THOUGHT PIECE

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WHAT WILL 'COUNT' AND BE TRANSFORMED FOR WOMEN IN THE CRIMINAL JUSTICE SYSTEM?
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Abstract
We know that most women in the Criminal Justice System have a range of essential support needs. They have experienced, or are currently experiencing traumatic events, are living through abusive relationships, self-medicating and coping through drug misuse and have a lack of social support. In addition to difficulties with managing and providing for their dependent children, they have been described as presenting "particular challenges" in the recent Justice Select Committee Report (MoJ, 2013). The real challenge is to accept that success is a complex and layered process, especially within the context of chronic stress and trauma. Measures of offending and other quantitative target measures are simply not sufficient to account for positive change and the level of support required. The impact of good quality service provision on women with complex and diverse needs must be considered within a more sophisticated framework and commissioners from Prime providers and the MoJ should be held accountable for ensuring this.

Keywords
Women; trauma; depression; commissioning; desistance; Payment by Results (PbR)
Transforming Women in Rehabilitation

The starting point for this thought piece is a concern for how women in the Criminal Justice System (CJS) will be supported towards desistance in the current Transforming Rehabilitation reforms. I am at the final stages of my PhD at Durham University and the following outline is based upon discussions with probation officers, counsellors, voluntary sector leads and interviews with service users, concerning the meaning of support and the process of change for women that have desisted from offending. Within my research, desistance is conceptualised as the meaningful and subjective process of change for individuals, which is supported and not controlled by services. This has been widely advocated as a way of effectively “working with” offenders, rather than perhaps “working on” offenders and is outlined in the recent desistance guide brought together by ‘Clinks’ (2013).

The process of desistance cannot start for an individual without attention to essential support needs and there are high levels of unmet needs for women offenders. The contextual factors in women’s lives in the CJS have been widely documented in relation to histories of violence and abuse, with women presenting with high levels of depression, trauma, drug addiction and correspondingly high levels of mental health support needs (Corston, 2007). Recommendations have been made for strategies to take these complex factors into account in order to reduce offending, including attention to the pathways into crime (Gelsthorpe, 2011). There are many complex factors and if not addressed, a platform for positive change cannot exist. With regard to transforming rehabilitation, women have been recently described as presenting “particular challenges” as outlined in the Justice Select Committee Report (2013). I will outline and briefly consider what some of these challenges might be.

Arguably it is not the women that are presenting the challenges, but the challenge of what constitutes meaningful measurement. There is a discourse surrounding what counts and what should be considered meaningful and this is exacerbated by the current landscape. As outlined by Towl (2010) commitment to managerialism and the related allocation of resources is determined by the view that what is counted becomes what counts. We know that desistance will be measured quantifiably by a reduction in offending within a specific timeframe. However, more sophisticated and “meaningful” measurement is necessary and this needs to account for the process of positive change for individuals and arguably, needs to centre the measure of impact upon them. Quantifiable measures do not inform on the ways of working with women to support desistance and alternative frameworks are needed to account for the complexity of support needs.

In my view, the alternative frameworks need to learn from commissioning, research and evaluation models whereby the inputs are clear, but the outputs are difficult to define; such frameworks are included in mental health research. Service user impact is becoming increasingly prioritised within these research frameworks, in terms of utilising service user advice concerning their “lived experience”. This has been useful in a range of contexts, with examples including the shared decision making for treatment service development and targeting intervention which is preventative in scope (Staley, 2013). Based on my research to date, which has spanned support for women managed in the community by
the London Probation Trust and the voluntary sector, much of the work which supports women in the criminal justice system, is preventative in scope. This has been most evident in the Women’s Centre included in the study, which works from the basis of a safe women only environment, providing counselling and support work for trauma and abuse, alongside other essential services.

For the purposes of illustrating why alternative frameworks for demonstrating success are needed, I will very briefly outline 2 case studies from my research. I think this is important for highlighting that quantitative measures of offending, which show the greatest reduction in offending, cannot account for the levels of support which are essential for women in the Criminal Justice System. To illustrate this, the context to these women’s lives is outlined. Bearing in mind the stringent criteria for engagement in research in the community, priority was given to doing no harm and so the women were not given priority selection based on past experiences. I have merged the accounts of the two women to provide a very brief account, below:

**Some background context:** Both women had been subject to severe abuse as adults, as sexual and/or physical violence. This included rape and over twenty years of physical violence. There were traumatic childhood factors, including both enduring and intermittent sexual and physical violence. One of the women made 3 attempts at suicide prior to engaging with the service.

**Desistance “measures”:** One of the women received 17 prior convictions before engaging with the service and has not received a conviction in 3 years. The other woman was convicted for 2 offences over 1 year ago and has not been subsequently reconvicted.

**In terms of outcomes:** One of the women engaged with education and is now in employment. The other woman described how she can now walk outside.

I did not ask the women what “good” looