURNAL

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***Lisa Dando** is the Director of Brighton Women’s Centre (BWC). **Rokaiya Khan** is the Chief Executive Officer of Together Women (TW). **Abbi Ayers** is the Strategic Development Director of the National Women’s Justice Coalition (NWJC). They were interviewed by **Jackie Lowthian**, Clarks Women’s Network Coordinator who has worked in the voluntary sector for over 30 years influencing change in the way that the criminal justice system responds to women and girls.*

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The Editorial Board wishes to make clear that the views expressed by contributors are their own and do not necessarily reflect the official views or policies of the Prison Service.  
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# 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*<sup>1</sup> 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*<sup>2</sup> 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 Wales<sup>3</sup> — 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*<sup>4</sup> 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*

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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.'<sup>5</sup> 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.

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

# ‘Diversion is absolutely amazing’: How Advance diverts women from the criminal justice system

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## The need for Diversion Services for women

*‘The support from Diversion has been a lifeline.’*

England and Wales see one of the highest global incarceration rates,<sup>1</sup> and with evidence repeatedly identifying the harms of incarceration for women,<sup>2</sup> credible alternatives to custody are critical. Diversion services are one such alternative, alleviating systemic pressures and offering much-needed early intervention for those with multiple needs and histories of trauma, as is often the case for many criminalised women.<sup>3</sup> Diversion is a strategic priority of the Ministry of Justice (MoJ),<sup>4</sup> with the recent Female Offender Strategy Delivery Plan (FOSDP) promising funding for initiatives involving statutory and voluntary partnerships.<sup>5</sup>

The London Women’s Diversion Service (LWDS), or Operation Elpis — named after the goddess of hope in Greek mythology — began as a pilot in September 2019. Led by Advance, the project operates pan-London, in partnership with other specialist delivery organisations,<sup>6</sup> and funded by the London Mayor’s Office for Policing and Crime (MOPAC) and the MoJ, the service diverts women who have committed low-harm offences away from the criminal justice system (CJS), and into dedicated support services. Partnering with the Metropolitan Police Service, the LWDS aims to

break the cycle of criminalisation by addressing underlying drivers of offending, such as mental ill-health and experiences of abuse and trauma.

Women constitute a small proportion of people who commit crimes in England and Wales. Most crimes committed by women are considered lower-level, non-violent offences,<sup>7</sup> and they report multiple and complex needs more frequently than men.<sup>8</sup> For example, women are more likely to report problematic substance use and/or mental ill-health, with evidence indicating their offending can be directly linked to experiences of gender-based trauma.<sup>9</sup> Taken together, this means that criminalisation can be more damaging for women in both the short and longer terms, often having additional, negative repercussions for their children, the cost to whom is often far greater than any social benefits reaped by criminalisation, due to the low-harm nature of women’s offending.

Diversion enables women to rebuild their lives through empowerment, by acknowledging their gendered experiences and offering tailored practical and emotional support. This may take the form of referrals to therapeutic counselling or substance use support, or provision of well-being-focussed activities in dedicated community-based women’s centres. Women receive one-to-one support from key workers, who advocate on their behalf to other professionals, such as housing officers. Diversion can mean that women are spared a drawn-out, and often

1. Jones, C., & Lally, C. (2024). *Prison population growth: drivers, implications and policy considerations*. Parliamentary Office of Science and Technology.
2. Corston, J. (2007). *The Corston Report: A report by Baroness Jean Corston of a review of women with vulnerabilities in the criminal justice system*. Home Office; Crewe, B., Hulley, S., & Wright, S. (2017). The Gendered Pains of Life Imprisonment. *British Journal of Criminology*, 54(6), 1359-1378; Prison Reform Trust (2022). Why focus on reducing women’s imprisonment? Prison Reform Trust.
3. See footnote 2: Corston, J. (2007); Crewe, B., Hulley, S., & Wright, S. (2017).
4. Ministry of Justice (2018). *Female Offender Strategy*. MoJ.
5. Ministry of Justice (2023). *Female Offender Strategy Delivery Plan 2022-25*. MoJ.
6. Hibiscus, Pecan, and Women in Prison alongside Advance delivered the Diversion pilot. Our specialist partners are Working Chance, Housing4Women, Heart and Mind, Clean Break, and Inspirit.
7. Ministry of Justice (2022). *Women and the Criminal Justice System 2021*. MoJ.
8. See footnotes 2 and 4: Corston, J. (2007); Crewe, B., Hulley, S., & Wright, S. (2017); Ministry of Justice (2018).
9. Booth, N. (2021). Gendered prisons, relationships and resettlement policies; three reasons for caution for imprisoned mothers. *British Journal of Criminology*, 61(5), 1354-1371; Baldwin, L. (2023). *Gendered Justice*. Waterside Press.



retraumatising, experience in the CJS, resulting in a more expedient process to address their drivers to offending, thereby reducing the likelihood of recidivism. As previous evaluations of the LWDS have recommended, Diversion services could offer an alternative to criminalisation by referring women to support at the earliest point of contact with the police.<sup>10</sup> That said, funding and contractual commitments sometimes narrow the scope of who can be offered support and instil a 'postcode lottery' where women are unable to access services due to geographical limitations.

It is well evidenced that incarceration is highly costly to the public purse. MoJ data shows that the average cost per prisoner in the women's estate has increased by 50 per cent in 4 years, from just over £52,000 in 2020 to nearly £79,000 in 2024.<sup>11</sup> Conversely, a year's worth of Diversion support is approximately 2.5 percent of this cost, at around £2,000 per year, per woman.<sup>12</sup> In addition, numerous studies have demonstrated the return on investment presented by Women's Centres, which in 2020 was put at £4.68 for every £1 invested.<sup>13</sup>

The current LWDS model is focused on supporting women who have received an Out of Court Disposal (OOCd). Reform to the OOCd framework has been a political football for over a decade and is undergoing further amendments. In 2022, the Police, Crime, Sentencing and Courts Act introduced two new statutory disposals — the Diversionary Caution and the Community Caution — to replace and streamline the existing six options. At the time of writing, these changes are expected to take effect in Spring 2025. These proposed changes present an opportunity to build on learnings in the delivery of women's Diversion services, however, it is unclear whether they will be implemented with sufficient additional funding for specialist services to cope with the likely increase in demand. Without additional funding, there is a risk that fewer people given OOCds will receive the tailored, specialist support they need to break the cycle of reoffending. Success also rests on appropriate police awareness of

diversionary options and embedded processes to ensure that eligible women are consistently given the option of support. Before these changes are embedded, it is vital that police forces and associated agencies are aware of the positive impact of specialist women's Diversion services, such as the LWDS.

Given this landscape, this article aims to share findings and good practice from Advance's role in the LWDS so that criminal justice agencies and practitioners working in related fields may benefit from a better understanding of the opportunities presented. The next section further outlines the LWDS model, followed by an overview of the research methods and findings which show how women significantly benefit from this intervention which enables Empowerment in Practice via Emotional Support and Practical Help.

### The LWDS model outlined

*'Receiving a conditional caution was a second chance.'*

## Diversion enables women to rebuild their lives through empowerment.

Following a pilot of the LWDS,<sup>14</sup> the service has been delivered as part of a wider MoJ Commissioned Rehabilitative Service contract. The LWDS is delivered in four Basic Command Units across nine London boroughs, in partnership with Women in Prison, Hibiscus Initiatives, Working Chance, Housing4Women, Heart and

Mind, Clean Break, and Inspirit.

Police referrals can be made as part of a caution with enforceable conditions, with which the woman must comply to avoid any further sanctions. The woman must complete two mandatory appointments with the LWDS to complete the conditions of her caution. However, the nature of a conditional caution means that women acquire a criminal record, which along with the required admission of guilt, can at times present a barrier to their positive engagement with the LWDS and trust in the CJS; it is well-evidenced that women's trust in the police and other enforcement agencies is low, so they may be unwilling to accept help which appears to be a double-edged sword.<sup>15</sup> To mitigate this and the initial low number of referrals from the police, Advance proactively

10. Advance (2021). *London Women's Diversion Service: The impact of community support on diverting women from the criminal justice system*. Advance.

11. Ministry of Justice (2020). *Prison performance data 2017 to 2018: Costs per prison place and prisoner by individual prison 2022 to 2023* (Table 2 Supplementary data). MoJ; Ministry of Justice (2024). *Prison performance data 2022 to 2023: Costs per prison place and prisoner by individual prison 2022 to 2023* (Table 2 Supplementary data). MoJ.

12. Advance's calculations based on the latest full cost recovery model and caseload available.

13. Women's Budget Group (2020). *The Case for Sustainable Funding for Women's Centres*. WBG.

14. See footnote 10: Advance (2021).

15. End Violence Against Women Coalition (2021). *YouGov/ EVAW Survey Results*. YouGov.

worked with the Metropolitan Police and delivery partners to initiate a voluntary referral option, with funding from MOPAC. Women can refer themselves to the LWDS without a caution, meaning they do not have a criminal record and can still access support. The adaptation of the project in this way has proved successful because many more women have accessed support. Regardless of their pathway into the LWDS, engagement rates are high – 95 percent for conditional cautions and 87 percent of voluntary referrals.

During an initial assessment, an assigned key worker develops a needs-led support plan alongside the woman and reviews her current needs within the Justice Star framework.<sup>16</sup> Broadly mapped against the seven criminogenic needs identified by the MoJ,<sup>17</sup> the 10 areas of the Justice Star provide some insight into the individual's own assessment of their circumstances at a given time. An individual is invited to plot themselves on a scale of 1 to 10 (1 meaning the individual is not recognising the problem or accepting help, to 10 where the woman has started to accept support, take responsibility, and become self-reliant).<sup>18</sup> Using this data, the key worker supports the woman in a trauma-informed intervention session, co-creating strategies to address the needs identified.

Women are then given the option to remain with Advance for additional longer-term support: more than half (n=81) of the women supported between Jan 2019 and Dec 2023 remained with the service for over 3 months — substantially beyond the mandated two appointments for conditional cautions. This longer-term support aims to further address the underlying drivers of a woman's offending which could include mental ill-health, problematic substance use, or domestic abuse or, as is often the case, a combination of all three. This longer-term approach and flexible funding is fundamental in helping women to rebuild their lives after trauma and criminal justice involvement.

The LWDS is delivered in line with Advance's Minerva Wrap Around Approach, which recognises that a woman's experience of abuse and trauma will have an inevitable impact on her life, including through offending. The Minerva Approach is underpinned by positive regard for, and consistent communication with, the woman being supported. Key workers, peer mentors with lived experience, and specialist partners provide practical help, emotional support, and advocacy to help women overcome barriers. It is an approach underpinned by empowerment, a process through which women can gain some control over their lives, and access resources needed to improve aspects of their circumstances.<sup>19</sup> The intention is to provide a safe, supportive environment to encourage women to develop pro-social identities, build trust to support disclosure of the challenges they are facing, and access help for them and their children. In doing so, the LWDS

aims to address the underlying issues that have contributed to the women's offending and thus help to break the cycle of criminalisation.

### Method and Findings

The LWDS supported 165 women between September 2019 and December 2023 with an engagement rate of 92 percent.<sup>20</sup> Sixty-seven percent

(n=133) of referrals were for women with a conditional caution and 33 percent (n=55) were voluntary. This is the sample from which the findings in this article are drawn and their demographics and histories represent some of the wider literature on women in contact with the criminal justice system.<sup>21</sup> For example, half (n=82) were mothers, 71 percent (n=117) reported a mental health diagnosis or unmet mental health need, 64 percent (n=106) reported substance misuse issues,<sup>22</sup> 44 percent (n=72) disclosed some experience of abuse, assault or trauma, and a smaller but still notable 13 percent (n=21) disclosed Adverse Childhood Experiences.<sup>23</sup>

## Longer-term support aims to further address the underlying drivers of a woman's offending.

16. The Outcomes StarTM was first published in 2006; it has been proven to be a valid and reliable measure of personal outcomes across different sectors, based on the knowledge that change is possible and supporting change through action plans through an empowerment approach, alongside the individual.
17. Seven criminogenic needs are: Accommodation, Employability, Relationships, Lifestyle, Drug Misuse, Alcohol Misuse, and Thinking and Behaviour; MoJ (2019). *Identified needs of offenders in custody and the community from the Offender Assessment System*, 30 June 2018. MoJ.
18. Terms used in The Justice Star.
19. Barringer, A., Hunter, B. A., Salina, D., & Jason, L. A. (2017). Empowerment and Social Support: Implications for Practice and Programming among Minority Women with Substance Abuse and Criminal Justice Histories. *Journal of Behavioral Health Services & Research*, 44(1), 75-88.
20. Out of 182 women successfully contacted
21. See footnote 2: Corston, J. (2007); Crewe, B., Hulley, S., & Wright, S. (2017).
22. Drug and/or alcohol use.
23. ACEs are potentially traumatic events that occurred in childhood which are thought to have an impact on physical and mental development and outcomes.



**Table 1.** Average change in outcome star scores for 99 women supported through the LWDS

	First Star (average)	Last Star (average)	Change (average)
Accommodation	6.0	7.5	1.5
Mental health and well-being	5.4	6.8	1.4
Managing strong feelings	5.6	7.0	1.4
A crime free life	7.6	8.9	1.3
Friends and community	6.2	7.2	1.0
Relationships and family	6.5	7.3	0.9
Positive use of time	6.5	7.4	0.9
Drugs and alcohol	7.1	7.9	0.8
Parenting and caring	7.9	8.5	0.7
Living skills and self-care	7.2	7.9	0.7
Average	6.6	7.6	1.0

Based on existing research we know that disclosures of abuse are likely to be underreported.

The data collected are both quantitative and qualitative, therefore different analytical methods have been used. The Justice Star provides indication of the impact of the LWDS via quantitative measures, whereas the findings thereafter are more qualitative in nature. Drawing on women’s responses as part of a survey, which they are invited to complete when their case closes with Advance, verbatim quotations are included as the article explores the nature and mechanics of the service, steeped in the Minerva Approach, which produces *Empowerment in Practice via Emotional Support and Practical Help*.

**Justice Star: Identifying and responding to criminogenic needs**

The women at LWDS were asked to complete the Justice Star during their initial assessment with the service, at three monthly intervals, and at the end of support. As shown in Table 1, the distance travelled by 99 of the women (for whom data is available) is considerable.<sup>24 25</sup> These data show a 1-point improvement in outcomes on average for women engaged with LWDS, with an increase recorded across all 10 areas of the Justice Star, suggesting that some women were significantly benefiting from the intervention.

However, as with any evaluative tool, there are some limitations. All areas of the Justice Star are plotted whether there is an identified need or not, so sometimes this results in no change to an individual’s score. The tool is reflective of the point at which someone scores themselves, which can fluctuate on different days and is reflective of the non-linear trajectory of a woman’s journey. On other occasions a

point decrease may occur when disclosures are not made in the initial reviews; for example, if a mother fears discussions concerning her children or parenting in case this should result in local authority involvement. However, as women build more trust in their key workers, and understand that their key worker is there to advocate for and support them, they may be more inclined to share their experiences more honestly and less favourably. Indeed, it is the quality of the relationship and nature of the support offered by key workers that appear to have the greatest impact on the women’s overall experiences and outcomes. To demonstrate this, the following sections are focused on qualitative insights provided by the women.

**Empowerment in practice**

*‘I feel much more in control.’*

Having already identified how women reported improvements in their personal outcomes via Justice Star data, this section seeks to unpack how and why this was achieved, with the aim of sharing findings which demonstrate good practice. Premised on trauma-informed, gender-specific, personalised support for women, the LWDS focuses on mechanisms that can better position women to feel empowered. One participant, Abigail,<sup>26</sup> indicated how the LWDS offered a much-needed lifeline to her at a very low point in her life:

*‘It was a great change to feel supported. I was at a very low point when I was referred. When the police officer told me about Diversion I actually started crying because I felt so relieved that they recognised I needed help.’*

24. Of the 165 women engaged, 99 women had at least two Justice Stars, enabling comparison.  
25. Whilst the Justice Star is an evidence based tool, there is no perfect way to capture distance travelled; it is a snapshot of the woman’s feelings on the days that she is asked to complete the tool.  
26. All names used in the article are pseudonyms.

Women are often dealing with multiple, practical difficulties on their own when they are referred to the LWDS, and pragmatic support can make a huge difference to their feelings of independence. However, supporting women to feel empowered is a difficult balance to strike as it ought to be about providing opportunities to make decisions, rather than simply telling women what to do, as has sadly been the case in some supposedly gender-specific initiatives.<sup>27</sup> The LWDS supports women to understand the available options, considers their wants and needs, and ensures that the decisions are theirs. The key worker then supports women by advocating on their behalf with multiple agencies to ensure that their perspective is heard, and this can have an incredible impact on how women feel:

*'My key worker has given me so much confidence and support and I feel like I wouldn't be in a good place without the support I got.'*

*'Advance have helped me gain my confidence back. When I started, I was in a bad place mentally and now I feel much more in control and like I've been listened to and heard. I am grateful to have been able to work with my key workers.'*

These findings illustrate that the LWDS can be effective in empowering women, and enabling them to advance their personal circumstances, which is an outcome which sits in great contrast to the experiences of women serving custodial sentences.<sup>28</sup> This directly supports the MoJ's priority to reduce the number of women coming into contact with the CJS and demonstrates a means by which Diversion could be achieved for a larger proportion of the women committing lower-level offences in England and Wales.<sup>29</sup>

With appropriate, ring-fenced funding, there is the potential to continue and even expand this good practice across the CJS and potentially to prevent future offending. For example, as identified through the service's closing survey, 99 percent of women receiving support felt more confident to make alternative choices and engage with their community, while 97 percent felt that the support received through LWDS had helped

reduce their offending. As two women commented, the LWDS provided a chance to take a different path in their lives

*'It was a better avenue to go down than the typical police route. I also know that I can contact you in the future should I need further support.'*

*'I think it's a great opportunity to avoid other outcomes.'*

To further explore the mechanics of the LWDS approach, the following sections provide insights into how empowerment is achieved and how change is enacted. Two sub-themes are included: Emotional Support and Practical Help.

### **Emotional support: 'Having someone to talk to'**

The provision of emotional support is critical to ensuring women feel empowered. Mental health and well-being require targeted support; without this, other needs may be more difficult to address. To that end, LWDS key workers build trust and stable relationships with women, which is a significant factor in supporting mental welling, as Tara explained:

*'[My key worker] has checked in with me regularly to track my progress and I have been able to improve my mental well-being through having someone to talk to.'*

Across the sample, 97 percent of women felt that their general health and well-being had improved since being supported by the LWDS. One client, Alice, received emotional support from her key worker which acted as a stopgap while she awaited more formal interventions for her unmet mental health needs. Alice was dealing with a difficult period and was awaiting specific mental health support when she committed her first offence and was arrested; as previously discussed, there are links between mental ill-health and law-breaking for women.<sup>30</sup> Because of the opportunity to

With appropriate,  
ring-fenced  
funding, there is the  
potential to  
continue and even  
expand this good  
practice across  
the CJS.

27. Ahearne, G. (2023). Empowerment or Punishment? The curious case of women's centres. In N. Booth, I. Masson, & L. Baldwin (Eds.), *Experiences of Punishment, Abuse and Justice by Women and Families*. Bristol Policy Press.

28. See footnote 2: Corston, J. (2007); Crewe, B., Hulley, S., & Wright, S. (2017).

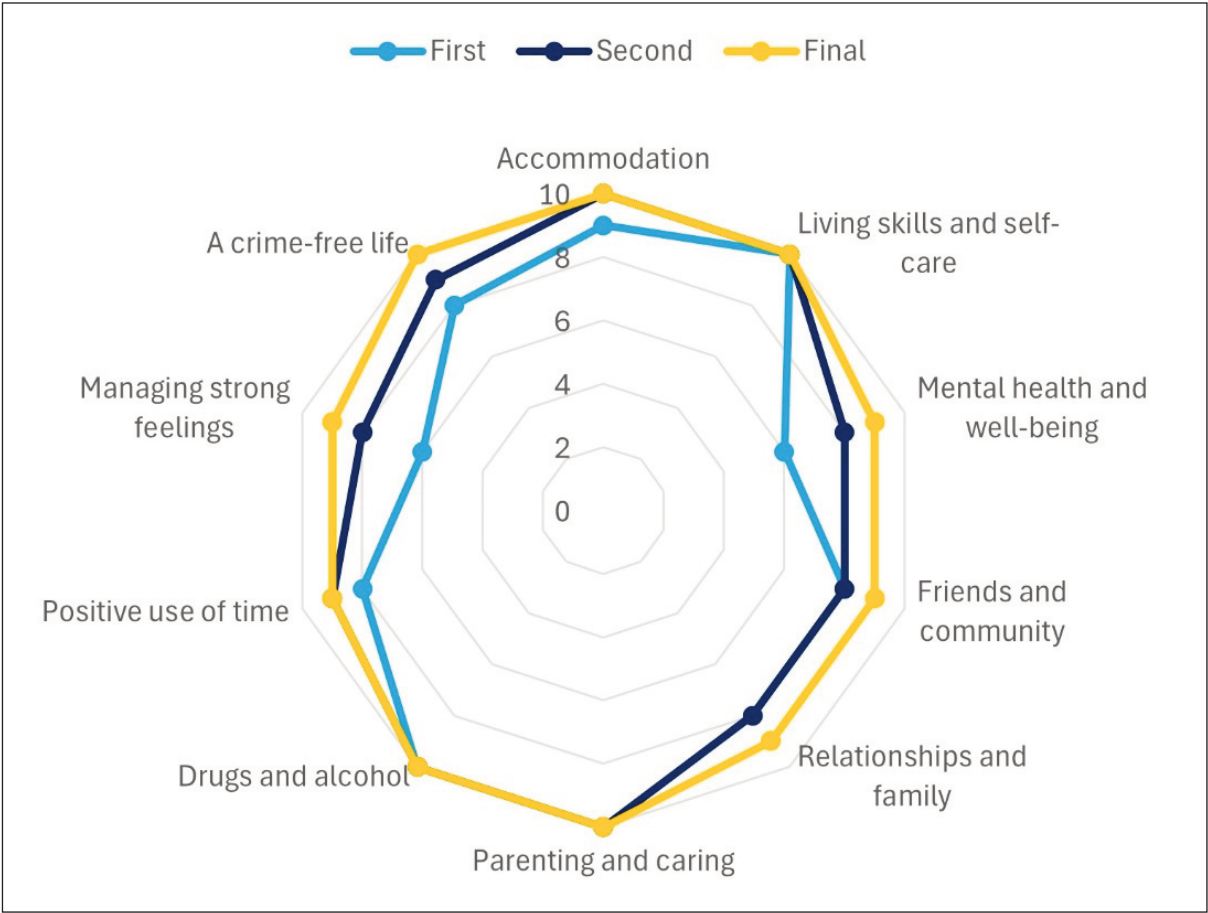
29. See footnotes 4 and 5: Ministry of Justice (2018); Ministry of Justice (2023).

30. See footnote 4: Ministry of Justice (2018).

be diverted from the CJS, Alice engaged positively with her key worker and applied for a new job, which in turn impacted her mood, mental health, and financial position. Three months into receiving support, Alice had not had any further offending incidents and the impact of this positive intervention can be seen in her

Justice Star (Figure 1). Alice's progress is evident across all 10 factors in the Justice Star with improvements and/or no change being seen with each plot in Figure 1 in August 2020 (denoted by the light blue), November 2020 (denoted by the dark blue), and January 2021 (denoted by the yellow).

Figure 1. Alice's Justice Star



As a holistic model, LWDS addresses a whole host of relationships, including parents, children, partners, peers, neighbours, and professionals. This can help to support women's positive networks, identify the damaging relationships, and build better engagement with professionals, such as social workers and housing officers. A staggering 99 percent of the women receiving support from LWDS felt better prepared to have a positive relationship with professionals, with one client, Sarah, indicating that this emanated from the quality of the tailored emotional support offered by their key worker:

*'This whole process restored my faith in professionals ... You've always treated me in a non-judgemental way and helped me understand this. Over the past six months you have been the only consistent support which I*

*have found the most important thing and what was needed. You helped me to focus and allowed me to work things out without pressure and you listened ... I don't know what I would have done without you.'*

In building trusting relationships with key workers, women feel more able to disclose some of the more traumatic and harmful experiences which are overrepresented amongst justice involved women.<sup>31</sup> Disclosures of this nature may go some way in explaining why 89 percent of women receiving support, who had experienced domestic abuse or felt at risk from harm, felt safer since engaging with the LWDS. Likewise, women indicated that their engagement in LWDS resulted in positive outcomes for their children, such as Aisha, who felt her children were also being cared for:

31. See footnotes 2, 4, and 9: Corston, J. (2007); Crewe, B., Hulley, S., & Wright, S. (2017); Ministry of Justice (2018); Booth, N. (2021); Baldwin, L. (2023).



*'My key workers have helped me get my motivation back and I feel so relieved and so much better now. I feel like my children have been looked after and looked out for in a way I never thought anyone else would get involved in and our quality of life is so much better.'*

Eighty-nine percent of the women from LWDS who had children reported an improvement in their children's health and well-being. This illustrates the wide-reaching and meaningful impact that personalised emotional support can foster for not only women, but also for their children. It is hoped that this could help to mitigate and/or prevent intergenerational harm which might otherwise occur through maternal imprisonment, instead having crucial benefits for individuals, families, and society.

**Practical help: *'If it wasn't for you guys, I wouldn't be here right now'***

The provision of practical help is also identified as a need for many clients, specifically creating a multi-dimensional and customised support package for the women. As Aisha suggests, this assistance provided her with effective and meaningful support.

*'Advance have been so helpful. It's amazing how many different things you help with — housing, emotional support, mental health! It has been a really stressful difficult time but having your peaceful presence and support has made a huge difference. The service you provide is so important.'*

Practical support with housing can enable women to live independent lives away from potentially harmful environments. This was the case for Bryony who was living with a sibling temporarily after her property had been cuckooed.<sup>32</sup> In supporting her with her accommodation application, including access to the

internet to complete it, LWDS provided much-needed, tangible support so that Bryony could secure alternative housing and better approach her own substance misuse issues. Similarly, Polly was supported to secure her own home which she attributed to the support provided at LWDS:

*'If it wasn't for you guys, I wouldn't be here right now. I was homeless when your service met me and this morning, I've just got my keys to my own council property.'*

Pragmatic support and advice can make a huge difference to women's independence and empowerment. For example, the LWDS helped Francesca to read her energy meters, which were previously inaccessible to her. This had a huge impact on Francesca being able to take control of her own finances and set up a repayment plan with her provider.

Similarly, the LWDS has provided support and advocated on behalf of women such as Dana, for a place in a rehabilitation centre. The LWDS liaised with Dana's rehabilitation provider, and Dana was supported by her key worker until she physically arrived at the centre. Another important concern was alleviated by her key worker who arranged temporary care for Dana's pet. As can be seen in Figure 2, there were some significant improvements

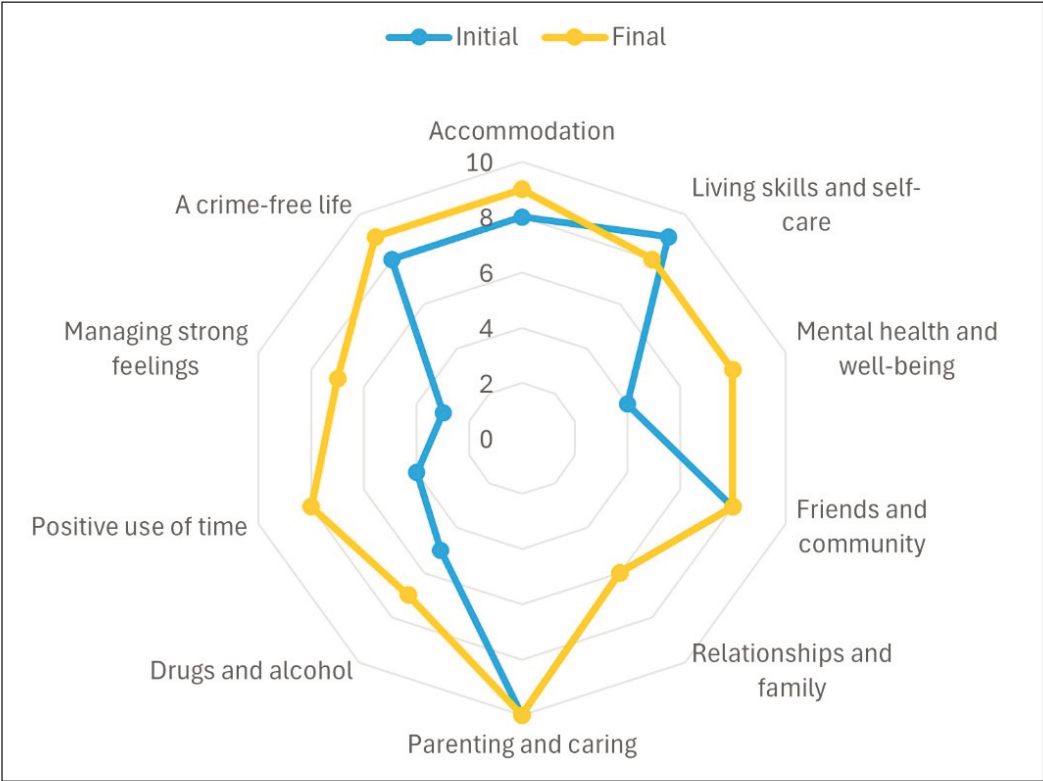
documented on Dana's Justice star in 6 areas between the first plot in December 2019 (denoted by the colour blue) and February 2020 (denoted by the colour yellow). Whilst there was a one-point change in her living skills and self-care this may be for a variety of reasons, including increased trust in her key worker and fluctuations in how she felt at the time.

Key worker support with sometimes small, but often seemingly insurmountable, responsibilities and tasks can enable women to move forward which is a key component of the practical support offered. Lucy appreciated the opportunity to be relieved of some of the pressures she was facing:

**"Pragmatic support and advice can make a huge difference to women's independence and empowerment." "I didn't even know services like this existed"**

32. "Cuckooing" is the term used when an individual's home is taken over for criminal activity, for example dealing drugs.

Figure 2. Dana’s Justice Star



*‘You were dedicated to my specific issues I could put it all on you and let you mill through it to take the pressure off me. And just being able to talk to you when I needed it was good. God bless you.’*

Conclusion

*‘I didn’t even know services like this existed.’*

The findings shared in this article highlight how the LWDS may have a profound impact on women in contact with the CJS, many of whom are facing multiple disadvantages, and that this holistic support has a positive effect across all interconnected areas of their lives. The relationship with a trusted professional, who stands in a woman’s corner when she needs it, can fundamentally change how she engages with various services in the future. This builds women’s trust in the system and is so essential to empowering women to help them to address underlying, driving factors of offending.

Delivered via Emotional Support and Practical Support, the LWDS positions and empowers women to better their current circumstances and, indirectly, the lives and well-being of their children. What these

findings suggest, critically, is that there may be scope via effective Diversion services to reduce intergenerational harm and to support many to move away from criminality.

The diversionary model depends on positive, multi-agency working to ensure success. Strategic and operational prioritisation of this service from the police, as well as openness and collaboration from other statutory services, are crucial in ensuring women receive the necessary support at the right time. The benefits of prioritising this approach can be seen within this article, and we hope utilised more widely. Likewise, central ring-fenced funding must be made available for Diversion.<sup>33</sup> In the past there have been broken promises around funding and provision of much-needed specialist services for women.<sup>34</sup> As a result, there is some anxiety from the women’s sector that the upcoming changes to Out-of-Court Resolutions (OOCR) will mean that this initiative will fall victim to similar issues. Therefore, this article has demonstrated that the planned roll-out of the two-tier OOCR framework must be accompanied by resources for gender-specific support services, like the LWDS, nationally, to ensure that every woman has access to the necessary support to enable her to rebuild her life, before she is criminalised, and wherever she is in the country.

33 See footnote 5: Ministry of Justice (2023).  
34 Booth, N., Masson, I., & Baldwin, L. (2018). Promises, Promises: Can the Female Offender Strategy deliver? *Probation Journal*, 65(4), 429-238.

# Achieving an intersectional approach — combating structural oppression experienced by Black, minoritised and migrant women in contact with the criminal justice system

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## Evidence of structural oppression

**Evidence of structural oppression of Black, minoritised and migrant women in, or at risk of, contact with the criminal justice system is clear from the briefest look at official data. For example in 2021, women and girls from 'ethnic minority' groups were overrepresented at all stages of the criminal justice system.<sup>2</sup> In 2022-23, Black women were 1.4 times as likely as white women to be arrested.<sup>3</sup> According to a prisoner survey by His Majesty's Inspectorate of Prisons' (HMIP), in 2019/20 7 per cent of women in prison identified as Gypsy/Irish Traveller, compared to an estimated 0.7—0.8 per cent of the general population.<sup>4</sup> And finally, in 2023, 14.7 per cent of remanded admissions of women to prison were of migrant<sup>5</sup> women (593 women).<sup>6</sup>**

The figures above reveal racism layered on top of misogyny, stigmatisation of migrants, and religious discrimination. Based on what we know (and there are gaps in our knowledge), structural oppression is

endemic in multiple, overlapping spheres of Black, minoritised and migrant women's life experiences, including education, protection from violence against women and girls (VAWG), protection from modern slavery and human trafficking, housing and welfare, health and social care, and immigration control. This plays out against a national backdrop of socio-economic inequality, deepening poverty, and a crisis in housing and welfare support.

The more Black, minoritised and migrant women are excluded from protection, stigmatised and punished, the less they can participate effectively in interactions with state authorities, exercise their rights fully and thrive — and the greater the risk of their criminalisation.

This article focuses on adult women, but the position for girls is particularly worrying and historically has been overlooked.<sup>7</sup> Girls from 'ethnic minority groups' are particularly overrepresented in the criminal justice system compared to other age groups<sup>8</sup> and Black girls have the 'lowest level of trust in the police among all children'.<sup>9</sup>

1. The authors aim to use language that challenges and does not contribute to racist ideas, actions and policies. We use the term 'Black, minoritised and migrant women' and we aim to be more specific where we can be. Where we are referring to data collected by others using different terminology, we use that terminology in quotation marks in order to ensure accuracy.
2. Ministry of Justice. (2022). *Women and the criminal justice system 2021*, Available at: <https://www.gov.uk/government/statistics/women-and-the-criminal-justice-system-2021/women-and-the-criminal-justice-system-2021> (Accessed: 22/07/24).
3. HM Government. (2024). *Ethnicity facts and figures: arrests*, para.6 'By ethnicity and sex', Available at: <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/number-of-arrests/latest/#by-ethnicity-and-sex>. (Accessed: 22/07/24).
4. The Traveller Movement. (2021). *A profile of prisoners in the Adult Prison Estate*, Available at: [https://wp-main.travellermovement.org.uk/wp-content/uploads/2021/09/Brief-of-prisoners-in-the-adult-estate\\_final.pdf](https://wp-main.travellermovement.org.uk/wp-content/uploads/2021/09/Brief-of-prisoners-in-the-adult-estate_final.pdf) (Accessed: 26/11/24)
5. The authors use the term 'migrant women' to describe women who do not have British citizenship. These women are usually termed 'foreign national' women by the Ministry of Justice and criminal justice agencies.
6. Ministry of Justice response (11/06/2024) to Hibiscus Initiatives Freedom of Information Act request (13/05/2024), reference: 240513072.
7. Goodfellow, P. (2019). *Outnumbered, locked up and overlooked? The use of penal custody for girls in England and Wales*, Available at: <https://www.thegriffinsociety.org/outnumbered-locked-and-overlooked-use-penal-custody-girls-england-wales> (Accessed: 22/07/24).
8. Ministry of Justice (2022)., see footnote 2.
9. Crest Advisory. (2022). *Forgotten voices: Policing, stop and search and the perspectives of Black children*, p19, Available at: [https://64e09bbc-abdd-42c6-90a8-58992ce46e59.usfiles.com/ugd/64e09b\\_bc69e917eccc4ae897dfaabb9cae3c1b.pdf](https://64e09bbc-abdd-42c6-90a8-58992ce46e59.usfiles.com/ugd/64e09b_bc69e917eccc4ae897dfaabb9cae3c1b.pdf) (Accessed: 22/07/24).



## Calls for an intersectional approach

A Black girl who is inappropriately strip searched by the police at school will not expect protection from her teachers or the police in the future. A migrant woman subject to immigration detention will not differentiate this in any meaningful way from criminal justice incarceration; in both cases she is being treated like a criminal, probably for circumstances beyond her control. An Asian woman who calls the police in fear of her abuser and is detained overnight and separated from her children following false counter-allegations, even if she is released without charge the following day, will never again approach the police for help.

The prioritising of immigration control over the safety of women and girls ties the hands of state agencies tasked with protecting and supporting them. And endemic institutional racism, layered upon sexism, creates barriers to support for Black and minoritised women and widens the net of criminalisation.

Hibiscus,<sup>10</sup> leading Women's Justice Reimagined, has called for an intersectional approach to address this structural oppression.<sup>11</sup> It has pointed to the need for women's experiences of racism, sexism, religious discrimination and stigmatisation of migrants — experienced through their interaction with the criminal justice system, the immigration system and other services, including VAWG services — to be addressed together, not one at a time.<sup>12</sup>

Intersectionality has been described as 'efforts to think, analyse, organise as we recognise the interconnections of race, class, gender, sexuality'. Angela Davis explains how Black feminist activists and

academics came to adopt this term, originally coined by Kimberlé Crenshaw<sup>13</sup>, recognising that these characteristics 'weren't separate in our bodies [or] in terms of struggles'.<sup>14</sup>

An intersectional approach in this context means taking strategic, meaningful (not 'tick box') action, taking into account how multiple axes of oppression based on race, gender, religion and immigration status operate together to impact all aspects of women's lives. This means taking a multi-disciplinary approach aimed at meeting the needs of Black, minoritised and migrant women, looking across different areas of policy and practice, recognising the historical context, working to understand women's experiences, and centring anti-racist practice. It requires serious, collective endeavour across government departments in partnership with Black, minoritised and migrant women, and with the women's specialist services (WSS) supporting them. The new Labour government's planned cross-departmental approach could prove useful to this end.<sup>15</sup>

## Harsh realities

Racism and misogyny in the criminal justice system have been exposed through revelations about police practice in the UK and abroad. The global Black Lives Matter movement drew renewed attention to racist

policing in the United Kingdom.<sup>16</sup> This coincided with revelations of police racism and misogyny in England and Wales, including the taking and sharing of photographs of the bodies of murdered sisters Nicole Smallman and Bibaa Henry by police officers in June 2020;<sup>17</sup> the abduction, rape and murder of Sarah Everard by a serving police officer in London in 2021;<sup>18</sup>

In 2022-23, Black women were 1.4 times as likely as white women to be arrested.

10. Hibiscus provides services to Black and minoritised migrant women in prison, in immigration detention, in court and in the community and can be contacted at: [info@hibiscus.org.uk](mailto:info@hibiscus.org.uk)
11. The partnership's other members are Muslim Women in Prison project, Agenda Alliance, Women in Prison, Criminal Justice Alliance and Zahid Mubarek Trust. As of July 2024, the partnership has adopted the new name of *Women's Justice Reimagined*.
12. Hibiscus Initiatives. (2023). *Race, migration, criminalisation and mental health: The gendered experiences of Black, minoritised and migrant women in contact with the criminal justice system supported by Hibiscus Initiatives*, Available at: <https://hibiscusinitiatives.org.uk/media/2023/06/rmc-mental-health-report-document.pdf>. (Accessed: 22/07/24).
13. Crenshaw, K. (2013). Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. In *Feminist Legal Theories* (pp. 23-51). Routledge.
14. Davis, A. (2016). *Freedom is a constant struggle*. Penguin Books.
15. The Independent, 'Starmer says he will chair 'mission delivery boards' to meet manifesto pledges', July 2024, Available at: <https://www.independent.co.uk/news/uk/labour-sue-gray-nhs-prime-minister-cabinet-b2575228.html> (Accessed: 22/07/24).
16. See for example: Joseph-Salisbury, R., Connelly, L., & Wangari-Jones, P. (2021). "The UK is not innocent": Black Lives Matter, policing and abolition in the UK. *Equality, diversity and inclusion: An international journal*, 40(1), 21-28.
17. Independent Office for Police Conduct, 'Met accepts IOPC recommendations after investigation into photos taken at murdered sisters crime scene', 8 July 2022, Available at: (Accessed: 22/07/24).
18. The Angiolini Inquiry. (2024). *Part 1 Report*, Available at: [E02740018\\_Angiolini-Inquiry.pdf](https://www.angioliniinquiry.gov.uk/part-1-report) (iipcv-prod.s3.eu-west-2.amazonaws.com) (Accessed: 22/07/24).

bullying, racism and misogyny by police constables based in Charing Cross, London;<sup>19</sup> and the findings of Baroness Louise Casey's review of the Metropolitan Police.<sup>20</sup> These events increased the urgency of feminist calls for a transformation of the police response to women and girls,<sup>21</sup> but they have led to surprisingly little action by government and criminal justice agencies to reform and rebuild trust.

Meanwhile, the political response to deepening public discontent with standards of living has involved the scapegoating of so-called 'illegal migrants', with harmful political rhetoric and increasingly harsh immigration legislation.<sup>22</sup> This has put migrant women at greater risk of abuse, exploitation and criminalisation, eroding anti-trafficking protections.<sup>23</sup>

### Women's specialist services leading the way

The government's commitments to improve responses to Black, minoritised and migrant women rightly include a commitment to support the services that specialise in supporting them.<sup>24</sup> However, recent years have seen the disappearance of many such

services, particularly those led by and for Black, minoritised and migrant women.<sup>25</sup>

Nonetheless, WSS have been at the vanguard of efforts to promote their service users' rights. This has included support and advocacy for individual women, research, creative projects and policy advocacy, crucially providing a platform for women and girls to speak for themselves.<sup>26</sup>

### What reforms have been promised?

The 2017 Lammy Review made only one recommendation focused on women, for 'a detailed examination of magistrates' verdicts'. This arose from Lammy's finding that, of those women tried at Magistrates' Courts, Black women, Asian women, Mixed ethnic women and Chinese/Other women were all more likely to be convicted than White women.<sup>27</sup> Subsequent MoJ updates suggest this recommendation has not been implemented.<sup>28</sup>

The 2018 Female Offender Strategy (FOS) acknowledged the 'unique challenges' faced by Black, minoritised and migrant women in the criminal justice

19. BBC News, 'Met Police: Misogyny, racism, bullying, sex harassment discovered', 1 February 2022, Available at: <https://www.bbc.co.uk/news/uk-england-london-60215575> (Accessed: 22/07/24).
20. Casey, L. (2023). *Baroness Casey Review: Final Report – An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service*, Available at: <https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf> (Accessed: 22/07/24).
21. See for example: Wistrich, H. (2022). Misogyny in the criminal justice system. *The Political Quarterly*, 93(1), 64-68.
22. See for example: Hubbard, P., 'Suella Braverman's talk of a refugee 'invasion' is a dangerous political gambit gone wrong', 3 November 2022, Kings College London, Available at: <https://www.kcl.ac.uk/suella-bravermans-talk-of-a-refugee-invasion-is-a-dangerous-political-gambit-gone-wrong>. (Accessed: 22/07/24).
23. Section 45 of the Modern Slavery Act 2015 provides a defence for trafficking victims compelled to offend as part of, or as a direct result of, their exploitation, although many offences are excluded. Measures restricting access to support for trafficking victims are likely to restrict access to this defence.
24. Ministry of Justice. (2018). *Female Offender Strategy*, pp. 25 and 42, Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/719819/female-offender-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719819/female-offender-strategy.pdf) (Accessed: 22/07/24).
25. EAW press release, 'Spring Budget 2024 fails to meaningfully impact VAWG services', 6 March 2024, Available at: <https://www.endviolenceagainstwomen.org.uk/spring-budget-2024-fails-to-meaningfully-impact-vawg-services/> (Accessed: 22/07/24).
26. See for example: Hibiscus Initiatives. (2021). *Black women's experiences of the criminal justice system*, Available at: <https://hibiscusinitiatives.org.uk/resource/black-womens-experiences-of-the-criminal-justice-system-2021/>. (Accessed: 22/07/24); SBS' and Liberty's super-complaint on data sharing between the police and Home Office regarding victims and witnesses to crime and subsequent publications, Available at: <https://www.libertyhumanrights.org.uk/issue/liberty-and-southall-black-sisters-super-complaint-on-data-sharing-between-the-police-and-home-office-regarding-victims-and-witnesses-to-crime/> (Accessed: 22/07/24); Leeds Beckett University, 'Muslim Women in Prison Research and Film Launch', 4 June 2024, Available at: <https://www.leedsbeckett.ac.uk/blogs/school-of-humanities-and-social-sciences/2024/06/muslim-women-in-prison-research-and-film-launch/> (Accessed: 22/07/24); Agenda/Women in Prison. (2017). *Double Disadvantage: the experiences of Black, Asian and Minority Ethnic Women in the Criminal Justice System*, Available at: [https://www.agendaalliance.org/documents/7/Double\\_Disadvantage\\_Report.pdf](https://www.agendaalliance.org/documents/7/Double_Disadvantage_Report.pdf) (Accessed: 22/07/24); Agenda Alliance. (2023). *A Call To Action: Developing Gender Sensitive Support for Criminalised Young Women*, Available at: [https://www.agendaalliance.org/documents/155/Agenda\\_Alliance\\_-\\_A\\_Call\\_To\\_Action\\_Briefing-Nov\\_2023.pdf](https://www.agendaalliance.org/documents/155/Agenda_Alliance_-_A_Call_To_Action_Briefing-Nov_2023.pdf) (Accessed: 22/07/24); Wainwright, S. (2021). *Gypsy, Roma and Traveller Women in Prison*, Available at: <https://www.russellwebster.com/gypsy-roma-and-traveller-women-in-prison/> (Accessed: 22/07/24).
27. Ministry of Justice. (2017). *The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and minority ethnic individuals in the Criminal Justice System*, p.33 and Table 2, p.32, Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/643001/lammy-review-final-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf) (Accessed: 22/07/24).
28. Ministry of Justice. (2018). *Tackling Racial Disparity in the Criminal Justice System: 2018 Update*, p.24, Available at: <https://assets.publishing.service.gov.uk/media/5bbde3a740f0b63873bce7f1/tackling-racial-disparity-criminal-justice-system-2018-update-web.pdf> (Accessed: 22/07/24) and Ministry of Justice. (2020). *Tackling Racial Disparity in the Criminal Justice System: 2020 Update*, p.60, Available at: <https://assets.publishing.service.gov.uk/media/5ea69dc386650c031e39e823/tackling-racial-disparity-cjs-2020.pdf> (Accessed: 22/07/24).

system,<sup>29</sup> although contrary to Baroness Corston's recommendation for a 'distinct strategy' for migrant women<sup>30</sup>, it barely mentions migrant women and does not mention trafficked women at all. The strategy includes commitments to work with women's services to help them 'share best practice and form networks'; to train staff and introduce 'tailored approaches'; to increase staff diversity; to address barriers to migrant women accessing services; to engage with women with lived experience; and to ensure all its work with women is consistent with the Equality Act 2010. While the FOS was broadly welcomed, the MoJ has been criticised for failing to implement it effectively, largely due to lack of investment, measurable targets and timetables.<sup>31</sup> The government responded with the publication of the FOS Delivery Plan 2022-25, which again acknowledges the distinct needs of Black, minoritised and migrant women but contains limited commitments to action.<sup>32</sup>

### The Action Plan

The Action Plan, published in 2022 by Women's Justice Reimagined, 'set out recommendations to achieve equal treatment and outcomes for racially minoritised and migrant women in contact with the criminal justice system' and 'was informed by consultation with policy makers, criminal justice practitioners and women with relevant lived experience'.<sup>33</sup> At its launch, a senior MoJ official praised the practical nature of its recommendations. Nonetheless, the partnership reported 18 months later that implementation had been 'limited and piecemeal, lacking an overarching strategic approach, and with no evidence so far of improvements in outcomes for women' while '[i]n some respects the picture has worsened, with new evidence of systemic racism and sexism in the police, and police-perpetrated VAWG'.

A migrant woman  
subject to  
immigration  
detention will not  
differentiate this in  
any meaningful way  
from criminal justice  
incarceration...

The MoJ's Female Offender Minority Ethnic (FOME) policy working group, which includes migrant women in its remit, has been the focal point for the MoJ's implementation activity. FOME has operated through meetings between MoJ and HM Prisons and Probation Service (HMPPS) officials with representatives of WSS. Some of FOME's engagement work with WSS is facilitated by Clinks, a third sector organisation under contract with the MoJ which is intended to represent WSS. Some WSS do not feel comfortable working through an intermediary in this way, but instead feel they ought to be able to collaborate in these spaces on their own terms as organisations supporting Black, minoritised and migrant women.

### What the Action Plan called for

Central to the Action Plan was the call for a cross-governmental strategy to achieve reforms; the introduction of measurable objectives; and the addition of a strategy to address women's intersectional needs through the MoJ's Race Action Plan (RAP). These recommendations have not been fulfilled.

The partnership called for work to ensure HMPPS' forthcoming revised Women's Policy Framework and Young Adult Women's Strategy reflect the needs of these women. It called for improved staff training and guidance; measures to enable women to participate effectively in proceedings, and to ensure equal access to diversion and end disproportionate use of remand and prison sentences; improved external scrutiny of discrimination in prison; removal of barriers to recruiting peer mentors and trainers with lived experience; more use of disaggregated data; improvements in migrant women's support; adequate and sustainable funding for WSS; and for the Farmer Review's recommendations<sup>34</sup> on strengthening family

29. Ministry of Justice. (2018). p.25, see n.24

30. Home Office. (2007). *The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System*, p.28, Available at: <https://webarchive.nationalarchives.gov.uk/ukgwa/20130206102659/http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf> (Accessed: 22/07/24).

31. National Audit Office. (2022). *Improving outcomes for women in the criminal justice system*, Available at: <https://www.nao.org.uk/wp-content/uploads/2022/01/Improving-outcomes-for-women-in-the-criminal-justice-system.pdf> (Accessed: 22/07/24).

32. Ministry of Justice. (2023). *Female Offender Strategy Delivery Plan 2022-2025*, pp.13, 22, 23 and 32. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1132790/female-offender-strategy-delivery-plan-2022-25.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1132790/female-offender-strategy-delivery-plan-2022-25.pdf) (Accessed: 24/07/24).

33. Tackling Double Disadvantage partnership. (2023). *'One Year On' Progress Report*, p.1, Available at: <https://hibiscusinitiatives.org.uk/media/2023/07/dd-action-plan-one-year-on-1-3.pdf> (Accessed: 22/07/24).

34. Ministry of Justice. (2019). *Importance of strengthening female offenders' family and other relationships*, known as the Farmer Review for Women, Available here: <https://www.gov.uk/government/publications/farmer-review-for-women> (Accessed: 22/07/24).



relationships to be addressed for Black, minoritised and migrant women.

Recognising that training and guidance in isolation cannot overcome static institutional cultures, Women's Justice Reimagined seeks to ensure that all Black, minoritised and migrant women in, or at risk of, contact with the criminal justice system can access WSS offering a trauma-informed, intersectional approach, that such services are adequately funded, and that criminal justice agencies work closely with them, and the women they support, to develop their own practice.

**FOME policy group activity**

Work led by the FOME policy group has focused primarily on prisons and probation services, and funding for WSS. The FOME group has tried to improve interpretation and translation services and has developed guidance for women on criminal proceedings;<sup>35</sup> however there are concerns about whether this resource will be workable in practice in its current form.

The MoJ has developed internal operational guidance for prison and probation staff and training for some agencies. However, some of this is online rather than face to face and it is not clear how it has been developed or what it includes. Measures are needed to assess its impact on behaviour change and culture change. There are still barriers to recruiting women with convictions as peer trainers or mentors.<sup>36</sup>

There have been attempts to address disproportionality in use of remand through HMPPS pilots; lack of resources, particularly in relation to

housing and community support, has been identified as a barrier. The MoJ is reviewing its work on remand, following a recent Justice Select Committee inquiry.<sup>37</sup>

Women and Black and minoritised service users were priority cohorts in the MoJ's Pre-Sentence Report pilot and the CPS have worked to ensure women have a Bail Information Report and that pre-sentence reports can then be pre-populated. The MoJ has committed to ensuring the Bail Information Service 'takes into account cultural factors and sensitivities'.<sup>38</sup>

Despite these efforts, a recent inspection found the quality of court work and assessments to be 'notably poorer for Black and minority ethnic women' and raised concerns about limited availability of specialist services to support 'minority groups'.<sup>39</sup>

**Activity by the Police and Crown Prosecution Service (CPS)**

Police activity in response to the FOS has mainly focused on using conditional cautions to divert women from prosecution and into WSS. There has been little attention to the over-use of arrest for women, and no publicised work to address the disproportionate targeting of Black women and other minoritised women and girls.<sup>40</sup> The CPS has had little involvement in FOS delivery.

Black women experiencing domestic abuse are less likely than white women to be referred by police to specialist support.<sup>41</sup> As mentioned above, police racism and sexism have been exposed through recent events, and Black girls' trust in the police is particularly low. It is welcome that the rate of arrest of Black women has come down since 2021 and the reasons for this should be investigated to identify any learning; however,

The prioritising of immigration control over the safety of women and girls ties the hands of state agencies tasked with protecting and supporting them.

35. Ministry of Justice. (2024). *Female offender strategy delivery plan tracker table*, row 7, Available at: [https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F6634a4524d8bb7378fb6c1ea%2FTracker\\_02.05\\_FINAL.ods&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F6634a4524d8bb7378fb6c1ea%2FTracker_02.05_FINAL.ods&wdOrigin=BROWSELINK) (Accessed: 22/07/24).

36. Tackling Double Disadvantage partnership (2023). p.12, see n.33.

37. House of Commons Justice Committee. (2023). *The role of adult custodial remand in the criminal justice system: Government Response to the Committee's Seventh Report*, Available at: <https://committees.parliament.uk/publications/34667/documents/190808/default/> (Accessed: 22/07/24).

38. Ministry of Justice (2024). row 53, see n.35.

39. HM Inspectorate of Probation and HM Inspectorate of Prisons. (2024). *The quality of work undertaken with women: A joint inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons*, p.12, Available at: <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2024/05/The-quality-of-work-undertaken-with-women-A-thematic-report-2.pdf> (Accessed: 22/07/24).

40. For a discussion of the over-use of arrest for women, particularly Black women, see: Howard League for Penal Reform. (2020). *Arresting the entry of women into the criminal justice system: Briefing Two*, Available at: <https://howardleague.org/publications/arresting-the-entry-of-women-into-the-criminal-justice-system-briefing-two/> (Accessed: 22/07/24).

41. Refuge, 'Ahead of Black History Month, Refuge calls for better protection for Black women experiencing domestic abuse', 30 September 2021, Available at: <https://refuge.org.uk/news/refuge-better-protection-of-black-women-domestic-abuse/> (Accessed: 22/07/24).

disproportionality remains high. Recent research has also identified evidence of racial disproportionality in the outcomes of CPS decisions.<sup>42</sup> Informal observations by Hibiscus, who took part in a women's police diversion scheme in London, suggest significant barriers to accessing such schemes for Black and minoritised migrant women.<sup>43</sup>

Despite these concerns, the Police Race Action Plan only mentions women and girls to acknowledge that 'Black women... are disproportionately victims of sexual assault' and to comment, 'We should consider where racial inequality in the application of police powers is amplified due to overlapping with other protected characteristics, such as age and gender.'<sup>44</sup> No specialist women's or girls' organisations are referenced as having been consulted on the plan.

Hibiscus, in collaboration with Centre for Women's Justice and City University of London's Centre for Justice Reform, has engaged with the National Police Chiefs Council (NPCC) and CPS to seek reforms. This work has centred women with lived experience through the use of film and supporting women to attend meetings with strategic leads.<sup>45</sup> The NPCC and CPS have begun strategic work to improve their response to women and girls as suspects and defendants, making commitments to address intersectional discrimination experienced by Black, minoritised and migrant women and girls, and to improve understanding of the links between victimisation and criminalisation.<sup>46</sup>

Racism and misogyny in the criminal justice system has been exposed through revelations about police practice in the UK and abroad.

## Migrant women's treatment

Stigmatising political rhetoric about 'illegal migrants', recent immigration legislation and the failure to introduce a data firewall continue to increase the vulnerability of migrant women to abuse, exploitation and criminalisation. Immigration control is still being prioritised over women's rehabilitation, as illustrated in a recent inspection of HMP and YOI Peterborough which repeated an earlier, unmet recommendation for 'foreign national' women to be considered for open conditions whether or not they face deportation.<sup>47</sup>

## What next?

The work undertaken in pockets of the system is welcome and important. However, without a rigorous, strategic, intersectional approach, these efforts may have little or no impact. Policy makers and practitioners have outlined key barriers to progress; in response, Women's Justice Reimagined has reiterated the need for 'a strategic, cross-government approach to achieve culture change and systems change, focusing on impact', calling on government and criminal justice agencies to centre women and girls' expertise, reform funding for WSS and resolve its issues with data.<sup>48</sup>

The unequal treatment and outcomes experienced by Black, minoritised and migrant women in contact with the criminal justice system provide clear evidence of structural oppression. There has been a historical failure by policy makers to

42. Crown Prosecution Service. (2023). *CPS charging decisions – examining demographic disparities in the outcomes of our decision making*, Available at: <https://www.cps.gov.uk/publication/cps-charging-decisions-examining-demographic-disparities-outcomes-our-decision-making#:~:text=The%20research%20found%20disproportionality%20relating,cases%20resulting%20in%20a%20charge>. (Accessed: 22/07/24).

43. Advance. (2021). *"Women need women who support them": London Women's Diversion Service – The impact of community support on diverting women from the criminal justice system*, Available at: <https://www.advancecharity.org.uk/wp-content/uploads/2021/11/London-Womens-Diversion-report-2021-final-.pdf> (Accessed: 22/07/24).

44. College of Policing & National Police Chiefs Council. (2022). *Police Race Action Plan: Improving Policing for Black People*, pp.40 and 28, Available at: <https://assets.college.police.uk/s3fs-public/Police-Race-Action-Plan.pdf> (Accessed: 22/07/24).

45. See for example Centre for Women's Justice series of films, 'Stop Criminalising Survivors', launched in December 2023, including 'Ivory's Story', Available at: <https://www.centreforwomensjustice.org.uk/stop-criminalising-survivors> (Accessed: 22/07/24).

46. Presentation by ACO Cat Hemmings at multi-agency online meeting, 29/02/2024. Similar commitments are expected to be included in the CPS' forthcoming Tackling VAWG Strategy.

47. HM Chief Inspector of Prisons. (2023). *Report on an unannounced inspection of HMP/YOI Peterborough (Women) by HM Chief Inspector of Prisons (6-16 November 2023)*, p55, Available at: <https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/19/2024/03/Peterborough-women-web-2023.pdf> (Accessed: 22/07/24).

48. Tackling Double Disadvantage partnership (2023). pp.10 and 19, see n.33.

use an intersectional approach, giving proper strategic consideration to race, religion and nationality at the same time as gender, reflecting women's and girls' real-life experience. This has increased the risk of criminalisation for Black, minoritised and migrant women and girls.

Implementation of reforms has been 'limited and piecemeal' and outcomes have not improved enough, or at all in many areas. The harsh reality of racism and misogyny in the criminal justice system has been exposed by recent events, and the limited response from government and criminal justice agencies has been disappointing; meanwhile the erosion of public services and failure to prioritise the rights, safety and rehabilitation of migrant women over immigration

control increases their exposure to abuse, exploitation and criminalisation.

WSS supporting Black, minoritised and migrant women have led the way in centring women's insights into their own experience, promoting their rights and developing effective practice using an intersectional approach. Their continued feminist leadership will be crucial to realising radical reform.

Achieving progress requires a cross-government approach with strong, visible leadership; it must be based on serious collaborative work with Black, minoritised and migrant women and girls, and WSS, centring anti-racist practice; this in turn requires adequate and sustainable investment. Fostering intersectional feminist leadership in this way, will be money well spent.



# 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.

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Over the past twenty-five years, problem-solving courts have emerged as one response to calls for criminal justice reform.<sup>2</sup> These courts, which were born of public and legal perceptions of an 'ineffective' system of punishment,<sup>3</sup> bring community treatment together with the court—often as a mechanism for delivering behavioural change in people with convictions. Operating out of existing criminal courts, as well as separate institutions, problem-solving courts place judges at the centre of rehabilitation, with the aim of using 'engagement with the justice system to motivate and provide accountability for people who engage with support [services]'.<sup>4</sup> Operating in many regions across the world, from the USA to Brazil to Australia, problem-solving courts address the personal, social, and structural factors that can both lead to offending and exacerbate experiences of stigmatisation for those involved in the criminal justice system.<sup>5 6</sup> In this way, although often focussed on individual behaviour change, they take a more relational and whole

systems approach to the context in which behaviour changes occur.

### Women's Experiences of the Justice System: A Global Overview

It is only in the last few decades that criminological research has widened its focus beyond male criminality to consider women's experiences of criminalisation.<sup>7</sup> Women have been afforded a position on the margins of an already alienated landscape, and in this way, justice-involved women are doubly stigmatised, for both their alleged offence and the subjugation of their gender identity. A macro-level analysis of women's problems across global justice systems finds a set of intersectional trends.

There are a disproportionate number of socially disadvantaged women in global prison systems.<sup>8</sup> In many countries, typical female offenders will be young, unemployed, have low levels of education, and/or have dependent children.<sup>9</sup> Beyond the remit of sentencing, women are subjected to distinctly traumatising

1. This article has been compiled by Dr Shona Minson, drawing on her own research and on contributions by all of the co-authors, with special thanks to Adam Kludge for his work in compiling all of the referenced research from the combined contributions. These contributions have come from an international group convened by Dr Ruth Armstrong, and the paper has grown from a roundtable originally presented at the American Society of Criminology Conference 2023. Dr Ruth Armstrong is the corresponding author and can be reached on [ruth@justicematters.org.uk](mailto:ruth@justicematters.org.uk)
2. Dorf, M., and Fagan, J. (2003). Problem-Solving Courts: From Innovation to Institutionalization. *American Criminal Law Review*, 40, 1501-1511.
3. Berman, G., and Feinblatt, J. (2001). Problem-Solving Courts: A Brief Primer. *Law & Policy*, 23(2), 125-140.
4. Mentzou, A., and Mutebi, N. (2023). *Problem-solving courts*. UK Parliament: POSTnote 700.
5. Centre for Justice Innovation (2016). *Problem-solving courts: A delivery plan*. Available at: <https://justiceinnovation.org/sites/default/files/media/documents/2019-03/problem-solving-courts-a-delivery-plan.pdf>
6. UK Government (2022). *New Problem-Solving Courts to combat drug and alcohol-fuelled crime*. Available at: <https://www.gov.uk/government/news/new-problem-solving-courts-to-combat-drug-and-alcohol-fuelled-crime>.
7. Covington, S., and Bloom, B. (2003). Gendered Justice: Women in the Criminal Justice System. In Barbara E. Bloom (Ed.), *Gendered Justice: Addressing Female Offenders*. Carolina Academic Press.
8. Bloom, B., Owen, B., and Covington, S. (2002). *Gender-responsive strategies: Research, practice, and guiding principles for women offenders*. Washington, DC: National Institute of Corrections.
9. Penal Reform International (2013). *Discrimination against women in criminal justice systems*. UK Aid: The Inter-Parliamentary Assembly.

experiences of abuse within the confines of the physical prison facility. It was found, for example, that 37.4 per cent of Brazilian female prisoners experienced physical violence during their carceral stay.<sup>10</sup> Moreover, a study carried out in a female prison in the countryside of São Paulo found that officer-on-inmate violence was often used in place of rehabilitation, with the explicit intention of further traumatising female prisoners into submission.<sup>11</sup>

Gender plays a paramount role in constructing the dimensions of stigma and trauma for justice-involved women as the separation of women from their children is considered to be among the most damaging aspects of criminal punishment for women.<sup>12</sup> In the United States, women are routinely shackled for both the duration of their pregnancies and during their labour,<sup>13</sup> and in a variety of global penal facilities female prisoners are left without adequate medical, reproductive, and gender-specific treatments.<sup>14</sup> These mechanisations of carceral violence prove further destructive for women belonging to other subjugated identity groups. Vaswani<sup>15</sup> has written extensively on this subject, suggesting that women involved in the criminal justice system are perceived as ‘double wrong, violating not only the law but also gender norms and expectations in society’.<sup>16</sup>

A study by Carbone-Lopez and Kruttschnitt found that Black women reported higher rates of racial discrimination by both prison officers and other incarcerated people than their white female counterparts.<sup>17</sup> A similar study found that the attitudes of prison personnel grew increasingly hostile when the population of incarcerated women was majority-Black.<sup>18</sup> A study in the UK found that Black women are about 25 per cent more likely to receive a custodial sentence than white women.<sup>19</sup>

## Problem-Solving Courts: A Way Ahead?

The violent and traumatic dimensions of stigma that delineate women’s experiences with the justice system make evident the urgent need for a reappraisal of global punishment regimes. Understanding gender-based abuse as further compounded by experiences of race and class-based discrimination, with social conceptions of motherhood further weaponized by penal personnel, problem-solving courts offer a means by which to consider the complex experiences and needs of justice-involved women.<sup>20</sup>

The term ‘problem solving court’ (PSC) is widely used and includes a variety of courts: intensive supervision courts, treatment courts, drug courts, veterans’ courts, community courts, domestic violence courts, mental health courts, female offenders’ courts. There is not a ‘model’ problem solving court, and even within the same jurisdiction the problem-solving courts may operate on quite different principles and with different parameters.

In this article we look at the operation of PSC to which women are admitted in five jurisdictions: the United States, Argentina, Chile, England and Wales, and Scotland.

## United States

### Context

The first iteration of a problem-solving court was established in 1989 in Miami Dade County in the form of a drug court aiming to provide judicially monitored treatment to low-level offenders suffering from drug addiction.<sup>21</sup> The judge, prosecutor and defence worked together in a non-adversarial manner to deploy rewards and sanctions in order to encourage treatment

10. Gama-Araujo, I., Bezerra Filho, J., Kerr, L., Kendall, C., Macena, R., and Mota, R. (2020). Physical violence inside female prisons in Brazil: prevalence and related factors. *Ciência & Saúde Coletiva*, 25(2), 623–632.
11. Scherer, Z., Scherer, E., Stefanini, J., and Cocenas, S. (2011). Mulheres detentas e suas vivências acerca da violência no cárcere. *Oralidades*, 5(9), 59–73.
12. Abbott, L., Scott, T., and Thomas, H. (2024). Institutional thoughtlessness and the incarcerated pregnancy. *Criminology & Criminal Justice*, 0(0); Baunach, P. (1985). *Mothers in prison*. New York: Transaction Books/Rutgers University Press; Bloom, B., & Steinhart, D. (1993). *Why punish the children? A reappraisal of the children of incarcerated mothers in America*. San Francisco: National Council on Crime and Delinquency.
13. Clarke, J., and Simon, R. (2013). Shackling and Separation: Motherhood in Prison. *Virtual Mentor*, 15(9), 779–785.
14. Amnesty International (1999). *Not part of my sentence: violations of the human rights of women in custody*. Accessed 20 May 2024; Braithwaite, R., Treadwell, H., & Arriola, K. (2005). Health disparities and incarcerated women: a population ignored. *American Journal of Public Health*, 95(10), 1679–1681.
15. Vaswani, N. (2019). *The trauma, bereavement and loss experiences of women in prison*. Scotland: Centre for Youth & Criminal Justice (CYCJ).
16. Earle, J. (2018). Why Focus on Reducing Women’s Imprisonment? In Emma Milne, Karen Brennan, Nigel South, & Jackie Turton (Eds.), *Women and the Criminal Justice System: Failing Victims and Offenders?* Cham: Springer International Publishing, 187–219; Heidensohn, F. (2013). *Gender and justice*. London: Routledge.
17. Carbone-Lopez, K., and Kruttschnitt, C. (2003). Assessing the racial climate in women’s institutions in the context of penal reform. *Women & Criminal Justice*, 15, 55–79.
18. McCorkel, J. (2013). *Breaking women: Gender, race and the new politics of imprisonment*. New York, NY: New York University Press; See also, Owen, B., Wells, J., & Pollock, J. (2017). *In search of safety. Confronting inequality in women’s imprisonment*. Oakland, CA: University of California Press.
19. Cox, J. and Sacks-Jones, K. (2017). *“Double disadvantage”: The experiences of Black, Asian and Minority Ethnic women in the criminal justice system*. Agenda: Alliance for Women & Girls at Risk.
20. Castellano, U. (2011). Problem-Solving Courts: Theory and Practice. *Sociology Compass*, 5, 957–967.
21. Hora, P., Schma, W., and Rosenthal, J. (1998). Therapeutic jurisprudence and the drug treatment court movement: Revolutionizing the criminal justice system’s response to drug abuse and crime in America. *Notre Dame Law Review*, 74, 439–538.

adherence. A decade later the first community court, the Red Hook Community Justice Center, opened its doors in 2000 in Brooklyn, New York. It was established after the murder of the Red Hook Public School principal. Three teenagers were convicted for his murder and the incident became a catalyst for change. In a collaboration between the County District Attorney, the chief judge of the New York Court of Appeals and the New York Centre for Court Innovation, a judge-led programme of court monitored intervention for low level crime was developed. Since that time a range of problem-solving courts have emerged across the United States. Courts have their own particularities, but the Best Practice Standards for Adult Treatment Courts, issued by the national organisation All Rise, are followed in many courts.<sup>22</sup> The drug court in Harris County, Texas is one such court.

#### **Drug Treatment Court, Harris County Texas**

**Admission:** The court admits both men and women. Entry into the drug court is voluntary and referrals are made, based on eligibility criteria, by judges, prosecutors, defence attorneys, probation officers, law enforcement, family members, treatment professionals and peer recovery specialists. Entry into the programs can be either prior to sentence, where the court acts as a diversion mechanism, or after plea. There are criteria for entry, including some disqualifying offences, but overall admission is based on a clinical assessment of risks and needs, whereby higher risks and needs makes it more likely someone is admitted, because the research shows problem solving court approaches are more successful for this cohort.<sup>23</sup>

**Staffing:** A multidisciplinary team manages the operations of the Drug Court, including attending pre-court staff meetings and status hearings, contributing to the review within the team members' areas of expertise, and delivering or overseeing the delivery of

legal, treatment and supervision services. Team members are expected to share information regarding a participant's compliance or non-compliance with program requirements based on their professional knowledge, training, and experience, however the judge is the final decision maker regarding legal disputes, incentives, sanctions, and case disposition.

**Programme:** The treatment court applies evidence-based and procedurally fair behavior modification practices that are proven to be safe and effective for high-risk and high-need persons. The judge relies on licensed treatment professionals when issuing treatment conditions. Incentives and sanctions are delivered to enhance adherence to programme goals and conditions that participants can achieve and sustain for a reasonable time. Participants are rewarded for engaging in healthy activities that contribute to treatment goals and promote long-term recovery. Sanctions are delivered for noncompliance of achievable goals and are specific to a particular behavior. Participants should receive advance, written notice of behaviors that are expected and those that are violations.

**Progression:** Pre-plea dispositions allow the participant to enter into a pre-trial diversion contract and be placed on supervision. When all the elements of the contract have been met, the case is dismissed and can be expunged. Post-plea dispositions place the participant on probation or deferred adjudication and participation in the court is a condition of probation.

#### **Latin America**

##### *Context*

Globally, between 2002 and 2022, the male prison population has increased by 28 per cent<sup>24</sup> whilst the female prison population has soared by 60 per cent.<sup>25</sup> Latin America and the Caribbean represent the region

Gender plays a  
paramount role in  
constructing the  
dimensions of  
stigma and trauma  
for justice-involved  
women as the  
separation of  
women from their  
children is  
considered to be  
among the most  
damaging aspects  
of criminal  
punishment for  
women.

22. All Rise (2024). *Adult Treatment Court, Best Practice Standards, 2nd ed.: Definitive guidance for treatment court practitioners*. Available at [https://allrise.org/wp-content/uploads/2024/05/Adult-Treatment-Court-Best-Practice-Standards-I-VI\\_VIII\\_X-final.pdf](https://allrise.org/wp-content/uploads/2024/05/Adult-Treatment-Court-Best-Practice-Standards-I-VI_VIII_X-final.pdf)

23. See footnote 25: All Rise (2024)

24. Fair, H., & Walmsley, R. (2021). *World Prison Population List (13th edition)*. London: ICPR.

25. Fair, H., & Walmsley, R. (2022). *World Female Imprisonment List (5th edition)*. London: ICPR.



in the world with the highest rise of the female prison population, where it increased by 151 per cent between 2020 and 2022. Drug-related offences represent the main cause for this trend, particularly the use of mandatory or *de facto* pre-trial detention, disproportionate sentences, the criminalization of substance use-related conducts and the legal prohibitions or obstacles to access non-custodial measures during trial or after sentencing.<sup>26</sup> As referenced in the introduction, whilst women represent a minority of the total prison population, about 5.5 per cent, they face particular conditions of vulnerability which begin before their incarceration and are exacerbated by it. Incarcerated women mostly come from poor households and have experienced gender-based violence since childhood. They are primary or sole caregivers of small children as well as caregivers and providers of other dependent people, such as their parents.<sup>27</sup> Children living in prison with their mothers usually face the same precarious living conditions as their mothers and are subject to the same prison regime.<sup>28</sup> The report *Women deprived of their liberty in the Americas* provides a detailed picture of women's challenges in the prison system and the systematic human rights violations they are exposed to, among them, lack of adequate spaces and women only prisons and accommodation in mixed centres which provide little or no access to women's services.<sup>29</sup> Reduced access to education programmes, training and employability contribute to the erosion, rather than the enhancement of women's personal and social capital. This increases the strain on women and their families. Post-prison life can be equally harsh, with stigma, loneliness and fragile support and family networks hindering women's processes of recuperation

Reduced access to education programmes, training and employability contribute to the erosion, rather than the enhancement of women's personal and social capital.

of themselves and their role and place in their life, family and community.

Problem-solving courts have been implemented in multiple countries in Latin America, mainly in the form of drug courts<sup>30</sup> or under restorative programs that use criminal mediation mechanisms.<sup>31</sup> In general, these are initiatives that operate under the mechanism of suspended sentences, and they do not have a particular gender focus. In this article, we pay particular attention to the Argentinian and Chilean case studies in light of their differing levels of development.

### **Problem-Solving Courts in Argentina**

The Penal Enforcement Court N°5 led by Judge Maria Jimena Monsalve has implemented a Therapeutic Tribunal programme that treats women with substance abuse problems, and men who have been sentenced for gender-based violence offences.<sup>32</sup> Enforcement courts in Argentina monitor the compliance of criminal judgments and are responsible for controlling prison conditions, applying alternative measures, and deciding on detention regimes and early release. By law, conditional sentences, parole, and restorative approaches to crime can be used by judges, and sentences must aim to achieve the rehabilitative principle of social integration rather than just punishment. Taking place outside the current adversarial model and logic, the dynamics of the Therapeutic Tribunal programme are nourished by therapeutic, restorative and compositional practices as well as a procedural justice approach focusing on treating the participant in court with respect and dignity.

**Admission:** This problem-solving approach favours the early identification of drug users and offers them immediate access to treatment under the

26. Youngers, C., García Castro, T., and Manzur, M. (2020). *Women behind bars for drug offenses in Latin America: What the numbers make clear*. Washington D.C.: WOLA.
27. Safranoff, A., and Tiravassi, A. (2018). *Mujeres en contextos de encierro en América Latina. Características y factores de riesgo asociados a determinados comportamientos delictivos*. Washington D.C.: Inter-American Development Bank; Wilson Center Latin American.
28. Giacomello, C. (2018). *Niñas y niños que viven en prisión con sus madres. Una perspectiva jurídica comparada*. Mexico City: Suprema Corte de Justicia de la Nación.
29. Inter-American Commission on Human Rights (2023). *Women Deprived of Liberty in the Americas*. Washington D.C.: OAS
30. Inter-American Drug Abuse Commission (2013). *Drug Treatment Courts: An international response for drug dependent offenders*. OAS *Official Records Series*, 155-66; Social Science Research Council (2018). *Drug Courts in the Americas*. Drugs, Security and Democracy Program.
31. Galleguillos, S., and Figueroa, U. (2023). Is it part of my job? Prosecution and restorative justice in Chile. *Criminology & Criminal Justice*, 0(0); Highton, E. I. (2016). *La mediación en el panorama Latinoamericano*. Centro de Estudios de Justicia de las Americas.
32. Ministerio de Justicia y Derechos Humanos -Presidencia de la Nación (2021). *Tribunales de tratamiento de Drogas: Análisis de su implementación en Argentina*.

supervision of the judge. The judge acts as a therapeutic agent and is committed to finding a solution to the underlying conflict. The programme is proposed to participants under suspended sentence orders and/or probation, and it is voluntary.

**Programme:** If the participant accepts the programme, they undergo a psycho-social evaluation called 'preceding examination' carried out by an interdisciplinary team in the court. This team assesses suitability and refers the participant to the Drug dependency and Addictions National Agency team, which will allocate a vacancy in a centre and determine the treatment to be followed (e.g., individual therapy, day hospital, hospitalisation, comprehensive care in a Community Care and Assistance Center). The three main objectives of the intervention are to reduce consumption; avoid relapse into crime; and achieve social integration. Supervision meetings may be weekly, biweekly, monthly or bimonthly and are scheduled according to the participant's needs. Conditions are often set in the form of small behavioural agreements to be reached with members of different disciplines, such as psychology, psychiatry, social work, and medicine, and with the participant's consent.

**Staffing:** The judge does not act alone but works alongside the other professionals in the interdisciplinary team. During the programme, the judge encourages open debate on the conditions and/or short-term objectives to be potentially imposed. Alongside the court, various institutional and non-institutional actors, such as the Drug dependency and Addictions National Agency, the Prosecution Service, the Public Defender's Office, the National Directorate for Social Reintegration of the Ministry of Justice, and community or grassroots treatment centres support the programme.

**Progression:** As the intervention progresses, the program contemplates relapses in consumption and continues to engage with the participant when they occur. When a participant makes progress, the judge may recognise it by introducing benefits related to their recreational and leisure preferences; or by reducing the frequency of judicial supervision. In the event of non-compliance, increased judicial supervision is more likely. The programme ends with a graduation-style

meeting. The participant's achievements are highlighted in the presence of family and friends and the participant receives a diploma certifying the successful completion of the programme in what tends to be a very emotional ceremony.

### ***Problem-Solving Courts in Chile***

In Chile the most well-developed iteration of problem-solving courts is the drug treatment court. Currently, there are drug courts operating voluntarily in the country. They occur as a block of hearings within traditional penal courts.

**Admission:** Many of the people admitted to the drug courts are women, and their criminal proceedings are suspended when they are admitted into the court. More recently, with the expanded availability of drug courts for juveniles, young women have had the opportunity to either enter or continue with a drug court programme as a cautionary measure or alongside an ongoing sentence. Although not yet implemented, Figueroa, Rufs and Koppmann have designed a theoretical model which proposes the use of problem-solving courts for women who are mothers and who risk prison sentences.<sup>33</sup> Women would be admitted on the condition that they adhere to an intervention program during the period of supervision.

**Staffing:** Judges usually begin working in drug courts with no prior training or familiarity with the procedural manual. Each court collaborates with a therapeutic team constituted of a psychologist and social worker who assess potential candidates and provide guidance to judges with respect to verbal encouragements and therapeutic decisions.

**Programme:** There is little information on the operation of the courts, but recent ethnographic fieldwork reported that therapeutic team members said the courts generally lack the resources to systematically offer support in cases such as domestic violence and teenage pregnancy.<sup>34</sup> Drug treatment courts in Chile do not have the authority to apply rewards and sanctions to motivate compliance.

In the proposed model, women would be required to live in specified housing units.<sup>35</sup> The court programme would facilitate the placement of their children in day care centres or schools during the

Young women have  
had the opportunity  
to either enter or  
continue with a  
drug court  
programme as a  
cautionary measure  
or alongside an  
ongoing sentence.

33. Figueroa, U., Rufs, C., & Koppmann, F. (2021). Rediseñando la respuesta penal para hijos e hijas de mujeres encarceladas. Available at: [https://justiciaysociedad.uc.cl/wpcontent/uploads/2023/01/Figueroa\\_Rufs\\_Koppmann\\_2021\\_\\_\\_\\_.pdf](https://justiciaysociedad.uc.cl/wpcontent/uploads/2023/01/Figueroa_Rufs_Koppmann_2021____.pdf)

34. Vatau, I. (2024). unreported fieldwork. University of Oxford.

35. See footnote 36: Figueroa (2021)

supervision period, and they would be offered programmes to promote parenting skills, reduce drug use and reduce their risk of recidivism. The women would be required to attend a monthly court hearing, where the program officer in charge of the case would present to the court, the prosecutor and the woman's defence, the progress of her intervention plan and her behaviour at the halfway house.

**Progression:** As most people enter the court with a conditional suspension of criminal proceedings, their stay within the court can be dependent on their status. Usually, removal from court only occurs if the offender has committed another offence. However, in the case of juveniles, prosecutorial discretion can permit their continuation in the court even if they change status to a cautionary measure or sentence. If treatment is unsuccessful, participants have the opportunity to negotiate and alter their conditions to no longer include the drug court provision. Should they wish to, participants can also continue with treatment at no cost following the completion of drug court judicial monitoring.

## United Kingdom

### Context

In the year to June 2023, 5286 women entered prison in England and Wales.<sup>36</sup> In Scotland the weekly average women's prison population is around 308 women.<sup>37</sup> In England and Wales, 69 per cent of women sentenced to imprisonment have committed non-violent offences. The most common offence for women is theft. 53 per cent of all women in prison have been sentenced to less than six months in prison, which means they will spend only three months, half their sentence, in prison before serving the rest 'on licence' in the community.<sup>38</sup> 53 per cent of women in prison have suffered sexual, emotional or physical abuse.<sup>39</sup> 48 per cent committed the offence to support the drug use of someone else.<sup>40</sup> 76 per cent report problems with their mental health and 46 per cent have attempted suicide.<sup>41</sup> 31 per cent have spent time in local authority care.<sup>42</sup> 35 per cent of all women

cautioned and convicted were first time offenders, and 23 per cent of women in prison in England and Wales are serving a prison sentence for their first conviction.<sup>43</sup> It is estimated that between 50 per cent and 60 per cent of women are mothers to children under 18 years.<sup>44</sup> There is extensive and irrefutable research evidence that prison does not reduce reoffending; it actually increases it when compared to reoffending by people who have served community sentences.<sup>45</sup> When women enter prison, they often lose their housing, any employment that they had, and their children. Short sentences and an under resourced prison system do not allow offending behaviour or drivers of offending—poverty, addiction mental ill health—to be addressed sufficiently.

## Problem-Solving Courts in England

In 2014 Greater Manchester introduced 'The Whole System Approach' (WSA) for women: gender responsive support to women in contact with the criminal justice system, and the first women's problem-solving court in the UK was established.<sup>46</sup> More recently, a pilot 'Intensive Supervision Court' for women has been established at Birmingham Magistrates' Court.

### Manchester

**Admission:** The court focuses on women at risk of custody or a high-level community order, who have multiple complex needs that may include, debts, physical and mental health, adverse childhood experiences and trauma, parenting, accommodation, substance misuse and domestic abuse. The decision to sentence them to the problem-solving court is made at the time of sentence following inter-agency consultation.

**Staffing:** The magistrates courts are a three person lay (volunteer) tribunal. The court is supported by Probation staff.

**Programme:** The women are given Community Orders or Suspended Sentence Orders and are expected to combine a Rehabilitation Activity Requirement with court reviews. Sentence plans are drawn up at multi-

36. Ministry of Justice (2023). *Offender Management Statistics*. London: Ministry of Justice.

37. Scottish Prison Service (2024). SPS Quarterly Public Information Page Prison by Numbers, Quarter 3 (October -December 2023).

38. Ministry of Justice (2022). *Offender Management Statistics*. London: Ministry of Justice.

39. Ministry of Justice (2012). *Prisoners' childhood and family backgrounds*. London: Ministry of Justice.

40. Ministry of Justice (2019). *Women in the Criminal Justice System*. London: Ministry of Justice.

41. HM Inspectorate of Prisons (2022). *Annual Report 2021-2022*. London: HMIP.

42. Hansard (2023). House of Lords written questions HL8980, 17 July 2023. Available at <https://questions-statements.parliament.uk/written-questions/detail/2023-07-03/HL8980>

43. Ministry of Justice (2021). *Statistics on Women and the Criminal Justice System 2021*. London: Ministry of Justice.

44. HM Chief Inspector of Prisons (2017). *Report on an Unannounced Inspection of HMP & YOI Bronzefield*. Edinburgh: His Majesty's Inspectorate of Prisons; HM Chief Inspector of Prisons (2018). *Report on an Unannounced Inspection of HMP & YOI Bronzefield*. Edinburgh: His Majesty's Inspectorate of Prisons.

45. Ministry of Justice (2023). Compendium of re-offending statistics and analysis, Table 1.1.

46. Kinsella, R., Clarke, B., Lowthian, J., Ellison, M., Kiss, Z., and Wong, K. (2018). *Whole System Approach for Women Offenders Final Evaluation Report*. Manchester Metropolitan University Policy Evaluation and Research Unit. Available at: [https://e-space.mmu.ac.uk/621414/1/WSA%20FINAL%20REPORT%2018\\_05\\_30.pdf](https://e-space.mmu.ac.uk/621414/1/WSA%20FINAL%20REPORT%2018_05_30.pdf)

agency meetings, and the court holds regular reviews to discuss progress and set goals for addressing criminogenic needs. Women's Centres provide support to the women and for many, attendance at such a centre is a requirement of their order.<sup>47</sup>

**Progression:** Failure to attend court reviews does not result in punitive outcomes. Women are given the opportunity to attend but are not forced to do so. When the women complete their intervention, they are discharged from the court. The usual time to spend under the supervision of the court is around 12 months. Greater Manchester has a lower annual average reoffending rate for females compared to similar urban areas, and England and Wales overall (15 per cent compared to 23 per cent for the April 2017 to March 2018 cohort). This may be attributable to the WSA including the problem-solving court.<sup>48</sup>

### **Problem-Solving Courts in Scotland**

In Scotland, the Aberdeen Problem Solving Approach (PSA) for women was established in November 2015 and in 2023 a Female Offenders Court (FOC) was established in Glasgow Sheriff Court.

**Admission:** The Aberdeen court was aimed at women with a history of frequent low-level offending with multiple and complex needs. In the Glasgow FOC the women who are admitted to the court may have been convicted of a crime for which custody could be imposed. 'Those admitted into the PSA have their sentence deferred while they engage with service providers for a specified period of time, during which they must return to court for regular judicial reviews with a dedicated sheriff.'<sup>49</sup>

**Staffing:** The courts have dedicated sheriffs so that the women see the same sheriff at each review. Throughout their sentence the women are supervised

by a criminal justice social worker, and they are offered support from Women's Centres.

**Programme:** Punishment is deferred until they've had time to address their presenting issues under the FOC supervision. They may attend courses or receive support from women's centres. They may be referred to treatment programmes for addiction or mental health issues.

**Progression:** If women can engage with the services offered and make progress with the presenting problems in their lives, they can end their time at the court by being 'admonished'. This means that no further penalty is imposed, and the case is finished. If they do not make progress they will be referred back to a traditional court for sentencing.

### **Research on the gender specific benefits of problem-solving courts**

Punishment is deferred until they've had time to address their presenting issues under the FOC supervision.

In the United States, where the problem-solving court model originated, there has been an opportunity for longer evaluations demonstrating the effectiveness of the courts across time.<sup>50</sup> Evaluation of the Red Hook Community Justice Center in Brooklyn has shown positive outcomes with people involved in the programme being 20 per cent less likely to be re-arrested.<sup>51</sup> Data showed that it increased the sense of procedural fairness and community confidence in the

justice system,<sup>52</sup> and cost benefit analysis indicated that the total benefits exceed the total costs in a ratio of nearly 2 to 1.<sup>53</sup> It is harder to find gender specific research evaluations for problem solving courts, but Myer and Buchholz used a quasi-experimental matched case design to evaluate the effect of a gender-specific drug treatment court in the Mid-West on recidivism, measured by new convictions, and a 2-year follow-up found that women who participated in the gender-

47. Centre for Justice Innovation (2023). Problem-solving courts: A guide to practice in the United Kingdom. Available at : [https://justiceinnovation.org/sites/default/files/media/document/2023/cji\\_problem-solving-courts-final-0109-web.pdf](https://justiceinnovation.org/sites/default/files/media/document/2023/cji_problem-solving-courts-final-0109-web.pdf)

48. Ministry of Justice (2020). Proven Reoffending Geographical data tool: January 2020.

49. Eunson, J., Murray, L., Graham, H., Malloch, M., & McIvor, G. (2018). *Review of The Aberdeen Problem Solving Approach*. Edinburgh: The Scottish Government. Available at: <https://www.gov.scot/publications/review-aberdeen-problem-solving-approach-report/pages/2/>.

50. DeMatteo, D., Heilbrun, K., Thornewill, A., & Arnold, S. (2019). *Problem-solving courts and the criminal justice system*. Oxford: Oxford University Press; Nolan, J.L. (2012). Problem-Solving Courts: An International Comparison. In Joan Petersilia & Kevin R. Reitz (Eds.), *The Oxford Handbook of Sentencing and Corrections*. Oxford: Oxford University Press.

51. National Center for State Courts (2013). *A Community Court Grows in Brooklyn: A Comprehensive Evaluation of the Red Hook Community Justice Center*.

52. Flynn, S. (2005). The Red Hook Community Justice Center: An Evaluation of a Community Court. *Journal of Psychiatry & Law*, 33, 43–101; Park, S. W. (2022). Every Reasonable Chance plus Two: How the Red Hook Community Justice Center Bridges the Gap between the Community and the Justice System The 2022 Melnick Annual Symposium: The Death and Resurrection of Dialogue. *Cardozo Journal of Conflict Resolution*, 23, 575–598.

53. Center for Court Innovation (2013). *The Red Hook Community Justice Center: Research Findings*.



specific drug treatment court were 17.5 percent less likely to have a new conviction, compared with females on probation in the comparison group who did not participate in the treatment court.<sup>54</sup> The difference was statistically significant.

In the Latin American context, research on problem-solving courts has been scarce. The few studies on problem-solving courts in Latin America have been evaluation studies<sup>55</sup> or ethnographic studies<sup>56</sup> that have focused on drug courts in Chile, but without specifically focusing on their use among women. In the UK there are only a few early-stage evaluations of women's problem-solving courts and a number of papers critiquing the 'potential and the pitfalls'.<sup>57 58</sup> Early-stage evaluations tend to show a high level of satisfaction from participants, but without longitudinal data it is difficult to know what the real benefits and disadvantages of these courts might be over the longer term. The main concern seems to be that of net-widening, or 'up-tariffing'—bringing more women into the criminal justice system and for longer—where women who might remain outside of the criminal justice system are given these sentences to provide support to them which is not available through other means in the community. On the other hand, the potential of reducing reoffending rates and giving women the opportunity to address criminogenic factors in their lives, is a powerful incentive to increase the use of these courts.

We are increasing our understanding of the issues of justice involved women, and problem-solving courts present as potentially interesting alternatives to traditional courts when considering the intersectional harms and criminogenic risks attached to women's experiences of the justice system in a variety of jurisdictions. They centre women's experiences and

needs instead of retribution and punishment, by recognising that many women need support and structured input to stabilise aspects of their life so that they can desist from the behaviours that caused them to be brought to the attention of the courts. As such, they situate women as central to solving their criminal behaviour but do so within a context that acknowledges and seeks to respond to at least some aspects of the systemic and intersecting social deprivation factors that contribute to women's offending. However, this brief examination of problem-solving courts in five jurisdictions has demonstrated that although their use is increasing across the world, they have disparate aims and approaches, and very little is known about the outcomes for women. There is no doubt that alternative justice solutions are needed; it is therefore important that evidence on the operation and efficacy of problem-solving courts for women is given proper attention. If evidence-based practice is to be developed we need to consider evidence from four sources: research evidence, professional expertise, user experience and the practice context.<sup>59</sup> There has been a pattern in the UK of problem-solving court pilots starting and stopping, and if they are to be a long term, sustainable part of the justice system there must be proper evaluation of outcomes over longer time periods, with data gathered from users, practitioners and academics to help us understand what is happening and why. Problem solving courts have become a global justice initiative and there is no doubt that international collaboration to enable learning from different models in future research and evaluation will serve justice involved women and contribute to what we can draw from these models for criminal justice more broadly.

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54. Myer, A., & Buchholz, M. (2018). *Program Profile: Gender-Specific Drug Treatment Court (Midwestern State)*. National Institute of Justice. Available here: <https://crimesolutions.ojp.gov/ratedprograms/747#9-0>
  55. Morales, A. Moraga, G., & Figueroa, U. (2019). *Evaluación de impacto y de costo beneficio de los tribunales de tratamiento de drogas en Chile*. Fundación Paz Ciudadana y Banco Interamericano de Desarrollo; Zapata Arca, G. (2023). Reincidencia delictual de adolescentes egresados del tribunal de tratamiento de drogas: Un aporte desde los principios de la justicia terapéutica. *Revista Iberoamericana de Justicia Terapéutica*, 6.
  56. Hersant, J., and Reyes, C. (2024). Therapeutic Justice and Humanization of the Criminal Process. Proposals for the strengthening of socio-legal intervention in the Drug Treatment Courts. *Topics of the 2024 Public Agenda*. UC Center for Public Policy. In press
  57. See footnote 52: Eunson (2018); see also, footnote 49: Kinsella (2018)
  58. Birkett, G. (2021). Solving her Problems? Beyond the Seductive Appeal of Specialist Problem-Solving Courts for Women Offenders in England and Wales. *Journal of Social Policy*, 50(1), 104-121; Gelsthorpe, L. (2017). *The Potential and Pitfalls of 'Problem-Solving-Courts for Women'*. Howard League ECRAN Bulletin 33.
  59. Armstrong, R. (2024). (How) Can prisons be run using the principles of evidence-based practice? *Prison Service Journal*, 271, 68-79; Straus, S. E., Glasziou, P., Richardson, W. S., & Haynes, R. B. (2011). *Evidence-based medicine: How to practice and teach it*. Churchill Livingstone Elsevier.

# Meet the problem solvers:

*An interview with four women with expertise on women's problem-solving courts*

**Amanda Dutton** is a Recovery Support Peer Specialist at Santa Maria Hostel, Texas. **Hannah Fisher** is Head of Intensive Supervision Courts — His Majesty's Prison and Probation Service (HMPPS), **Maria Jimena Monsalve** is a Judge in Argentina, and **Mary Covington** is a Program Manager for a nonprofit called Justice Forward.<sup>1</sup> They were interviewed by **Dr Ruth Armstrong** who is a visiting scholar at the Institute of Criminology, University of Cambridge, a consultant for Prison Radio International, and a member of the Prison Service Journal's editorial board.

**RA:** Thank you all for joining me on this zoom call today to discuss your experiences with problem solving courts for women. Please could you tell us about your roles in problem solving courts for women, and your experiences of more traditional courts.

**HF:** I have worked for HMPPS for almost 18 years. My career has taken me through various roles, starting out as a probation officer, leading on approaches for women as a manager and as a regional court lead. Throughout these roles I have had the opportunity to work closely with women in the criminal justice system, and I became particularly passionate about addressing the unique challenges they face. That passion led me to work with others on the women's problem-solving court in Greater Manchester, and then to a national role where I now lead on intensive supervision courts, including the Women's Court in Birmingham.

Through my experiences in traditional courts, I've seen firsthand how they can fall short for women. Traditional courts are not necessarily trauma-informed in their approach. For example, there's often a lack of sentencing options specifically designed for women, and historically, there haven't been many accredited programmes available to them compared to those available to men. This means that the community-based alternatives that could support women and reduce reoffending are often limited or unavailable. However, it's been encouraging to see that some traditional courts are starting to incorporate the lessons learned from problem-solving approaches and applying it to business-as-usual.

**MC:** I have been involved in various types of courts over the years in Texas, including drug, veterans, mental health, and family courts. I spent many years as the director of the adult felony treatment courts in Harris County. I started there in 2003 as the first drug court coordinator, and I helped bring Texas's first veterans

treatment court to life a few years later. Before that I ran traditional court rooms for over 20 years.

When I think back to my experiences in traditional courts, I'm reminded of how random everything felt. In regular court, it was really a matter of chance whether you ended up in a court that might send you to jail or one that would offer you a shot at treatment. The sheer volume of cases meant that individualised care was nearly impossible, and whether someone got access to help or just ended up incarcerated depended on the specific court they happened to be in.

Problem-solving courts changed everything for me. Having seen the same people repeatedly for the same reason in traditional courts, it was really life changing for me to work in problem-solving courts. I'm always talking about Shadd Maruna's work saying the process of criminal justice — the dance of the criminal justice system — is so demeaning and so degrading and so harmful, that if we can take an approach where we can work with people to get a better outcome, where we can start that from the very beginning of someone's sentence and make a difference to the people we work with and how they feel about themselves, how they feel about each other and how we feel about our team and the people that we are working with, then it matters! I felt like I could be a catalyst for change. So many people who come through our problem courts, they'll say, 'Oh, drug court changed my life' and you know, I'll say 'You don't realise you really change ours, too, the way we think about people in criminal justice and the way we treat them.' It's been a life changing experience for me. Over the years, I have built strong, lasting relationships with many of the women in these programmes. It's incredible to see them grow, reconnect with their families, and rebuild their lives. The work in these courts goes beyond justice—it's truly about making a difference, both in their lives and in my own.

**AD:** I work with women and children and pregnant women involved in the Harris County Drug

1. Justice Forward is a nonprofit organisation that supports treatment courts in Harris, Fort Bend, and Galveston counties in Texas, USA

Court, helping them navigate treatment and stay on a path to recovery. This work is deeply personal for me because I have been through the system myself. I struggled with substance use disorder for many years and was in and out of Harris County's court system. Facing an eight-year prison sentence while twelve weeks pregnant, I realised I needed to take a stand for myself. I advocated for myself for the chance to go through a treatment program rather than going to prison, and that's how I ended up in the Women Helping Ourselves (WHO) programme at Santa Maria.

Looking back, traditional court was terrifying. I remember being scared to show up, knowing there was nothing waiting for me there except jail time. There was no real help, no support system. It was just me against the system. But problem-solving court was different. In the WHO programme, I had a chance to get treatment, to stay with my baby, and to complete the programme successfully. Now, I work at Santa Maria, helping other women who are in the same position I once was. I see my own journey in their struggles, and I am committed to being there for them, giving them the hope that was once given to me. I know firsthand that these programmes can change lives—I'm living proof.

**MJM:** I became a penal enforcement criminal judge in 2015 and have since focused on finding alternatives to incarceration, especially for people dealing with addiction and mental health issues. Since 2016, I have been researching therapeutic jurisprudence, and in 2018, we launched a drug court in my jurisdiction. This program changed everything for me and challenged the traditional practices I'd been trained in, which were often outdated and ineffective.

In traditional courts, we were so focused on procedure and punishment that we weren't actually helping people. As a judge, I felt it was my duty to support the people in my court to lead better lives, not just punish them for their mistakes. For women especially, the issues are complex, and they often involve histories of trauma, family responsibilities, and societal expectations that traditional courts aren't equipped to address. My court's programme embraces a gender perspective and is inclusive of all people, men, women and with a special focus on LGBTQ+ individuals, with resources designed specifically for their needs.

It is still very difficult here to be a female judge and to try to change some of the old-fashioned practices. The judiciary is still male dominated and there is sometimes resistance to change.

Here in Argentina, we are fighting a lot to have female judges in courts. We have a very strong fight in the Supreme Court of Argentina, because we currently have three male judges, and the proposal of the President is to appoint two other men: no women. So right now, we have a very strong movement about women in court, and how many women should be sitting on the courts. And I am personally working very hard on that fight. Diversity in the country is 50:50, 52 per cent of citizens in Argentina are women. There are more women than men and we should have that percentage of representation in all the power institutions.

In my view, the composition of a court should reflect society, and the role of the court should be to restore rights, not take them away. Problem-solving courts allow us to create a safe space where people can be seen and heard, where they have the support, they need to change. I believe that as judges, we have the responsibility to change outdated practices and build a more compassionate justice system, and that's what motivates me every day in my work.

**RA: I love the idea that courts are there to restore people's rights rather than to take them away. Can you comment on why you think a problem-solving approach for women is needed and what motivated you to get involved?**

**HF:** I've been working with women in the criminal justice system for nearly two decades, and from the beginning, it was clear that there were huge gaps in the support provided to them. So much of our system is built with men in mind, from the layout of probation offices to the nature of sentencing options. Women's needs are simply different.

The first time I visited a women's centre, I was completely struck by the difference, not only by what was on offer, but the way the staff worked with the women and the partnerships that were available, and how it was all provided in the one centre. It really felt like a much safer environment in which to have what were, more often than not, very traumatic

The first time I visited a women's centre, I was completely struck by the difference, not only by what was on offer, but the way the staff worked with the women and the partnerships that were available.

conversations with women. I've seen first-hand at these centres how the professionals who work with women work together, sharing information effectively and keeping the women at the forefront of their focus.

The more I sat in on reviews and problem-solving court sessions, the more I saw the value of recognising people's progress rather than just penalising them. In a traditional court you may be brought back because of breaches or reoffending, but never really to be acknowledged for the progress you've made, and to be encouraged to 'keep going, you're doing great, we're right behind you, and we're supporting you all the way with this.' That experience alone motivated me to get involved and I love working with like-minded people in that respect. I could see how effective a trauma-informed, woman-centred approach could be in court.

**MC:** I'll be honest: when I first got involved in problem-solving courts, I knew next to nothing about addiction or recovery. My work in traditional courts hadn't really exposed me to these issues directly, and addiction wasn't something I'd encountered in my personal life. But the judge I worked for was one of the first in our area selected to start a drug court, and when she asked if I would consider joining her, I thought it was an incredible opportunity to be part of something new and meaningful.

Through the Drug Court I can say that I have made new friends. Amanda is my friend. And I have other friends, women who now have years of sobriety, who are mothers and mentors, and who have helped me understand struggles I hadn't fully appreciated before. If you had told me 30 years ago that I would have friends who had been through court I would have laughed at you because, you know, those were not people that I even thought about, never mind as friends. This work showed me that recovery is real. It's the women who have fought the hardest who have motivated me the most. They showed me that change is possible even when traditional courts don't see it, and like I said, some of these women are my best, dearest friends right now.

**HF:** I am fascinated how Mary refers to these women as friends. Is that a different cultural thing, because here in the UK, in HMPPS, I just don't think that would happen, or you would never hear a court manager speaking in these terms.

**MC:** In the standard courts it wouldn't happen. It didn't happen. It has happened through the drug courts because the women you work with keep coming back — in good ways, and I get to be part of that journey. I'm there when they graduate. Then they might stay involved through work. Then we see each other at conferences — Amanda and I presented together at the American Society of Criminal Justice on our work in problem solving courts, and we enjoyed time in Philadelphia together. We are colleagues, and

we are friends. So, I get to see many of the women at work and in the community, and like any other colleagues, they are real people!

**RA: Amanda and Jimena can you tell us about why you think a problem-solving approach is important for women, and also what motivated you to get involved and stay involved.**

**AD:** I believe everyone deserves a second chance, but for women, a problem-solving approach is absolutely essential.

When I entered a problem-solving court, it was the first time I felt like people were actually on my side. I was 36, homeless, and pregnant, with no sense of how to turn my life around. But for the first time, I had a team of people—recovery coaches, probation officers, the judge, people like Mary who were working with me, not against me. That kind of support was completely new to me, and it rekindled my hope. So, what problem-solving court does for women is give hope.

One of my proudest moments was helping another woman get her baby back, seeing the difference our support made in her life. That's what keeps me going: knowing that I can give someone the hope and support that I once needed so badly.

**MJM:** My journey with problem-solving courts started with a question: What are we really trying to achieve in our justice system, especially for women? When I became a judge, I found myself constantly frustrated by how little our traditional courts were helping people to succeed in the long term. Problem-solving courts offered a new way forward, a way to bring actual change into people's lives.

In problem-solving courts, I can give women the space to talk about their struggles. I can ask them directly, 'What do you need to succeed?' and that question opens up a dialogue that wouldn't happen in a standard court setting. We make space to hear the women's voices, and they are also hearing their own voice inside that space. We are asking them 'How can we help you?' And that's very important. We are not making choices for them in a paternalistic way.

My motivation comes from the transformative power of this approach. I've seen how the process changes not only the lives of the people we serve but also the perspectives of everyone involved.'

**RA: Can you tell me about your experience of being involved in problem-solving courts?**

**HF:** My experiences in problem-solving courts have been some of the most impactful of my career. One of the things that stands out to me is the relationships we are able to build with women over time. You get to see their journeys unfold, and that's not something I ever



experienced in traditional court settings. In problem-solving courts, we celebrate progress, even if it's small, and we genuinely support these women as they work to turn their lives around.

**MC:** Being part of problem-solving courts has been a journey I never expected. I think back to one of my earliest experiences, which really set the tone for everything that came after. We had a young woman in drug court, about 80 days into her sobriety, when tragedy struck. Her 10-year-old daughter was murdered in a home invasion while she was in treatment. I was devastated, thinking, 'How are we going to get her through this?'

But then I witnessed something incredible: the other women in her treatment programme surrounded her with love and support. She came to court soon after, and the judge walked off the bench to meet her, saying, 'I'm here with you. We will get you through this.' Watching her get that support from both her peers and the judge was one of the most powerful moments of my career. I saw how resilient these women are and how the problem-solving court approach creates a community they can rely on. This work has taught me the true meaning of recovery, not only for the participants but for all of us involved.

**AD:** Working in problem-solving courts has changed my life as much as it has changed the lives of the women I work with. I'll never forget helping a young mother who was in the same situation I had once been in. She had just given birth, and Child Protective Services was planning to take her baby. She called me in a panic from the hospital, saying, 'What do I do? I can't lose my child.' I helped her get into treatment, and we worked together, along with her caseworker, to meet all the requirements to get her baby back.

**MJM:** Being involved in problem-solving courts has truly transformed the way I see justice. I remember one case in particular: a woman who had been through multiple traumas came into our programme, unsure if she could ever break the cycle. During one of our court meetings, I asked her, 'What do you need to succeed?' She looked at me, shocked, and said, 'No one's ever asked me that before.' That was the beginning of a change in her attitude and her life.

We worked together, and over time, she began to see herself as capable and worthy of a better life. It was incredible to watch her transformation, not just in her actions but in how she carried herself. She started to

speak with confidence, look me in the eye, and even help others in the programme.

**RA: What are the key differences from your experience in traditional courts?**

**HF:** In traditional courts, everything feels so transactional. I spent years watching people come through, with cases moving along like clockwork, and often it felt like we were ticking boxes. The system is so procedural that there's no time to focus on the person in front of you. We sentence someone, they leave, and the only reason they come back is if they've breached an order or reoffended.

In problem-solving courts, it's completely different. We take the time to really understand what each woman needs to make a fresh start. Instead of just focusing on punishment, we look at the broader picture—what led her to this point and what support she needs to succeed. We work with community services and specialists to ensure she has things she needs to rebuild her life.

**MC:** I spent over twenty years working in traditional courts, and those environments are often very rigid. We were so focused on keeping the docket moving that it felt like the people involved were almost invisible. I remember feeling frustrated because I could see that the system wasn't meeting people's needs, but there was no opportunity to do anything differently.

When I moved into problem-solving courts, everything changed. Suddenly, we were able to work closely with participants, to understand their backgrounds, their needs, and even their strengths. One of the biggest differences is the ongoing relationship we're able to develop.

Problem-solving courts give us a chance to address the deeper issues, to see people beyond their offences. I often tell people that the real change I see in participants isn't just in their legal status, it's in how they start to carry themselves with confidence, knowing they're capable of something more. It's a completely different approach that, after so many years in traditional courts, feels like a breath of fresh air.

**AD:** I can't count the number of times I went through traditional court. Each time, it was the same routine: I'd stand in front of the judge, hear my sentence, and that was it. I'd serve my time, but I was still struggling with addiction, and there was no support

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to help me break free. When I finally got into problem-solving court, the difference was incredible. For the first time, I felt like people were listening to me and actually trying to help me succeed.

**MJM:** Working in traditional courts in Argentina, I saw how limited we were by the traditional, procedural approach. You're expected to be detached, to look only at the legal issue, and to keep emotions out of it. We were just processing case after case, and it often felt like the person in front of me was getting lost in the paperwork. In traditional courts, it's all about the immediate offence, with no focus on the bigger picture or the challenges that brought them there.

In problem-solving courts, it's completely different. Here, we look at people's lives, not just their legal case. We can approach justice in a more human way. We get to know the participants and support them through every step of their journey. It's not just about punishment; it's about helping them transform their lives. That's a profound difference from my experiences in traditional courts, and it's what makes this work so rewarding. Being able to see people regain their sense of self-worth is something I never encountered in traditional court settings.

**RA: How do these differences shape the relationships that formed between everyone involved in the court proceedings?**

**HF:** The biggest change is that in problem-solving courts, relationships are at the core of everything we do. In traditional courts, we rarely even knew the names of the people we saw, let alone had any sort of real connection with them. But in problem-solving courts, we build trust over time, and that creates a completely different dynamic. Because we're seeing these women regularly, we're not just judges, probation officers, or service providers to them; we're part of their support system. We celebrate their victories with them, however small, and that builds a sense of shared purpose.

**MC:** In traditional courts, you're barely given the time to see the person in front of you, so real relationships aren't possible. The whole system is built to keep people at a distance. But in problem-solving courts, it's a different story. We're not only allowed but encouraged to work closely with participants, which lets us build a foundation of trust. It's a unique opportunity because you get to see people regularly and watch them grow. Over time, we're no longer just

professionals dealing with 'offenders'—we become part of a support network, and they know we're on their side.

**AD:** In traditional court, it always felt like the judge, the lawyers, and everyone else were on one side, and I was on the other, completely alone. There was no connection, no relationship. But in problem-solving court, that wall comes down. I felt like I was part of a team for the first time, and that changed everything.

Now, working on the other side, I see just how important these relationships are. The women I work with know that I've been where they are, and that creates a strong bond. We're not just professionals and clients; we're people helping each other.

**MJM:** In traditional courts, there's a strict hierarchy—judges, prosecutors, defence lawyers, and defendants all play defined roles, and those roles create distance. But in problem-solving courts, we're encouraged to break down those walls. Instead of simply making rulings or issuing sentences, we're working together toward a shared goal, which is supporting people to succeed.

One of the things that strikes me is the relationship we build with participants. They come to trust us and even to see us as allies in their journey. The process is no longer adversarial; it's cooperative. We're all invested in the participant's success, and that sense of shared purpose strengthens every relationship in the court.

**RA: Which institutional and noninstitutional actors do you think need to be involved in problem solving approaches for women and what is the value of including people with lived experience?**

**HF:** We have set up two problem-solving courts for women, and we have learned that collaboration with a wide range of actors is essential. It begins with police, who are crucial for early identification and referral to the courts, followed by HMCTS (His Majesty's Courts and Tribunal Service, UK) to ensure the judicial capacity and listing space required for these cases. Key players include the Judiciary and probation services, and of course women's services, which are fundamental as they play a central role in delivering tailored support. Additionally, mental health, drug and alcohol services, children and family support, and housing are indispensable, along with senior sponsors like Police and Crime Commissioners who add critical backing to

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the project. And people with lived experience is invaluable, both for participants and professionals.

**MC:** One of the things we know from best-practice frameworks is that a problem-solving court is most effective when it has a multidisciplinary team. Judges, probation officers, prosecutors, and defence attorneys are obviously central, but we also need treatment providers, mental health professionals, recovery coaches, and even law enforcement who understand and support the approach.

Of course, not every Law Enforcement Officer will be good in a problem-solving court. Training is essential. We work with the National Association and 'All Rise' to train officers specifically for problem-solving court. Using Professor Shadd Maruna's work on re-entry rituals, we trained officers to welcome participants warmly, with a simple 'come on in,' treating them like real people.

People with lived experience are an absolute game-changer. I've seen it repeatedly: participants are often more open and responsive with someone who's walked in their shoes. Recovery coaches, especially, bring a perspective that none of us can provide. They know the pitfalls, they understand the setbacks, and they're living proof that recovery is possible.

**AD:** To make problem-solving courts work, you need a whole network of support around the women. Many of the women I work with are mothers, and having support for parenting and family relationships is critical. When we're able to connect women with services that help them build better lives for themselves and their kids, it makes a world of difference.

People with lived experience are key. I know this because I am one, and I see the difference it makes. Lived experience brings a level of connection and hope that you just can't get any other way.

**MJM:** I think it's a really important point that it's not only the judge, the prosecutor, and the defender that should be part of the problem-solving court. The community should also be committed to be part of the solution. This is not a fantasy. It must be real. You have to have a good look at the services you have in your community and understand the usual problems in the group you are working with. Of course you need health services, social services, education agencies, work agencies, even religious agencies and priests. For example, here in Argentina we have a very strong network through the Churches that give people a home, food, a lot of activities and therapy. We also include the non-governmental organisations that are working very hard in different communities. The first thing you have to do when you start with a problem-solving court is to look for the services that are already in the community, engage with the people that you think can be helpful, and invite them to come. Here in Argentina, we hosted meetings with different groups,

for example, health services. We called all the public hospitals and other public institutions that work with drugs specifically and we invited them to our court, and we had a beautiful meeting, explaining to them what we need from them and getting their commitment to work with us, together. And we organised another meeting with non-governmental organisations that are working or supporting non-profits. These organisations offer different services, like, for example, social services or education or work. They came to our court and again we talked about what services they could offer us and how we could best communicate with them. In this way we sought to link up with as many local services as possible to engage them with our programme.

These organisations feel really proud of cooperating with the problem-solving court. They feel important, and they feel happy. And the people that work in these services in Argentina are not accustomed to trusting in justice. Working together is helping to build healthy relationships between health and justice, between social services and justice. It's a really different relationship — collaborative, not hierarchical, realising our place together in a broader system.

**RA: Do you think the collaborative approach with professionals, outside institutions and the broader community and the different way of working has facilitated the outcomes you have seen/experienced, and if so, in what ways?**

**HF:** Absolutely, these differences are key to the outcomes we see in problem-solving courts. The collaborative approach and the focus on understanding each person's needs allow us to address the underlying issues that drive their behaviour.

One of the most powerful ways this approach facilitates change is by fostering a sense of agency in the women we work with. When they're part of a team that includes mental health support, housing assistance, and people with lived experience, they start to feel like they have options and control over their lives. I've seen women make choices that align with their goals and values because they finally feel supported and empowered.

**MC:** Without a doubt, the structure and relationships within problem-solving courts have made a huge difference in the outcomes we see. The ongoing support, the ability to check in with participants regularly, and the collaborative environment all work together to create a strong foundation for change.

One of the ways I've seen this work best is in building accountability, not just through the legal system but through the relationships formed. When participants know we're all invested in their success, they feel a responsibility to themselves and to the people supporting them.

**AD:** Yes, I've seen firsthand how these differences have made a huge impact on outcomes. For me and for the women I work with, it's the support and trust that make all the difference. In traditional court, it was just about getting through the process, but in problem-solving court, we're given time to work through what's really going on. Women are allowed to mess up and learn without being thrown back into jail immediately. That space to grow is so important.

**MJM:** The outcomes we have achieved are absolutely a result of the different approach we take in problem-solving courts. When we work collaboratively and take the time to address each person's unique needs, it creates an environment where real change is possible. In traditional courts, we're limited to punishment as a tool, but in problem-solving courts, we can address the actual reasons someone ended up in the system. That shift allows us to break the cycle of reoffending.

One way this has been especially effective is through the emotional and social support participants receive. I've seen people who were once isolated and defeated find a community in the court and with the services we bring in. For example, when participants work with people who have been through similar struggles, they build connections that help them stay motivated. Those relationships are crucial for long-term change. When people feel seen, heard, and supported, they're much more likely to stay engaged and committed to the process. I don't think we could achieve these outcomes without the unique structure of problem-solving courts.

**RA: Were there any women for whom the approach did not seem to work and if so, why do you think that is?**

**HF:** There are women who simply have not been ready to commit to the problem-solving work. Our system is not a deferred sentence system, so we have to sentence immediately. It's based on motivation at the time, and it acts as a diversion from short term custody, so there needs to be that willingness from the women to commit to the partnership. My experience is that even when women may not have been completely motivated to engage initially, it's important that they're given that opportunity later on. What I have observed recently in court in Birmingham, is the judge asking people 'what's worked this time that hasn't previously

worked for you on your previous orders,' and all the women have talked emphatically about the quality and importance of their relationships with those involved in the partnerships. Having that dedicated group of trauma and gender informed and motivated staff, has proved to be a significant factor in motivating their compliance and progress on the order.

**MC:** There are some women who are just not ready... but sometimes it is also that we weren't ready — we just didn't have the resources to serve them. Mental health wise and sometimes early on with LGBTQ participants, we just didn't have services available to the court.

**AD:** I know what it's like to feel like there's no hope—I lived it. I had 'no aspirations, no goals,' just this cycle of addiction with no way out. For me, the difference with problem-solving courts was that, for the first time, I had people working with me, not against me. I had a whole team who were there to help, not just punish me. That kind of support 'rekindled' my hope.

But I also know there are women who might not be ready for it. Some have 'gone so long having nothing,' they don't know how to accept that kind of help. It's hard to trust in others or to see a way forward when you've spent years feeling alone or abandoned. I think sometimes they're not ready yet, or maybe

they need more time to believe that this team of people really is there for them.

**MJM:** I don't really see anyone as failing in this process. Of course, we all know there are setbacks and things may go wrong—life's challenges, addiction, and the cycles of behaviour people have been part of for years don't disappear overnight. We see people fall back into old habits, and yes, sometimes the draw of drug consumption, or life circumstances, can pull someone back into what feels like a vicious cycle. These struggles are real and can be lifelong battles for some.

But what I've seen in problem-solving courts is that even those who struggle or encounter setbacks gain something valuable from the experience. As we say in Spanish, the programme 'imprime algo'—it imprints something on the person, something that stays with them even if they don't succeed in the traditional sense. Every participant gains insights, tools, or connections that have the potential to help them later on, even if they aren't ready to fully embrace the change now. In this way, no one truly fails. They may stumble, but each

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engagement with the court imprints a positive mark that can guide them in the future.

**RA: What do you see as the most important learning for you from your experience with problem solving courts?**

**HF:** It would be the importance of relationships and partnerships. That just can't be underestimated at all in the problem-solving world. When setting up these approaches to engagement with all those partners at the earliest opportunity has been of absolute paramount importance. There needs to be that whole system approach to working with women with that commitment from everyone at the get go to work in a woman-centred way. There will undoubtedly be hurdles that you have to overcome as a partnership. What we have seen is that it is so much easier to overcome hurdles as a partnership rather than as a single agency working in silo.

**MC:** What I learned is that recovery works. I mean, treatment works—recovery happens. Families can be restored and reunited. I've also learned you're gonna fail; not everybody's gonna get it. But you have to really be encouraged by the ones that do. So, I think that's my learning—don't get bogged down in the problems of the problem-solving court. Of course, let's focus on the problems so that we can figure out how to get them where they need to be, but put your energy into celebrating every little thing.

**AD:** My recovery coaches motivated me, and I've learned that I can do the same for someone else. This isn't their end story, or it doesn't have to be. So, my motivation is that I want these women that feel hopeless to feel hope. And I have learned that it's achievable because I have been through it.

**MJM:** I've learned so many things. First, don't be afraid, don't feel afraid to make changes. You can change. Jimena, you change something, and you don't have to care about the obstacles, because maybe you can't start with something perfect. We started with a very small programme with a lot of people who didn't understand what we were trying to do. For the first time in my life, I couldn't plan how it would all unfold. I didn't know where we would be the day after, the week after or the year after. So, I say to myself, don't be afraid. Let's go on. You feel that this is the way. Well, that's what I learned. This was completely unexpected for me, and I couldn't plan it, as I would have liked to plan it. You know how we are, us lawyers, we try to put everything in its place. Well, I couldn't do that. So, I learned to start and to trust the process.

**RA: And finally, if you could change one thing about problem solving courts what would it be?**

**HF:** This will come as no shock, but they need to have the appropriate and continued funding to support them. Resource challenges have been the biggest threat to both effectiveness and our longevity. From a cost-benefit analysis in the Greater Manchester approach, there have been significant savings made by diverting women into problem-solving courts and away from short-term custodial sentences. Those savings could be rerouted back into the problem-solving partnership, to give them that much-needed stability, and to allow them to continue as effectively as we know they could be.

**MC:** Making the courts more sustainable funding wise and support wise and keeping them relevant by providing the services that are necessary for people to be successful and expanding those services so that we can serve more people. There's lots of funding strings to problem-solving courts. In Texas, the money problem-solving courts are saving from not sending people to prison stays in the correctional budget. It doesn't go to the recovery or the treatment budget. But we were fortunate through the Texas Association of Specialty Courts, to get a bill passed in the last legislative session so that a percentage of the alcohol mixed beverage tax goes into the pool for treatment courts and that can't be touched for anything else. We were all using discretionary money before that, that meant funding was dependent on the political whims and focus of whoever was in office. But this alcohol mixed beverage tax is strictly for problem solving courts. But the goal would be to get every jurisdiction to realise the savings, to pick up the cost, and to put it in the budget.

**AD:** I'd make sure that every problem-solving court has a team of lived-experience peer specialists, recovery coaches — teams of people who have lived through the experiences people in the court are recovering from and that can provide support, foster hope and accountability.

**MJM:** One thing I'd change is that I think these programmes shouldn't be optional for the justice services. I think it's very, very romantic that a judge can choose if he wants to do this kind of work, or maybe if he doesn't... We need judges who are brave and do work that has good results for our communities. And it shouldn't be optional for judges to learn how to work in interdisciplinary ways. To do well by people in our courts, we need to do this.

**RA:** I am so grateful to you all for your time in this interview today.

This is a shortened version of the interview. You can read the full interview on the Clinks website.<sup>2</sup>

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<sup>2</sup> <https://www.clinks.org/publications>

# Interview with Lisa Dando, Rokaiya Khan and Abbi Ayers

## The Value of Women's Centres

*Lisa Dando is the Director of Brighton Women's Centre (BWC).<sup>1</sup> Rokaiya Khan is the Chief Executive Officer of Together Women (TW).<sup>2,3</sup> Abbi Ayers is the Strategic Development Director of the National Women's Justice Coalition (NWJC).<sup>4</sup> They were interviewed by Jackie Lowthian, Clinks Women's Network Coordinator who has worked in the voluntary sector for over 30 years influencing change in the way that the criminal justice system responds to women and girls.*

This interview took place on 15 July 2024, soon after the election of the new British government.

**JL: In the context of the newly elected government, what will be the impact for women you work with, if the changes in the Labour Manifesto are fully implemented?**

RK: The new government has got the potential to significantly improve the lives of the women and girls we support, but I would emphasise the word potential. The introduction of pre-release plans and purposeful activity in prisons could ensure better prepared reintegration for women back into the community. I also think we've got some huge opportunities around prisons and local employers and employment opportunities, given the background of the prisons and probation minister Lord Timpson. I think voluntary sector women's organisations, like TW, are incredibly well-placed to support that. I also think that the intention to eradicate violence against women and girls could significantly strengthen and address some of the root causes that lead women into the criminal justice system (CJS). Overall, it's really positive and the messaging aligns so much more to our women's centres' vision mission and purpose. I also see some risks. One of the root causes for many of the women landing in the CJS is being victims of violence and not having access to safe, secure accommodation. We've

just looked at our data and identified where women have failed and gone back through that revolving door — it's as a result of no access to proper safe, secure housing. I know there's a plan to build more properties and develop housing but I'm not sure how that relates to access for the women we support. I think that addressing that element of it is critical, which could then really help to address some of the key ambitions in their manifesto.

LD: I really like the use of Rokaiya's word 'potential' - I think it's a good way of describing the current situation that we're in. I definitely feel much more hopeful, I feel really positive about the appointment of James Timpson and hope this leads to some radical change to the system that we've long been campaigning and advocating for. Again, I think it sounds positive in terms of what's being said around sentencing reforms and ensuring that there are really robust pre-release plans in place for when women leave prison. I'm slightly concerned that the focus still seems to be coming from a kind of male-centric position in the sense that it talks a lot about employers and preparing for when people come out of prison based on a pathway into employment, which is something that James Timpson stands for and I think it's worked fantastically and I really applaud his company for the work they have done in that space but I wonder what it means for those women that we know to be living

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1. Brighton Women's Centre has supported women in Sussex for 50 years, based in Brighton City Centre, supporting women who have faced abuse, trauma, poverty, homelessness, or are in contact with the criminal justice system. They provide services across Sussex from Crawley, to Worthing, Eastbourne, Hastings, and some parts of Kent.

2. Together Women supports women and girls across the North of England. TW was established in December 2006, funded by the Ministry of Justice to develop a gender-specific approach to women in the criminal justice system and those at risk of conviction. TW became an independent charity in 2009 and currently operates women's centres in Leeds, Bradford, Hull, Sheffield and HMP New Hall, with operating hubs in Halifax, Huddersfield and Wakefield.

3. BWC and TW are led by women, for women, offering trauma informed, holistic support to help break cycles of abuse and help women to move out of the criminal justice system.

4. National Women's Justice Coalition (NWJC) is an alliance of 26 women's organisations, including BWC and TW, 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.

with a lot of multiple disadvantages and for whom employment isn't necessarily the first thing on their agenda. And it's the same I think in terms of the talk around purposeful activity in prisons. I'd really like to see a very clear women-specific pathway in these policy approaches, really focusing on whether women need to be in prison in the first instance and what we can do to bolster community sentences, keeping women in their communities at home with their children.

We haven't heard anything yet about what this new government is going to be doing in terms of a Female Offender Strategy, or I hope it will be called a Women and the criminal justice system strategy, so I'm keen to hear what they might say in that space. And also, I think what is really important is accommodation and all the points that Rokaiya has made, about accommodation which is by far the biggest issue that we need to get right for women. We really struggle to find that safe secure accommodation and that is the highest priority for when women leave prison that we need to get right. We have just produced a report ourselves which we're about to launch in partnership with Commonweal Housing which talks about what a safe and secure and trauma-informed accommodation provision could look like which is interesting in the sense that it is quite different from what we've seen elsewhere.

I hope that the government will take account of some of these more recent consultations and collaborations to really plan for what would be a much more positive experience for women who get themselves caught up in the system.

**AA:** It would be really nice to see a honing in now on women's experience of the CJS, specifically because although the broad aims are clearly quite welcomed and aligned to the thinking within the sector, there is no clear route outlined for addressing women's experiences when we are talking about improving outcomes for people leaving prison. We recognise that there are distinctly different ways to support men and women impacted by the CJS so I feel there needs to be a particular focus on that. I feel there is a will to look at this problem in much more of a reflective capacity given that we are seeing the appointment of people who understand the problems, the root causes of offending, demonstrating commitment to supporting people.

In terms of the manifesto in its entirety, prior to the government being formed, it looked promising. The focus on victims of violence could impact the women's

sector if there is more adequate resourcing of services and better understanding of how women's experience of violence intersects with their experience of the CJS. I also thought it was interesting there was a real commitment from Labour to focus on young people. The Young Futures programme, that they talked about, developing community hubs that provide intervention and support for people, but specifically for young girls who otherwise might be swept into the criminal justice system. So, it will be interesting to see how the implementation of that type of thinking and those kinds of programmes could benefit partners of ours who are working specifically with young women through early intervention and diversion programmes.

**JL: Is there enough support in the community for women, if early release measures were applied more rigorously to them, to free up space in the women's estate?**

**LD:** I don't know whether what we've currently got in terms of pre-release support is exactly what we need and there are concerns about the resource that's available within probation and within community services. I think there needs to be something more about stopping the flow of women going into prison at this point and using the capacity problems with our prison estate as a rationale for stopping that flow of women

into the system.

**RK:** Huge numbers of women who we know shouldn't be in prison in the first place, all of the stuff we know prison does to women, and I absolutely feel it could address some of the key challenges in prisons right now. My fear is that the bigger focus, because they want big impact, will be in the male prisons, releasing a lot of men but applying it to women could be a quick win and produce greater outcomes. Particularly, since there is a real acceptance that a lot of women shouldn't be in custody. We've got to be clear about what provision looks like in the community if it's properly resourced. Then it could potentially have huge benefits.

**JL: This question is for Rokaiya and Lisa. What work are you involved in to support women and girls.**

**LD:** I've been thinking about a phrase that someone used to describe it recently— 'Everyday Magic' I think that really resonates for me because it's

Consultations and collaborations to really plan for what would be a much more positive experience for women who get themselves caught up in the system.

quite hard to make it tangible what that magic is that happens between that woman and her support worker. And even using that phrase, 'support worker' doesn't feel sufficient in this kind of work. Because it is so much about seeing women as human beings and the experts of their own experience and listening to what's going on in their lives and trying to walk alongside them to make sense of that and navigate the systems and the structures, the multiple services, and expectations that Community Orders put on them to be at certain places at certain times and behave in certain ways. And it is so incredibly bespoke because every woman's needs are so different to the next woman's, so we can't have one size fits all. It's about being able to provide a diversity of different kinds of support, whether that's about mental health support, or childcare provision or a foodbank so a family can eat that week, or a referral into statutory services — homelessness services, health services, child protection, being with a woman at a child protection case conference — it is so different depending on what is going on for the woman.

Unless we can tackle those interlinked and complex issues that have forced a woman into the CJS then we are never going to be able to help her to stay away from it and get her life back on track. Why would women choose to put themselves into such a dysfunctional system as the CJS, if they could live their lives differently, which would enable them to not find themselves in that place. To answer your question, it is a complex picture and the work that the staff do here in building trust with women to support them in a bespoke way, really works. It is a magical mixture that not even I understand how it works, but we know from the data and the evaluations we do that it does produce the outcomes that we want to see.

**RK:** It's incredibly difficult to articulate. I am going to try and pick out some of the things that women say about what women's centres are and what they mean to them. If there were two words, I would want to use it would be trust and choice. They are incredibly powerful, and we try and keep that as our central focus for women. And that's what women tell us, that they feel heard and valued is incredibly important, and that's what helps form that all important relationship. I think that's what we all try and create. We've had lots of discussions about the structure of some of the contracts that we deliver, and we know that on paper, none of them really work for women. So, I think we as Women's

Centres and our staff are so brilliant at taking the contract on paper but delivering it in a way that is incredibly meaningful, outcome focused, choice-led and trust-based for women. And that is what really helps to create engagement. We see that through women who want to continue to engage in our support long after orders and enforcement has finished. One of the things that I think is really important is the therapeutic support. We have programmes that probation say you must deliver, and focus on root causes of offending/re-offending. We try to provide a balance of therapeutic support groups, practical sessions, conversations and counselling. Some of them might be breakfast clubs that the women run, Knit and natter groups, and it's that holistic thing, it's a bit of everything. I don't think I've done it justice but just trying to explain, the magic that Lisa describes. I love that word, it's magic.

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**JL:** How do you contribute to the broader changes that we all want to see in terms of social justice and social policy, and have you got evidence to support this?

**RK:** I don't think we are brilliant at evidencing impact, and we can do a lot better. I think what we try to focus on is the voices of women and what they tell us about the difference that the support has made. We've seen a big difference over the last 18 months as we've been able to recruit data analysts and senior data people who are going to help us to really extract the voices of the women. What we hear all the time from women is:

*'You've really improved my mental health'*

How do you evidence that? It's so important. Women will 'say':

*'I've really improved my confidence and self-esteem, I never used to get up in the morning but now I can take my kids to school because of the support I've had you've helped me to do that'.*

So how do you really do that unless it's through story telling? The journey and the stories of women are what we try and promote and share. In terms of



impacting on social justice, we do so much but we are not great at evidencing that. There is a piece of work happening through the Effective Women's Centres partnership with a collective of women's organisations, working with an organisation called Trusting Path, that are helping us to pick out and showcase all of that added social justice value of the work that we do every day. I think that we can capture numbers until we're blue in the face but what do they really tell us? We feed-in to the Justice Data Lab with a focus on reducing reoffending but the wider impact of our work, in terms of all that practical support and healthcare, all the stuff we know we impact day in day out, all of that is done through the stories of women's journeys.

**LD:** I don't think I agree that it's about us not doing it very well, or not being so good at it. I think it's more about what matters to the women in terms of how we evaluate success or outcomes. It feels like we are a round peg being squeezed into a square hole. That the way we work as a women's centre and the way that we put women's voices at the centre and wrap services around them, means that we can't possibly be subject to the same kind of scientific sort of historically agreed methodologies for demonstrating success. I think that's why we ended up doing the work that we did with Trust Impact, with yourselves Rokaiya and Anawim – Birmingham's Centre for Women, why we ended up with a theory of change (ToC) that looks so different from what we'd had in the past. Where we decided our outcomes needed to be as defined by the women — 'heard, held, happier and hopeful'. Which are miles away from what we'd previously agreed as being reduced risk, improved psychological wellbeing, all the things that we know commissioners and funders want us to assess success on and of course, we do that too because we have to, but we felt really strongly that actually none of that made any sense to the women or made a difference to the women's lives, so we completely revamped our ToC to make sure we had measurements that would actually have some kind of meaning for the women themselves. Which is what we're here for, and I do take issue with this complaint that we're not very good at evidencing what we do. I strongly believe it's because we're being asked to evidence the sorts of things that aren't what women want us to evidence or are meaningful for them. Of course, we've had social return on investments done for the organisation, we've had the Justice Data Lab research done, we've got a figure that evidences our

Delivering it in a way that is incredibly meaningful, outcome focused, choice-led and trust-based for women.

reduction in re-offending rate, there's a previous report that encompasses a group of women's centres that also evidenced that, we've got the Women's Budget Group report, we've got so many reports and evaluations, the work that Clare Jones did at Calderdale. There's so much there, yet it doesn't seem to matter how much data we produce we're still being constantly asked to demonstrate our success rate. Well, ask the women! As you say, Rokaiya if we listen to their stories and hear their journey, that should be all that matters.

**RK:** I completely agree with everything you said, and maybe didn't articulate well what I was trying to say. I think we are not very good at evidencing all of what you've just said, in a way that twists it around. Nobody is really interested in all of that, what we want to evidence. And how can we get to the point where funders, commissioners, politicians and everybody else is interested in all of that because you're right that together we've completely turned on its head the things that we want to capture and the outcomes that we want to evidence and show. But we've not got there yet and we're trying to feed-in some of that to our monitoring and reporting but nobody's interested, they want to see the hard numbers. We know what matters and we think that's incredibly important, because that's what the women tell us is important.

**JL: What agencies are you working with at local level to help achieve the mission you have and what challenges does that throw up?**

**RK:** I can honestly say we wouldn't be able to deliver the work, in the way that we do it, without the partnerships that we have at our women's centres. They're phenomenal and so diverse, and that's the richness of what we can offer to women, and they span a whole spectrum — mental health support, housing, solicitors, legal advice, childcare support. But it comes at a price, maintaining those relationships. Often this is done because we provide facilities free of charge and the use of our buildings. You need to nurture them, continue working closely and make sure there's that wider offer. And it's also incredibly important to have really strong partnerships with the justice sector. That can be challenging, but we do that really well with probation, police, courts. And where we have the greatest outcomes for women and the strongest partnerships are where we have co-located probation

officers in our buildings, who are absolutely bought-in to that holistic, trauma informed, women-centred approach and those specialist women's services. Where Offender Managers are specifically focused on women's needs — it's those partnerships that really enable you to get the best outcomes for the women. We've had many instances where women potentially might have been breached but through that partnership approach, we've been able to work with those Offender Managers within our women's centres, so I think it's incredibly important. And I just wanted to mention some of the sub-contracted partners we have in our Commissioned Rehabilitative Services contract, who are there to provide some real specialisms around accommodation or specialist support for Muslim women in prison, mental health charities. It's that which enables us to offer enriched support, but it often comes at the expense of the host organisation, but we wouldn't be able to do it without them.

**LD:** There is a wealth of agencies that we must work in partnership with to achieve the outcomes we do. All of which are funded in their own way, but we need to ensure that their support is accessible to women in the CJS. These women are citizens too and have a right to that support that is commissioned, there doesn't need to be separate provision. But there are challenges.

Partnership working is really time and resource intensive because it's all about communication, trying to make sure that everybody is working together in a joined up and effective way. It's so much about the relationships between individuals within those partnerships and having that appetite to really want to make partnerships work. But also, it comes down to systems and structures. It's so unhelpful to have things commissioned in silos so women have to be assessed and reassessed. Support plans drawn up in one agency and then another agency. The inability of data systems to talk to each other, information-sharing systems having to be agreed and progressed, which means it's really hard to make sure everybody is signed up to working with the same systems in the same way.

I think often why we find such terrible situations occurring with deaths of people, sadly is when the systems aren't working in a joined-up way and people just aren't communicating with each other effectively and efficiently. And I think this is the biggest challenge for us as women's centres when we are working with women across so many different pathways of need. It

also means we are working with multiple agencies and so making sure that the woman at the centre of that is kept safe and free from harm, not just in terms of what she is experiencing in her own life but just in terms of how systems and structures work can be a real challenge. And somebody has to be on top of it, and ultimately that can come down to our case workers who are the ones that are holding the ring around the woman and making sure that other agencies are staying linked in and there is a shared responsibility for that woman's support.

**JL: Abbi, can you describe the collaboration that forms the basis of the NWJC and what does systems change look like?**

**AA:** The establishment of the NWJC was to create solidarity across the sector, to build strength for women's organisations and to address the sustainability issue that was impacting so many women's services. So that there was a united approach to securing gender-specific, trauma-informed support for women both in the community and in custody. The partners that originally formed the coalition saw it as an opportunity for collaborative action by a group of organisations spread across

England and Wales, dealing with different challenges in different geographical and local regions that were united by their shared values and that unity was because they had the same strategic aims, and they shared a mission to improve outcomes for women. So, by collaborating and forming this entity there was an opportunity to strengthen the voice of women's centres and specialist organisations, and in doing that, increasing the collective capacity for influencing the change we want to see.

Systems change would mean fundamentally creating positive change for women that would increase and safeguard their access to high-quality, sustainably-funded, trauma-informed, gender-responsive holistic support, which at the same time would decrease or even eradicate women's experiences of the individual, the institutional, the structural inequality, discrimination, racism and disadvantage that we know women experience through their contact with the CJS.

So, there was this collective approach to amplifying those messages and collaborating strength across the sector so that we'd have more clout, more

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impact. And this is really what drives the coalition now. As it gets bigger, as we bring in more partners with different specialisms, increase our representation across England and Wales, we have that opportunity to harness a wealth of expertise, and both lived and learned experience from across the sector to drive change that women tell us they need.

**JL: Can you say more about ways of working as a coalition?**

**AA:** There is an inherent agreement amongst the partners that we wanted to develop a model of feminist leadership, so that there was no dominant organisation around the table and every organisation that had an expertise and a voice to bring regarding women's services could be included. Recognising the differing capacities of partners, not in implementing a structure that required continual input, that recognised different priorities and capacity, but as a whole, the coalition could operate with a core staff, me as development manager driving the work, but being led by the priorities that the partners were saying were most important to them. We evolved workstreams around those priorities and our wider strategic aims. They specifically relate to influencing and amplifying the voices of women, and that is encompassed by our shared messaging work, and how we consult with our partners to understand what the priorities look like for their organisations, and the challenges and risks they face. And where we align in our values and our mission statements, so that shapes the singular voice of the coalition, and we can confidently speak on behalf of our 26 partners because there is that recognition and trust in the membership group that we are all on the same page. There is the value that our partners place on women-led services and co-production, and engagement and participation with women as experts by experience. That has helped us to drive work around involving women in our strategic development, in our influencing capacity, in honing our voice within the sector. The work being developed within that strand is being led by the partners within the coalition that have that organisational experience. The success of this particular coalition is that there is a trust and faith within the membership that certain organisations are well placed to lead certain branches of work.

There are opportunities for organisations to learn from each other, to share good practice in ways that

benefit their organisation as well as the collective. There is hopefully a value to a partner to be both part of a wider body of work but to also learn from their peers, their sisters within the sector, and that has really helped to galvanise the work and to inherently engage organisations in different ways and at different levels, given different capacities.

The values and commitments that the coalition set out very early on in its establishment helped to underpin all this work. So that the commitment to anti-racism and the recognition that we need to address not just the racism that exists within the wider sector, but acknowledge the challenges that besiege our partners, specifically those that are specialist organisations delivering very targeted support, or those that are very small and poorly funded. Understanding what those challenges look like and being able to advocate and represent those challenges as a collective is really valuable for us, to be the critical voice so no one organisation has to put their head above the parapet, they can literally rely on the collective voice of the coalition to amplify their concerns and voice their issues.

I think that's worked really well on a number of policy issues where we've had the opportunity to be consulted. For example, on unsentenced women and the probation reset, and the vetting issues that impact our partners, we've been able to speak on behalf of everybody and that helps to strengthen the unity, and the trust embedded in this coalition.

**JL: You've all spoken very powerfully about your work and the value of collaboration in this space. To finish up, can you sum up in a sentence the value of women's centres?**

**LD:** Given gender inequality still exists, a safe space for women in a society that is still predominantly run by and designed for men.

**RK:** Women's centres have the potential to transform lives. By offering a sanctuary where women can access support, therapeutic and practical, tailored to their individual specific needs.

**AA:** Women's centres are demonstrably the most effective way to support women to break free from harmful cycles of trauma and criminalisation, and to feel empowered to equip themselves with the tools they need to heal, to prosper and to thrive.

# What women want: a critical appraisal of approaches to evaluating voluntary sector women's services

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This article is the product of a collective approach, rooted in decades of evaluation and research experience, seeking evidence of impact of services for justice-involved women. In conducting evaluations, we have been constrained, to some extent, by the research commissioners seeking evidence that meets *their* needs, that is validation of public policy and justification for public investment. We believe this to be a product of what has been coined as the doctrine of new public management (NPM) which has dominated UK public service since the 1980s and applies corporate performance management frameworks and resource allocation methods to public services. In the context of voluntary sector specialist women's services, this results in an over-fixation with reducing reoffending as the end goal and the use of randomised control trials as the 'holy-grail' of evaluation. We argue that, freed from the shackles of such approaches, it is possible to realise greater benefits for all — commissioners, service providers and, importantly, justice-involved women — through more nuanced evidence gathering. To this end, we argue for applying a scientific realist approach to evaluating women's services, one which starts with: 'what works, for whom, in what circumstances?'. We show that it is only by acknowledging the complexity and changeability of social programme implementation and delivery — the interplay between delivery mechanisms, context and outcomes — and recognising the value of co-production and peer research that we can hope to arrive at an approach to evaluation that actually assists in service improvement and adaptation.

Our colleague, the late Professor Paul Senior provided the template for collectively authoring this paper, which started with the dull but functional title of 'Challenges of evaluating women's services'. Before retirement, as Co-Editor of the British Journal of Community Justice, Paul gathered with colleagues in a Westmoreland hotel. Over two days they engaged in a dialogue and produced 'Imagining Probation in 2020: hopes, fears and insights'.<sup>1</sup> Paul always had a penchant for the grand, but then he was generating content for an entire issue. Our purpose for this sole article was more modest. We no longer work/are affiliated to Sheffield Hallam University (SHU), but it was SHU and Paul that brought us together. So, we returned to the SHU 'canteen' for a day and relaxed, trusting that our contributions would be considered and given due attention regardless of how outlandish. Drawing on our collective several decades worth of evaluation and research experience, we were constructively critical,<sup>2</sup> acknowledging that research is reflexive: at the researcher level; through the politics embedded in the research; and 'the social conditions and techniques of production of the scientific object' (p.441).<sup>3</sup> We took verbatim notes and recorded our discussion. Themes, sub-themes and patterns emerged as we read and re-read the data and listened and re-listened to the recording,<sup>4</sup> guided by the research questions: *What are the challenges of evaluating voluntary sector women's services? And how can these be addressed?* Themes and sub-themes were refined for coherence. This paper therefore presents our responses to these questions

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3. Wacquant, L. (2011). From 'Public Criminology' To the Reflexive Sociology of Criminological Production and Consumption: A Review of Public Criminology? by Ian Loader and Richard Sparks (Abingdon, Oxon: Routledge, 2010). *The British Journal of Criminology*, 51(2), 438-448.
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contextualised by literature from evaluation, criminology and public service administration and management.

Our paper proceeds thus. We start by defining evaluation and identify factors which hinder the transfer of learning from the evaluation of voluntary sector women’s services (hereafter referred to as women’s services) into policy and practice. We then examine the appropriateness of applying reducing reoffending as the outcome measure for such provision, proposing an alternative to determining ‘impact’. We follow this by proposing that scientific realism offers a more appropriate evaluation approach to facilitating women’s service improvement and adaptation. We reflect on our positionality as researchers, our prior experiences, commitment and principles in evaluating women’s services and the benefits and challenges of justice-involved women as peer researchers. We conclude with recommendations for policy-makers and commissioners.

**What is evaluation good for?**

The impact of evaluation is elusive. Ultimately, its purpose is to determine the value of a treatment or programme, ‘to improve or refine the evaluand (formative evaluation) or to assess its impact (summative evaluation)’ (p546).<sup>5</sup> Many of our evaluations have been commissioned by government: the Ministry of Justice, HM Prison and Probation Service, the Youth Justice Board, the Home Office; as well as local government, probation and prisons, where the purpose of policy evaluation is to ‘systematically investigate the effectiveness of policy interventions, implementation and processes, and to determine their merit, worth, or value in terms of improving the social and economic conditions of different stakeholders.’<sup>6</sup> It’s worth noting that our commitment to evaluation (rather than research) rests on its applied nature, a belief that we can draw an

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intellectual line between our findings, recommendations and policy/programme refinement. Recommendations from our evaluations of services for justice-involved women have sought service commissioning attuned to how women actually engage with services, rather than how commissioners would like them to; policies sympathetic to this; and service adaptations leaning into what women want more and less of.<sup>7</sup> Reflecting on the tenuousness of the described intellectual line, we note the aphorism, attributed to Einstein (but likely apocryphal) that ‘insanity is doing the same thing over and over and expecting different results’. Our reporting (ibid) spans several years where broadly the same findings and recommendations have emerged, while at the same time we have observed

limited if any change. While frustrating, we have not gone insane. We take solace from the assertion that evaluation offers enlightenment, that research influences policy through ideas rather than data, research is unlikely to produce facts that change policy-making,<sup>8</sup> instead research works through ‘knowledge creep’,<sup>9</sup> ‘through the drip, drip, drip of enlightenment’.<sup>10</sup> In other words, it’s a slow process of absorption. And yet, while acknowledging this snail-like pace, we still find it hard to reconcile that the

accumulation of knowledge about justice-involved women which we and many other researchers have contributed to — which for example underpinned the government’s Female Offender Strategy,<sup>11</sup> has yet to fully find its way into commissioning and practice. Certainly, the spectre of chronic and long-term underinvestment in public services (including women’s services) which we have consistently found in our own evaluations stands out as an inhibitor for knowledge application. Without additional resources, effecting change is a struggle. The proposition that it may be possible to do more for less rings hollow after nearly a decade and a half of financial austerity stemming from

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the 2008 banking crisis.<sup>12</sup> Less well recognised amongst policy-makers and commissioners' thinking is that women's services (and their commissioning) are 'complex systems thrust amidst other complex systems'.<sup>13</sup> The whole system approach to women's services, endorsed in England and Wales as *the model* of women's services is not a closed system, instead it is buffeted, hampered and crowded out by other complex systems.<sup>14</sup> Change can easily be thwarted by complexity. For our part, the neat linearity of causal change: we produce findings/recommendations; policy-makers and practitioners receive them as precision tools; they use them wholly or in part, to tune and fix what's wrong, become blunted and rendered unusable by complexity. We are (naturally) sympathetic to the notion that:

'The relationship between evidence and policy is far from straightforward. Perspectives range from the idealism of 'evidence-driven policy making' (where evidence sets the agenda and drives policy choices) to the pessimism of 'policy-based evidence' (where evidence is sought simply to legitimize pre-set policies).'<sup>15</sup>

By and large, our encounters with the commissioners of women's services and evaluations have persuaded us towards an optimistic iteration of this relationship. They have been as keen as us for evidence to guide what they do. The critical question is what type of evidence can best facilitate this.

### What are women's services for?

Evaluation aims, objectives and questions listed in invitations to tender, (necessarily) focus evaluative effort but also box-in evaluators. Over recent years, we have come to the view that they give rise to dashed hopes of 'clinching evidence',<sup>16</sup> invest in X will return reduced recidivism of Y percent. The charge by some public administration and management scholars that evaluation is part of the bundle of practices constituting

the doctrine of new public management NPM which has dominated UK public services since the 1980s has resonance.<sup>17</sup> Other NPM practices that we've observed and contributed to (over the last 30 years) which we view as the triumph of management consultancy on public services include: private sector management practices; explicit standards and performance measures; output controls; disaggregation of public services into corporatised units; competition and marketisation; and discipline and parsimony in resource use.<sup>18</sup> After years of faithfully searching for the holy grail of clinching evidence and explaining (apologising) why our efforts have failed, we admit to a disenchantment with a justice policy orthodoxy that is NPM writ large. Albeit recognising that NPM was itself a response to the perceived failings of old public management.<sup>19</sup> For justice-involved women, this manifests as firstly an over-

fixation with reducing reoffending as the end goal of services and secondly, an unthinking rush towards randomised experimentation as the only evaluation method that can confirm their worth.

We examine the first here and the second in the next section. One of the authors has

written for HM Inspectorate of Probation (HMIP) on why reducing reoffending is not the only outcome for probation and services that work with people with convictions.<sup>20</sup> Below, we apply the central argument to women's services.

A one-size fits all approach to outcome measurement — based principally on the proven rate of reoffending (while strategically and symbolically important) — is unlikely to be sufficiently fine-grained and nuanced to reflect the complex reality of [women and women's services]. The plurality of providers, the different services/functions [that they perform and the different changes in women] that these services are intended to bring about cannot be adequately captured in a simple binary (reoffended or not reoffended) and frequency (if so, how often) measure.' (p.4)<sup>21</sup>

## Without additional resources, effecting change is a struggle.

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20. Wong, K. (2019). If reoffending is not the only outcome, what are the alternatives? HM Inspectorate of Probation Academic Insights 2019/07.

21. Adapted from Wong, K. (2019:4) see footnote 20.

This begs the question ‘What are women’s services for?’

Our close examination suggests they take as their starting point the needs of the woman — ‘what has happened to you and what do you need’ rather than ‘what do you need to desist from offending?’ In ethos then women’s services enable women to become proactive in identifying their own priorities for change. With the relationship between case worker and woman being key to this, that is the craft of working with justice-involved people.<sup>22</sup> And what are those needs?<sup>23</sup> Summary of the literature is still pertinent and resonates with our own more recent work.<sup>24</sup> This includes: ‘...unmet needs in relation to education, training and employment, health (including mental health), housing and income’; sexual and violent victimisation; high rates of substance misuse, especially opiates, amongst female offenders; poverty and financial difficulties; with women’s financial situations ‘...further strained by their having sole responsibility for dependent children.’

The key argument is that alternative outcomes (to reducing reoffending) should be ones that the women value and which enable them to make the micro-changes necessary to progress their lives. These outcomes may proffer limited gain for justice policy but cumulatively garner significance for health improvement, social capital and other public policy goals, eventuating a reduced reliance on state provision. These outcomes should take primacy. For an exposition of what these might be, see the interview with Lisa Dando and colleagues in this publication. These arguments for alternative outcomes — applied here to women’s services — are part of a broader movement attempting to grapple with the complexity of service delivery within complex systems.<sup>25</sup> While others are pioneering relational approaches to public service delivery — ‘the liberated method’ proffering effectiveness — serving the needs of service users rather than efficiency,<sup>26</sup> the legacy of NPM. Useful

learning from these initiatives can be applied to women’s services.

It should be noted of course that women’s services struggle for funding. Their reliance on government sources leaves them treading a difficult path, to avoid being complicit in enforcement, where missed appointments trigger breach actions by probation.

### What works for whom in what circumstances...?

The complexity of women’s services and policy/delivery landscape they inhabit steers us to advocate for a scientific realist approach to evaluating women’s services. In realist evaluation the question of ‘what works’ with its seductive simplicity becomes the more nuanced ‘what works, for whom, in what circumstances, to what extent’. As far as we know, few if any women’s service evaluations have explicitly adopted a realist approach — our own included. Realist evaluation recognises the complexity and changeability of social programme implementation and delivery, that the *mechanisms* — which underpin women’s services, (practitioners interactions with women, women’s reasoning, the processes which affect their behaviours and so on) are affected by *context* (women’s characteristics, local infrastructure, socio-economic

For justice-involved women, this manifests as firstly an over-fixation with reducing reoffending as the end goal of services.

conditions, access to services, the requirements of other services, the co-operation or lack of co-operation of services; family and peer relationships). They generate *outcomes* intended and unintended: Women secure housing close to supportive family, have better access to their children; however, it takes three rather than one bus to attend their appointments with probation and they begin to miss them. It assumes that services will be optimal for some women but not others, but this could alter if circumstances change. Realist evaluation works with the untidy non-linear complex messiness of the social world as it is, rather than the tidy linear version in policy makers and commissioners’

22. Hough, M. (2010). Gold standard or fool’s gold? The pursuit of certainty in experimental criminology. *Criminology & Criminal Justice*, 10(1).

23. Gelsthorpe, L., Sharpe, G., Roberts, J. (2007). *Provision for Women Offenders in the Community*. Fawcett Society.

24. Kinsella, R. Clarke, B. Lowthian, J. Ellison, M. Kiss, Z. Wong K. (2018). *Whole System Approach to Women Offenders Final Evaluation Report*, Manchester. Manchester Metropolitan University.

25. French, M., Hasselgreave, H., Wilson, R., Lowe, T., & Hawkins, M. (2023). *Harnessing Complexity for Better Outcomes in Public and Non-profit Services*. Policy Press.

26. Smith, M. (2023). *The Liberated Method - Rethinking Public Service*. Changing Futures. Northumbria.

heads. If we commission service A to do B + C then Y will happen. There are no magic bullets to deal with the complexity of marginalised women's lives. A service working effectively with a subgroup of women in one area may fare poorly with a similar subgroup elsewhere but instead achieve success with a different subgroup. Women's services need to adapt to different conditions, a role that realist evaluation is designed to support. Realist evaluation describes a 'realist' evidence-based pathway chain which through theory elicitation, then testing facilitates programme targeting and programme improvement.<sup>27</sup> This is a heuristic; however, it is instructive, the point of evaluation here is programme improvement, enabling service(s) to adjust and refine provision. Borrowing from Pawson and colleagues, women's services are:

*'...dynamic complex systems thrust amidst complex systems, relentlessly subject to negotiation, resistance, adaptation, leak and borrow, bloom and fade.'* (p23)<sup>28</sup>

Even if women's services themselves don't change, things around them do: a new funding regime; new national and local policies/strategies emerge; women's needs change; agencies that women are referred to cease operating. Adaptation is constant, at times more urgent at other times less all embracing.

We return to our earlier point about policy orthodoxy. Randomised control trials (RCTs) have become the gold standard of evidence-based policy (EBP) in England and Wales and firmly embedded in the What works movement and What works Centres established since 2001.<sup>29</sup> Our several decades experience accords with White's four waves of the evidence revolution: the NPM results agenda; the rise of impact evaluations specifically RCTs since 2000s;

## Women's services struggle for funding. Their reliance on government sources leaves them treading a difficult path.

systematic reviews of RCT evidence; and institutionalising evidence use through knowledge brokers, the What Works Centres.<sup>30</sup> In 2010, the march towards randomised experimentation for justice programmes generated lively debate within academic criminology.<sup>31</sup> The arguments for and against experimentation still apply, however, within government, the door seems firmly shut, the RCT horse has bolted and is on the loose. Let us be clear, we are not against RCTs, however, we have reservations about its widespread and indiscriminate application, such as for women's services.

Pawson's description of the orthodox evidence based policy (EBP) pathway is instructive, it starts with policy instigation, moves to programme management, onto demonstration project and then to full-scale RCT over a two-five year time frame.<sup>32</sup> Admittedly, this again is simplified for illustrative purposes. The rush to evidence by what works centres where a breathless two years has become the norm (for example see Youth Endowment Fund commissioned evaluations) and where the comparatively pedestrian five years is eschewed is a tad perplexing.<sup>33</sup> Perplexing because the timeframe for evidence-based medicine (EBM), upon which the foundations of EBP have been built, is ten-fourteen years for drug development where a full scale Phase III RCT is at the end of a long chain of research activities.

The uncritical importing of EBM to EBP without paying sufficient attention to purpose and context is misguided.<sup>34</sup> Pawson's exposition of the differences is instructive.

*'All the design features of drug RCTs are interrogated and fixed prior to testing. The net effects of drug RCTs speak to ideal*

27. Pawson, R. (2017) Evidence-based Medicine & Evidence-based Policy: The world's most perfectly developed method & the 79-pound weakling? University of Leeds.
28. Pawson R, Greenhalgh T, Harvey G, Walshe K. (2005) Realist review—a new method of systematic review designed for complex policy interventions. *Journal of Health Services Research & Policy*, 10(1), 21-34.
29. Haynes, L., Service, O., Goldacre, B., and Torgerson, D. (2012). Test, Learn, Adapt: Developing Public Policy with Randomised Controlled Trials. Cabinet Office.
30. White, H. (2019). 'The twenty-first century experimenting society: the four waves of the evidence revolution'. *Palgrave Communication* 5(47).
31. Sherman, L. (2009). Evidence and liberty: the promise of experimental criminology, *Criminology and Criminal Justice*, 9(1), 5 - 28.
32. Tilley, N. (2009). Sherman vs Sherman: realism vs rhetoric, *Criminology and Criminal Justice*, 9(2), 135-134.
33. Pawson, R. (2006). Evidence-based policy: A realistic perspective. Thousand Oaks, CA: Sage.
34. These can be found here: <https://youthendowmentfund.org.uk/funding/evaluations/>
34. Pawson, R. (2017) Evidence-based Medicine & Evidence-based Policy: The world's most perfectly developed method & the 79-pound weakling? University of Leeds.



*conditions which are reproducible. All the design features of social programme RCTs are improvised. The net effects of social programme RCTs are ad hoc partial artefacts.'*

This difference can perhaps be explained by the philosophical histories and underpinnings of natural sciences and social sciences observed by Rosenberg.<sup>35</sup>

*'The natural sciences have a much larger body of well-established, successful answers to questions and well-established methods for answering them...many of the basic philosophical questions about the limits and the methods of the natural sciences have been set aside in favor of more immediate questions . . . The social and behavioral sciences have not been so fortunate...there is no consensus on the questions that each of them is to address, or on the methods to be employed.'*<sup>36</sup>

Except of course, policy makers and government have pressed on, determining the questions and methods that evaluators have to work within. This has always been so. Whoever pays, calls the evaluation tune. As evaluators we have striven to deliver what

commissioners have asked for within reason and without comprising principles of being guided by the evidence and avoiding harm. This paper is a rare opportunity to step back from our day-to-day role and reflect on what we have learned from our striving.

Which brings us back to the question why has EBP adopted EBM wholesale? We view this is an unadmitted inferiority amongst social policy makers and researchers (ourselves included) coupled with a longing for rigour and perceived certainty, the clinching evidence that EBM appears to provide. Like a seventies

teenager admiring and then appropriating their older sibling's achingly cool LP collection. And yet, not so perhaps. Pawson's coda to the EBM pathway for drug development looks at what happens post regulatory approval (after a confirmatory Phase III trial).<sup>37</sup> When drugs are used in the open real-world system compared to the closed world of an RCT: compliance with treatment will worsen; the limited co-morbidities of patients in RCTs will differ from the general population; there will be greater heterogeneity in outcomes; unintended consequences will emerge; drug resistance will occur. In reality, EPM also has to wrestle with the uncertainty, complexity and messiness of the real world. At this point the EPM pathway with a defined end, becomes an evaluation cycle where the Phase III trials

'should be understood not so much as 'final arbiters' but as 'way stations' representing current distillations of knowledge.' (p16)<sup>38</sup>

We come full circle. Above we have laid out the challenges of evaluating women's service. Here, we proffer solutions, recommendations for policy makers and commissioners — a reflex, conditioned by decades of evaluation.

We recommend a return to first principles, specifically those provided by two essential government texts: Government Social Research (GSR) ethics guidance,<sup>39</sup> and the Magenta

Book, Central Government Guidance on evaluation.<sup>40</sup> They are summarised below.

*Outcomes for women's services.* The outcomes and measurement of such through evaluation should align squarely with what women want and what women's services do rather than what commissioners would like them to do. This necessarily requires a co-production approach — which is clearly supported by *Principle 1 Research should have a clear user need and benefit* and *Principle 5 Research should enable participation of the groups it seeks to represent*.<sup>41</sup>

Women's services  
need to adapt to  
different conditions,  
a role that realist  
evaluation is  
designed to  
support.

35. Rosenberg, A. (2012) *Philosophy of Social Science*, Boulder: Westview.

36. See footnote 26: Rosenberg, A. (2021).

37. Pawson, R. (2017). *Evidence-based Medicine & Evidence-based Policy: The world's most perfectly developed method & the 79-pound weakling?* University of Leeds.

38. Pawson, R. (2017). *Evidence-based Medicine & Evidence-based Policy: The world's most perfectly developed method & the 79-pound weakling?* University of Leeds.

39. Government Social Research. (2021). *GSR Professional Guidance: Ethical assurance for Social and Behavioural Research in Government*. GSR.

40. HM Treasury. (2020). *Magenta Book Central Government Guidance on Evaluation*.  
[https://assets.publishing.service.gov.uk/media/5e96cab9d3bf7f412b2264b1/HMT\\_Magenta\\_Book.pdf](https://assets.publishing.service.gov.uk/media/5e96cab9d3bf7f412b2264b1/HMT_Magenta_Book.pdf)

41. Government Social Research. (2021). *GSR Professional Guidance: Ethical assurance for Social and Behavioural Research in Government*. GSR.

**Research method.** Research paradigm wars. Less a war — given the current hegemony of experimental design — and more skirmish. Realist evaluation approaches have the potential to provide a more sympathetic way of doing what evaluation can do well, not provide clinching evidence but instead facilitate service improvement and adaptation and provide a better understanding about what changes/outcomes have occurred and why. Figure 2.4 of the Magenta Book (p33) sets out a decision tree to select the most appropriate method for impact evaluation based on intervention type.<sup>42</sup> The characteristics of women's services falls squarely within the conditions for adopting a theory-based evaluation approach, which realist evaluation fulfils. Moreover, a more careful consideration of research method operationalises *Principle 5 Research should enable participation of the groups it seeks to represent*. The guidance confirms this 'not only helps to ensure the effective dissemination and impact of research findings, but also is an important step in determining the most appropriate and effective research methods.' (p.5)<sup>43</sup>

**Peer research.** As one manifestation of co-production in research and operationalising the potential turn in public service administration towards the collaboration ethos of new public governance,<sup>44</sup> peer research involving justice-involved women has much to commend it. As a method it clearly upholds ethics *Principle 5 Research should enable participation of the groups it seeks to represent*.<sup>45</sup> Since two of the authors trialled it over twenty years ago as a then novel approach, it has since become more widely adopted. However, effecting change, in this case evaluation practice, requires investment of additional resources, but also care in implementation and a willingness to forgo control as a professional researcher and share this.<sup>46</sup>

How to do this are provided in other texts precluded from inclusion here by word limit.<sup>47</sup> Our experiences of these co-produced practices, specifically, training and supporting peer researchers to undertake research with women has demonstrable benefits: reducing the gap between researcher and researched; women can be themselves, say what is true for them rather than a filtered version; offering a richer, alternative insight that a 'professional researcher' may not be able to elicit. For the peer researchers, it allowed them to forge a professional pathway from their experiences, it gave them purpose, self-worth, status and an alternative identity. That contemporary evaluation commissioners may now favour this indicates a shift from the commissioning and evaluation landscape of twenty years ago. Of course, being a peer researcher is not an unalloyed good. The challenges they experience — confusion of identity; going from the 'high' and self-affirming experience of being a researcher to returning to prison and resuming their status as prisoner speaks to the challenges of such peer roles.<sup>48</sup> Careful attention to managing these contradictions is important.

We end by invoking complementary ideas from two twentieth century social scientist pioneers (Robert Merton and Donald Campbell) to support a call for a vigorous debate about how best to evaluate women's services, ultimately, the purpose of this paper. Science (in this case evaluation) is advanced by organised scepticism and does not depend on elite consensus and infallible evidence.<sup>49</sup> And objectivity in science, gathers through social processes, where scientists compete, check and challenge each other's interpretations.<sup>50</sup> We invite policy makers, practitioners and other evaluators to join with us in such discourse.

42. HM Treasury. (2020). Magenta Book Central Government Guidance on Evaluation.

[https://assets.publishing.service.gov.uk/media/5e96cab9d3bf7f412b2264b1/HMT\\_Magenta\\_Book.pdf](https://assets.publishing.service.gov.uk/media/5e96cab9d3bf7f412b2264b1/HMT_Magenta_Book.pdf)

43. Government Social Research (2021). GSR Professional Guidance: Ethical assurance for Social and Behavioural Research in Government. GSR.

44. Osborne, S. (2006.) The New Public Governance? 1. *Public Management Review* 8 (3) pp.377–387.

45. Government Social Research (2021). GSR Professional Guidance: Ethical assurance for Social and Behavioural Research in Government. GSR.

46. O'Keeffe, C. (2004). Object and Subject: The Challenges of Peer Research in Community Justice in British *Journal of Community Justice* Vol.3(1). Buck, G., Harriott, G., Ryan, K., Ryan, N., and Tomczak, P. (2020). All our justice: People with convictions and 'participatory' criminal justice, in *The Routledge Handbook of Service User Involvement in Human Services Research and Education* Edited by Hugh McLaughlin, Peter Beresford, Colin Cameron, Helen Casey, Joe Duffy.

47. O'Keeffe, C. (2003). *Moving Mountains: Identifying and Addressing Barriers to Employment, Training and Education from the voices of women (ex) offenders*. Sheffield: SHU Press.

48. O'Keeffe, C. (2003) *Moving Mountains: Identifying and Addressing Barriers to Employment, Training and Education from the voices of women (ex) offenders*. Sheffield: SHU Press.

49. Merton, R. (1973). *The Sociology of Science: Theoretical and Empirical Investigations*. University of Chicago Press.

50. Campbell, D., and Russo, J. (1998) *Social Experimentation*. Thousand Oaks, Sage.

# Supporting the Supporters: addressing the psychosocial challenges of third-sector workers supporting criminal justice-involved women and girls

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**In the UK, third-sector organisations have long supported, campaigned and advocated for the most disadvantaged, vulnerable and excluded individuals and communities in society, including those in contact with the criminal justice system.<sup>1</sup> In recent years, there has been a growing reliance upon this sector to address unmet social care and welfare needs, which has taken place in response to the contraction and shrinking of the welfare state. The organisations that make up this sector — including voluntary, community, social enterprises and co-operatives — whilst neither public nor private sector, have increasingly been contracted to provide public services.<sup>2</sup> Paradoxically, whilst governmental dependence upon and outsourcing to the third-sector has expanded, the reliability and adequacy of funding and support available has diminished.**

The third-sector across the UK as a whole has a predominantly female workforce, with around seventy-two per cent of its workers being women, a striking proportion when compared with the forty-seven per cent average of women in the overall UK workforce.<sup>3</sup> Despite this, only 50 per cent of senior management team roles, and 47 per cent of chief executive officer roles in the sector are held by women. However, 2022 data from England and Wales show that the

percentage of women chairs of third sector organisations has increased from 43 to 46 per cent.<sup>4</sup>

The workforce composition aligns to that of the health and social work sector more generally, where women hold seventy-seven per cent of jobs.<sup>5</sup> In such work which is often shaped by an ethics of kindness and care, and by gendered expectations of this, the women who fill the majority of its roles are often performing 'double-duty caregiving' (i.e. providing care in both their family and work lives),<sup>6</sup> as they attempt to balance the professional with the personal in different ways.

With complex needs to meet, and with a stretched and underfunded welfare state, there are high expectations of, and heavy pressure upon those working in these organisations. They conduct emotionally demanding work, but very often with a lack of external recognition, resource, and support. Their work has potential to cause psychosocial distress and harm to workers, both because of the nature of the work and the structural constraints within which it operates. In addition, the precarious nature of the sector means that it is particularly vulnerable to societal crises.

Our Nuffield Foundation-funded research project, *Women working to support women in the welfare sphere: psychosocial challenges* explored the

1. Ehrenstein, A. (2012) *Precarity and the crisis of social care: Everyday politics and experiences of work in women's voluntary organisations*. <https://orca.cardiff.ac.uk/id/eprint/28987/>
2. Cunningham, I. (2011) The third sector's provision of public services: Implications for mission and employment conditions. In *Working for the state: Employment relations in the public services* (pp. 147-165). London: Palgrave Macmillan UK.
3. Agenda Consulting (2022) *People Count Third Sector 2022*. Volume 2.1 Composition of the Workforce and the HR Function. 2.1 Composition of Workforce and The HR Function - Agenda Consulting
4. Community Foundation (2022) *Third Sector Trends in England and Wales 2022: Structure, purpose, energy and impact*. <https://www.stchads.ac.uk/wp-content/uploads/2022/12/Third-Sector-Trends-in-England-and-Wales-2022-employees-volunteers-diversity-and-investment-in-people-December-2022.pdf>
5. Francis-Devine, B., and Hutton, G. (2024) *Women and the UK economy*. House of Commons Library. SN06838.pdf (parliament.uk)
6. Ward-Griffin, C., Brown, J., Vandervoort, A., McNair, S., and Dashnay, I. (2010) Double-Duty Caregiving: Women in the Health Professions. *Canadian Journal on Aging / La Revue canadienne du vieillissement*. 2005;24(4):379-394.

psychosocial wellbeing and personal welfare of women workers in organisations across England, Northern Ireland, Scotland, and Wales, offering services, support, and advocacy to women and girls who may be socially isolated, economically marginalised and/or disadvantaged. The main aims were to determine how combinations of organisational challenges in service provision and increased service user need were interacting to change service demand and delivery; to document how processes of psychological distress may manifest in the personal and professional spheres of women workers, and; to determine the impact of increased individual, organisational and structural challenges wrought in particular by the Covid-19 pandemic and its associated lockdowns, upon the personal welfare of women workers.

Conducted between 2021 and 2023, the study captured how first the Covid-19 pandemic, and then the subsequent increasing cost-of-living crisis exacerbated pre-existing challenges upon the professional and personal lives of third sector workers, and the efficacy of the services that they provide. In doing so it investigated the cumulative effects of intensified client need, arduous work conditions, job security concerns, and additional domestic caring responsibilities, on the psychosocial wellbeing and personal welfare of women workers, many of whom come from the same communities and share the same experiences as their service users. Importantly, in line with the feminist ethos of the study, one of its main objectives was to address the need to better support the supporters themselves. This involved identifying positive practices which support worker welfare and effective service delivery to inform considered thinking which, in turn, may enhance policy and practice in this area.

This article draws on findings from this wider study focusing specifically on the views and experiences of women working in organisations who work with women and girls in or at risk of contact with the criminal justice system. These organisations work

primarily to support and address multiple and complex needs, including around childcare and family contact, mental health, substance abuse, skills development, including financial skills and money management, resettlement, housing and employability. They include women's centres, diversionary projects, through-the gate and mentoring, criminal exploitation/county lines projects, as well as addiction services. Whilst such organisations usually have a specific focus (e.g. resettlement, housing) their work is often holistic in its provision.

Below, we outline some of the characteristics of women and girls who are in or at risk of contact with the criminal justice system, and some of the implications of working with this group. A woman's pathway to criminal justice involvement is a gendered one, often influenced by experiences such as trauma and violence, poverty and gender discrimination. Many of these issues are related to gendered experiences over the life course, including housing, employment, addiction, ill-health, social relationships, motherhood and mothering that are rendered more difficult by criminal justice involvement. Women in or at risk of contact with the criminal justice system report multiple needs at a higher rate than men, including mental health needs and problematic substance abuse, as well as experiences of childhood abuse and domestic

abuse.<sup>7</sup> Many are in poor health and vulnerable to social disadvantage and exclusion. While it is important that justice-involved women are not defined by these vulnerabilities, these are, nonetheless, the fundamental realities of their lives.

Research into work with criminal justice-involved women and girls suggests that features of effective practice include: holism, age and gender sensitivity, cultural competence, flexibility, emotional support, practical life skills, and strengths-based work.<sup>8</sup> Increasingly there has been the incorporation of gender-responsive approaches which emphasise the development of positive relationships, address trauma and provide continuity of care in order to achieve

## Throughout the interviews, participants spoke of the psychological, emotional, and social impacts of working in this sector on their professional and personal lives.

7. Prison Reform Trust (2024) Bromley Briefings Prison Factfile. <https://prisonreformtrust.org.uk/wp-content/uploads/2024/02/Winter-2024-factfile.pdf>

8. See, e.g., Worrall, A., and Gelsthorpe, L. (2009) 'What works' with women offenders: The past 30 years. *Probation Journal*, 56: 329-345; Robinson, R., and Ryder, J. (2014) "Sometimes One Does That With Blinders On": Revisioning Care for Violent Girls. *Women and Criminal Justice*, 24: 193-208; Brown, S., and Gelsthorpe L. (2022) (eds.) *The Wiley Handbook on What Works with Girls and Women in Conflict with the Law: A Critical Review of Theory, Practice, and Policy*. Wiley-Blackwell.



rehabilitative outcomes.<sup>9</sup> Many of these features of effective practice involve a personal commitment and empathetic engagement between the service provider and individual woman. Working with justice-involved women and girls often entails the elicitation of information about their lives, their past experiences, the circumstances leading to their offending or risk-taking, and their hopes and fears for their future. Such discussions frequently reveal personal backgrounds characterised by multiple and intersecting traumatic circumstances and events which, cumulatively, can have a lasting effect on mental, physical, emotional and social wellbeing.<sup>10</sup> Testimonies of trauma may emerge not just from individual histories of abusive relationships of all kinds but also from wide-ranging experiences of loss and bereavement.<sup>11</sup> Bearing witness to these accounts requires not only intense engagement and a practice of commitment from helping professionals<sup>12</sup> but, as a form of emotional labour, it also requires the adoption of specific forms of self-presentation, demeanour and emotional states in order to maintain composure.<sup>13</sup> Emotional labour and, in particular, active engagement in the management of emotional states<sup>14</sup> can not only be exhausting but can also take its toll on practitioners' personal and professional lives.

### Our research approach

The wider study placed women's experiences centrally, being framed through reference to feminist theoretical and empirical work on good practices regarding working with women and girls. It was also informed by material on the development and application of trauma-informed approaches for

working in settings including criminal justice, social services and health.<sup>15</sup> Ethical approval for the research was granted by the University of Glasgow College of Social Sciences Ethics Committee.

The research employed a multi-method approach, namely a desk-based mapping exercise aimed at identifying UK community-based organisations working with marginalised or socially isolated women and girls, alongside a review of materials published by identified organisations on challenges wrought or exacerbated by

Covid-19; an online survey (n=153) aimed at managers/supervisors which sought data on pandemic-related changes to service demand, changes to ways of working and service delivery, resource constraints and other organisational challenges, changes, and opportunities. This was followed by a two-stage interviewing process. A first round of semi-structured interviews was conducted with managers and frontline workers (n=94), some of which held dual roles, of which 29 worked with criminal justice-involved (or at risk) women and girls. This included those working with women serving prison sentences, on probation, and at risk of being affected by the criminal justice system (e.g., those experiencing criminal or

sexual exploitation), among others. A second round of interviewing was carried out with 41 of the originally interviewed participants, of which eight were criminal justice-related. Interviews explored views and experiences of the impact of working in this sector on their personal and professional lives and were analysed using qualitative analysis software NVivo 12. This article draws specifically on the survey responses and interviews with those providing services to women and girls in or at risk of contact with criminal justice.

The wider study placed women's experiences centrally, being framed through reference to feminist theoretical and empirical work on good practices regarding working with women and girls.

9. Ministry of Justice (2018) *A Whole System Approach for Female Offenders: Emerging evidence*; London: Ministry of Justice; NOMS (2015) *Achieving better outcomes for women offenders: Evidence-based commissioning principles for women offenders*. National Offender Monitoring Service.
10. SAMSHA (2014) *SAMSHA's Concept of Trauma and Guidance for a Trauma-Informed Approach*. Substance Abuse and Mental Health Services Administration. U.S. Department of Health and Human Services.
11. Batchelor, S., and Burman, M. (2004) Working with girls and young women in G. McIvor (ed.) *Women Who Offend*. Jessica Kingsley, London.
12. Brown, S., and Gelsthorpe, L. (2022) (eds.) *The Wiley handbook on what works with girls and women in conflict with the law: A critical review of theory, practice, and policy*. Wiley Blackwell
13. Hochschild, A. (1979) Emotion work, feeling rules, and social structure, *American Journal of Sociology* 85 (3): 551-575
14. Hochschild, A. (1979) Emotion work, feeling rules, and social structure, *American Journal of Sociology* 85 (3): 551-575
15. NHS Education for Scotland (2021) - see <https://www.nes.scot.nhs.uk/news/the-national-trauma-training-programme-http/>

## Emotionally charged work

Shaped and driven by strong values and ethics, women providing support and services in this sector usually work closely with the communities they support, frequently incorporating an understanding borne of lived experience. Workforces are often highly specialised, skilled, experienced and knowledgeable, building close and trusting relationships with their service users, and addressing a wide range of needs. Participants revealed a range of motivations, usually of a personal and intrinsic nature, relating to lived experiences of themselves or their family or friends, and/or wanting to help other women in challenging circumstances. Many also described being driven to do the work by a strong sense of injustice relating to the difficult lives of their service users, and the lack of support available to them. Often, more than a job, this work was portrayed as a vocation or a sense of mission.

*One of the things he told me, when I think I was still a student at the time... is that if you find that you're not absolutely horrified whenever you go into a prison, then it's time to stop going into prisons.... you become desensitised to it... that's when you need to step back and recognise that it's not having an impact anymore. And I thought that was a really interesting way of looking at it. Because these things are horrible, and they are distressing, and if you stop feeling that, not that you have to be really, really upset every single day, but it's just recognising this is something...this is real, and that's why we're doing that work, is to make it better. (018, manager, support services for families affected by maternal imprisonment)*

Participants conveyed a sense of intense emotional, inter-corporeal and inter-subjective

Shaped and driven by strong values and ethics, women providing support and services in this sector usually work closely with the communities they support, frequently incorporating an understanding borne of lived experience.

commitment to their roles and to those with whom they work.<sup>16</sup> They also demonstrated strong empathy and affiliation — acknowledging, appreciating and responding to the material circumstances and emotional trials and challenges of the women and girls — but also refracted through their own first-hand experience of similar challenges. Care and an ethos of commitment to the role were evident, and there were frequent expressions of passion, dedication, satisfaction and fulfilment in the work. As Bondi (2008) notes in relation to the emotional and power dynamics of women's caring work, what we see here is the co-existence of the oppressiveness of care, but also the 'expression of love, pleasure and vocation.'<sup>17</sup>

Despite the strong motivation and sense of vocation, participants spoke of the emotionally demanding and physically draining nature of work with

service user populations who frequently presented with complex, multi-faceted, and layered needs, which intensified during Covid-19. Experiences of past or ongoing trauma were common. Throughout the interviews, participants spoke of the psychological, emotional, and social impacts of working in this sector on their professional and personal lives, underscoring previous research that emphasised the potential for psychological distress for workers.<sup>18</sup> As one explained,

*I always say, I love my job. It's really fulfilling, it's a good organisation to work for, there's a lot of support from the manager, service manager, the other staff, but it's emotionally the most draining and challenging job I've ever had. ... , I*

*remember the first Christmas. So, I started here around Easter time, and I had a two week holiday quite quickly and then I was like up to Christmas didn't really have any holidays. And I remember it got to the week before Christmas and I remember saying to the manager, I am exhausted, and I can't wait*

16. Cohen, R. (2011) Time, space and touch at work: Body work and labour process (re)organisation *Sociology of Health and Illness* 33(2): 189-205

17. Bondi, L. (2008) On the relational dynamics of caring: a psychotherapeutic approach to emotional and power dimensions of women's care work. *Gender, Place & Culture*, 15(3): 249-265.

18. Burman, M., Robinson, R., and Crowley, A. (2018) *Working with women and girls: researching experiences of vicarious traumatisation*. Scottish Centre for Crime and Justice Research (SCCJR) Research Report 02/2018. Glasgow: SCCJR.

*to be off work. And I'd never felt like that in the Prison Service. (056, frontline worker, women's centre)*

Pearlman and Mac Ian (1995) suggest that helping professionals who are exposed to 'graphic descriptions of violent events, realities of people's cruelty to one another, and trauma related re-enactments' may develop psychological distress as a natural consequence of their work.<sup>19</sup> The effects of hearing about traumatic events retold by the traumatised may, in certain circumstances, have negative emotional effects, potentially affecting not only professionals whose work it is to lift the psychological and circumstantial burdens of those with whom they work, but also on their colleagues, their families and their organisations.<sup>20</sup> In other words, those working closely with the traumatised may themselves become vicariously traumatised. Many participants self-reported adverse physical and psychological outcomes including burnout, exhaustion, depression, and anxiety, as well as an erosion of their sense of self.

*I used to be quite obsessed with talking about work when I was [in that role], I couldn't talk about anything else. I would go out with friends, and I'd be like, how can you even be laughing and joking when the world is this horrible, what I'm dealing with at work; and I just became really difficult to be around, because I was so distressed that so much trauma existed and nobody was talking about it. How could they not be talking about it? (025, manager/frontline worker, women's centre).*

Maintaining clear boundaries between personal and work lives was a challenge, with many

participants relaying experiences of spillover between the two. These difficulties were exacerbated by Covid-19 and home-working but also explained by the sense of responsibility concerning the wellbeing of their service users during this time:

*I think it has, it took me a wee while to fully understand the impact of the role on me personally, it could be at work you can hear a lot of really traumatic stories, a lot of...you can hear a lot, and you can witness quite a lot of really horrible situations and things and you've got that professional boundary there. So, it's like a wall but you're not understanding, suddenly I've become much more emotional in my personal life, things that I used to be able to deal with, I would just burst out crying for in my own life. I had it pointed out to me that the emotions are going somewhere and that's into my personal life. (015, frontline worker, mentoring services)*

Service users had been 'let down' by injustices, unfairness and failings of 'the system', with rolled back statutory services not meeting their needs, and as a result exposing them to greater peril and harm.

### A morally injurious landscape

Motivations to do this work are very often drawn from an individual's principles and sense of justice or morality. Having strong motivations for doing the work does not alter its challenging circumstances and indeed, may exacerbate individual's sense of 'moral injury.' When witnessing or hearing about behaviours or situations that go against an individual's values, moral beliefs, and ethical code, a sense of 'moral injury' can occur.<sup>21</sup> Moral injury is understood to be the strong cognitive and emotional response that can occur following events that violate a person's moral or ethical code.<sup>22</sup> It can be a motivation for becoming involved in this type of work, but also an impact of the work.

19. Pearlman, L., and Mac Ian, P. (1995) Vicarious traumatization: An empirical study of the effects of trauma work on trauma therapists. *Professional Psychology: Research and Practice*, 26: 558-565: <https://doi.org/10.1037/0735-7028.26.6.558>
20. Gregory, A., Feder, G., Taket, A., and Williamson, E. (2017) Qualitative study to explore the health and well-being impacts on adults providing informal support to female domestic violence survivors. *BMJ Open* [Online]: <https://doi.org/10.1136/bmjopen-2016-014511>.
21. Shay, J. (2014) Moral injury. *Psychoanalytic Psychology*, 31(2), 182-191.
22. Litz, B., Stein, N., Delaney, E., Lebowitz, L., Nash, W., Silva, C., and Maguen, S. (2009) Moral injury and moral repair in war veterans: a preliminary model and intervention strategy. *Clinical Psychology Review*. 29: 695-706.

Participants described how the pandemic, combined with years of austerity policies, and heightened costs of living, affected the ways in which they worked such that they considered that the services they deliver fall below what they would usually consider to be good enough. They felt that service users had been 'let down' by injustices, unfairness and failings of 'the system', with rolled back statutory services not meeting their needs, and as a result exposing them to greater peril and harm.

*The system. The clients are never a problem, the system is a nightmare but that's why we're in it, you know, we deal with things that are nightmares and we deal with the stuff of nightmares in our world don't we, in criminal justice. (004, manager, coaching project)*

Experiences of morally injurious events can cause feelings of shame and guilt, alterations in cognitions and beliefs, and maladaptive coping responses. Participants reported feeling constantly angry, outraged, frustrated and despairing as a result of witnessing and trying to address the inequalities and oppression experienced by those they support:

*I think, so the motivation for this type of work, I think it's like, it comes from lots of different areas, but is mainly about having a real anger, actually, at the way society is, and the inequality that exists, and disparity. And seeing how this inequality, this disparity, drives really terrible issues, such as serious youth violence, such as exploitation. I think there's a real, the narrative that's given around these issues is always... it's like it's an entity on its own. But it's not, it's caused by societal issues... and yet, I feel like the way that, especially like the media, the government, would have you believe that they exist on their own because these are bad people. And it's like, no, these are situations that have been created by the environment that they're in, by the inequalities that they face, by*

*systemic barriers, by the systemic racism. (074, frontline worker, child exploitation)*

Certainly, the pandemic and cost-of-living crisis intensified pre-existing inequalities fuelling anger and frustration in participants who emphasised that these, alongside their feelings of powerlessness and hopelessness about the situations of their service users, were not new. They described working under resource-constrained service models for many years, relying on short-term and/or patchy funding, which threatened the sustainability and continuity of services and, of course, their jobs. One participant said, referring to the sector,

*'How far can we stretch people who are holding up society, they're working with the most vulnerable in society, unseen, unrecognised, grossly underpaid' (011, manager, children and young people service).*

**'How far can we stretch people who are holding up society, they're working with the most vulnerable in society, unseen, unrecognised, grossly underpaid'.**

Given the already challenging nature of the work, the lack of appropriate reward and the financial precarity experienced by organisations (and hence workers) adds to this morally injurious landscape.

### **Coping in challenging circumstances**

Reflecting on the challenges explored above, participants shared a range of coping strategies which they deployed to deal with the impact of their work. These involved varieties of self-care, most of which were self-initiated and self-directed, such as exercise, recreational and creative activities, time spent with family and friends and other individualised forms of relaxation, such as meditation and mindfulness practices.

However, this, and other research reveals that the most effective and important ways to support workers are not those that rely on individualised self-awareness or self-care, but those which are embedded into organisational policy and are practice and organisation led.<sup>23</sup> Particularly for those with 'double-duty' caring responsibilities in their personal lives, and where professional boundaries are hard to maintain between their personal and professional lives, coping strategies

23. Burman, M., Crowley, A. and Robinson, R. (2018) *Working with women and girls: researching experiences of vicarious traumatisation*. SCCJR Research Report. 02/2018. Glasgow: Scottish Centre for Crime and Justice Research.



often only do so much, and the erosion of boundaries can lead to forms of psychosocial distress, feelings of tension and isolation, as well as physical and mental exhaustion.<sup>24</sup>

*But it is difficult at times because... you do go home and sometimes you're really worried about somebody over the weekend, or ..., you're just, you're really concerned about somebody's health or you're just worried about their situation at home, or who they're living with. And it can be difficult to turn that off, but I do find it much easier now. And I think that's just through probably experience and the fact that I have lost a few women... And as difficult as that is, it's part and parcel of this job and the people we work with... So, I think experience has made that a lot easier. (056, frontline worker, women's centre)*

### Vicarious resilience

Such work may be emotionally demanding but has the potential to bring great emotional reward. Participating in work that is driven by values and an ethical code that align with one's personal beliefs can provide positive outcomes and experiences for workers and service users alike. Vicarious resilience, 'the strength, growth, and empowerment experienced by trauma workers as a consequence of their work',<sup>25</sup> emerged as a key theme here. Vicarious resilience happens when the professional experiences personal growth in their own life through witnessing the growth of their service

users. In this vein, participants described how witnessing the positive effects of their work, such as the growing strength of service users, can in turn help them build personal resilience despite the significant challenges faced. This speaks to a body of research that reflects on possible positive effects of working with trauma which runs parallel to the more usually documented negative effects.<sup>26</sup>

Working closely with traumatised populations can provide an increased understanding of, and sensitivity towards service users' experiences, and strengthen participants' motivation to conduct their work. When practitioners are able to maintain a focus on what has been accomplished, they are able to create a sense of purpose and fulfilment within themselves. But this

requires work and resource. Whilst it is important to develop an awareness of the potential for psychological distress, learn the signs and symptoms of stress, burnout and vicarious trauma, and identify strategies for coping, it is vital that organisational strategies for mitigating vicarious trauma and promoting vicarious resilience are developed and implemented. This includes policies and procedures as well as specialised training to aid recognition of experiences of vicarious trauma, assist practitioners to be able to cope better when hearing about others' traumatisation, and build vicarious resilience. Of importance is the development of a 'relational organisational climate that fosters authenticity, reflectivity, and mutual

communication about stressors, concerns, and disagreements' <sup>27</sup> which enables workers to see the opportunities for growth in their service users despite the difficulties they face.

Experiences of  
morally injurious  
events can cause  
feelings of shame  
and guilt,  
alterations in  
cognitions and  
beliefs, and  
maladaptive coping  
responses.

24. Ward-Griffin, C., Brown, J., Vandervoort, A., McNair, S., and Dashnay, I. (2010) Double-Duty Caregiving: Women in the Health Professions. *Canadian Journal on Aging / La Revue canadienne du vieillissement*. 2005;24(4):379-394.
25. Puvimanasinghe, T., Denson, L., Augoustinos, M., and Somasundaram, D. (2015) Vicarious resilience and vicarious traumatisation: Experiences of working with refugees and asylum seekers in South Australia. *Transcultural Psychiatry*, 52(6): 743-765.
26. See e.g., Hernández P., Gangsei D., Engstrom, D. (2007) Vicarious resilience: a new concept in work with those who survive trauma. *Family Process*. 46(2):229-41; Hernandez-Wolfe, P., Killian, K., Engstrom, D. and Gangsei, D. (2014) Vicarious Resilience, Vicarious Trauma and Awareness of Equity in Trauma Work. *Journal of Humanistic Psychology* 55(2): 153-172; Tassie, A. (2015) Vicarious resilience from attachment trauma: Reflections of long-term therapy with marginalized young people. *Journal of Social Work Practice*, 29: 191-204; Frey, L., Beesley, D., Abbott, D., and Kendrick, E. (2017) Vicarious Resilience in Sexual Assault and Domestic Violence Advocates *Psychological Trauma: Theory, Research, Practice, and Policy*. 9(1): 44-51.
27. Frey, L., Beesley, D., Abbott, D., Kendrick, E. (2017) Vicarious Resilience in Sexual Assault and Domestic Violence Advocates. *Psychological Trauma: Theory, Research, Practice and Policy*, 9(1): 44-51.

## Mitigating psychological distress and building vicarious resilience

Vicarious or secondary trauma can be mitigated if adequate support structures are in place.<sup>28,29</sup> Organisational support, and importantly that provided through informed leadership and organisational/management structures that recognise the likelihood of psychological distress arising from this work and the importance of it being addressed are absolutely key. This can also engender a sense of being protected by the organisation, which can in turn lead to lower work-related stress.<sup>30</sup>

Through this research, it became clear that many organisations lack recognisable or accessible processes to support staff wellbeing and prevent vicarious traumatisation. Structures for identifying and/or addressing psychological distress were rare; instead, it was left to staff to self-disclose or for an attentive manager to spot. Nonetheless, some participants positively recognised organisational efforts to implement methods and structures for engaging with staff, and channels for staff to express concerns about their wellbeing. Some of these were put into place during Covid-19, and for the most part, were retained post-pandemic.

Participants highlighted regular check-ins with senior staff, which included discussions of wellbeing and support needs to be of significant value. Externally provided clinical supervision was also highly valued, albeit only that provided by counsellors who understood the sector. Research has pointed to the protective function of ensuring external supervision to those working in trauma saturated environments through which practitioners can talk freely about the challenges that they face, and explore feelings, thoughts and concerns.<sup>31</sup> Reflective practice was considered especially important by practitioners to

allow them to explore their experiences and the emotions attached to those experiences in 'safe' supportive environments. Confidential reflective practice groups were also thought to facilitate discussion of impact upon individuals and a space to process, as well as to learn from one another.

## Some reflections

The criminal justice system has been characterised by rapid policy changes, underfunding and understaffing in recent years with policy being driven by 'populist punitiveness' leading to prison overcrowding, strains on prison staff and probation staff, and thus to increasing reliance on third sector organisations for the delivery of services. This research highlights the highly constrained and challenging landscape of service provision for criminal justice-involved women and girls. In doing so, it illustrates how 'the cost of caring'<sup>32</sup> can be high for workers in this sector, resulting in various forms of psychosocial distress. The multiple and intersecting gender inequalities that the predominantly female workforce also often experience only serve to increase this cost. Practitioners' accounts detail challenges associated with a lack of adequate financial, emotional and psychological wellbeing structures within organisations.

Societal crises such as Covid-19, withdrawal of the welfare state, and the worsening cost-of-living situation have not only deepened service-user needs and increased demand for support, with already disadvantaged and marginalised women disproportionately affected, but have also wrought alterations in ways in which organisations in this sector operate. They are called upon to fill gaps in public sector services, but being reliant upon precarious, insufficient, patchy and often short-term funding to do so means additional pressure upon organisations and workers alike. When supporters are well supported, the

Participating in work that is driven by values and an ethical code that align with one's personal beliefs can provide positive outcomes and experiences for workers and service users alike.

28. Covington, S. (2008) 'Women and Addiction. A Trauma-Informed Approach', *Journal of Psychoactive Drugs*, Nov. Suppl 5:377-85. doi: 10.1080/02791072.2008.10400665. PMID: 19248395.
29. Najavits, L. (2002) *Seeking safety: A treatment manual for PTSD and substance abuse*. Guilford Press.
30. Senreich, E., Straussner, S., and Cooper, C. (2020) Health, wellness, and workplace experiences of lesbian, gay, and bisexual social workers. *Journal of Gay & Lesbian Social Services*, 32(2): 209-239.
31. See, e.g. Slattery, S., and Goodman, L. (2009) Secondary traumatic stress among domestic violence advocates: Workplace risk and protective factors. *Violence Against Women*, 15(11): 1358-1379.
32. Figley, C. (1999) Compassion fatigue: Toward a new understanding of the costs of caring. In: Stamm B.H. (Ed.). *Secondary traumatic stress: Self-care issues for clinicians, researchers, and educators* (2nd ed). (Lutherville, MD: Sidran Press). 3-28.

costs of caring, the vicarious traumatising, and the moral injury — all of which may be experienced in their work — can be reduced. In turn, the efficacy of their vital work, and thus the lives and wellbeing of women and girls in or at risk of criminal justice involvement can be improved.

This is a short overview of key themes emerging from the research. You can access the full report on the Women Supporting Women website.<sup>33</sup>

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33. <https://womensupportingwomen.uk>

# Book Review

## **Pregnancy and New Motherhood in Prison**

By Lucy Baldwin and Laura Abbott  
Publisher: Bristol University Press  
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*Pregnancy and New Motherhood in Prison* is the first of its kind in the UK to be published on pregnant women, new mothers and prison. It builds on a plethora of previous research, namely the authors' own research to critically explore the way in which the criminal justice system responds to pregnant women and mothers. It uses the voices of those with lived experience and the tragic losses of life to further compound the message of the book and support efforts towards change and improvement within the system.

Within the book, the authors acknowledge that the book was written at a time when policy developments have been positive, but crucially note that these changes have occurred retrospectively of tragic deaths. The authors took on the roles of activist researchers and academics to put forward 'evidence- and practice-based, and passion-driven' calls for change whilst also sharing the stories of mothers and pregnant women to have their voices heard (p. 17). This all weighs into an argument for an alternative to custody in most cases for pregnant women and new mothers. The book endeavours to expand interest in the area and challenge disinterest, ignorance and inaction with resolve, motivation and passion for change. It is well-constructed, paced, and flows comfortably whilst making an invaluable contribution to the field. As such, the book is an essential read for policy-makers, practitioners in social and criminal justice along with students and researchers of criminology and midwifery.

The sheer amount of empirical data in this book raises feelings of frustration at the lack of movement of policy, inconsistent approaches and delivery of provisions. The lived experience drawn on throughout the book is harrowing, heart-breaking, and downright shocking at times. It raises important and necessary, but frustrating, points about the nature of pregnancy and motherhood in prison and the care, or lack thereof, experienced by these women. I particularly found interesting the inclusion of the law and policy changes, as well as

research studies in the field. It is perhaps unsurprising to read that family courts consider the aspect of having dependents to a greater extent than criminal courts, but it was necessary to raise the point.

As someone with a keen interest in historical criminal justice, I found the chapter on criminalising motherhood, in particular, very interesting. It underpins the core values with which women are, and have historically been, judged and how these have persisted to present day to negatively impact pregnant women and new mothers within the criminal justice system and beyond. The starkness with which the treatment of women today is mirrored to the treatment of women and mothers in the Victorian period is deeply troubling. The fact that many mothers were, and still are, imprisoned on short sentences for non-violent offences and how similar concerns were being raised about motherhood in prison in 1919 shows consistency in the issues that continue to be raised today. This further compounds notions that the penal estate, as a whole, too closely reflects life 150 years ago.

Of particular interest was the expansion of the term 'double deviancy' in light of the intersectionality of the experiences of mothers which means they can sometimes be 'deemed triply or even quadruply deviant' (p. 95). This encompasses themes raised throughout the book around trauma and maternal trauma, which can prevent desistance, as well as the multiple ways in which women have been let down by the systems in place that should have



been there to support them. The harrowing stories of tragedy and preventable death repeatedly drawn on throughout the book raises reoccurring themes of inconsistency of care, the way mothers in prison grapple with maternal identities, stress, guilt and shame, which are also prominent in the authors' previous research.

An interesting addition was the inclusion of 'pauses of thought' throughout the book. The authors had included a set of questions carefully scattered throughout each chapter of the book which offered the reader a chance to stop and reflect on what they had just read. It enabled the reader to develop their thinking and challenge ideas and assumptions, whilst

encouraging people to continue challenging ideas of others in the way others might view certain situations.

Overall, I felt fundamentally changed after reading the book. Admittedly, female prisoners, and specifically motherhood in prison, is not an area in which I had spent much time reading and researching prior to this book. As someone who has never been pregnant before, I was very surprised by how much this book affected me. However, as a female, I felt emphatically moved by the poignant stories of mothers who had experienced the most horrific of circumstances. As such, I found that it was a much tougher read than I was expecting it to be and had to take my time with it. It

was important that this book is given the full attention it deserves. The stories of these women and their children will stay with me for a long time.

*Pregnancy, New Motherhood and Prison* is overflowing with a wealth of knowledge from the authors and those with lived experience evermore compound the necessity of change in this area. It was encouraging to read about all of the positive movements that have come off the back of tragedy and all of the organisations working to provide better outcomes for pregnant women in prison. The book is profoundly devastating, yet remained resilient and completely optimistic for the future. An essential read.

# PRISON SERVICE JOURNAL

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**‘Diversion is absolutely amazing’: How Advance diverts women from the criminal justice system**

Phoebe Lill, Jessica Trick and Dr Natalie Booth

**Achieving an intersectional approach — combating structural oppression experienced by Black, minoritised and migrant women in contact with the criminal justice system**

Katy Swaine Williams, Elizabeth Jiménez-Yáñez and Fleur Okubule

**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.**

Dr Shona Minson, Dr Ruth Armstrong, Mary Covington, Amanda Dutton, Maria Jimena Monsalve, Dr Corina Giacomello, Dr Ulda Omar Figueroa Ossa, Pablo Hilaire, Adam Kluge and Iulia Christiana Vatau

**Meet the problem solvers:  
An interview with four women with expertise on women’s problem-solving courts**

Amanda Dutton, Hannah Fisher, María Jimena Monsalve, Mary Covington and Dr Ruth Armstrong

**Interview with Lisa Dando, Rokaiya Khan and Abbi Ayers  
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Annie Crowley, Joana Ferreira, Loraine Gelsthorpe, Michele Burman and Jenn Glinks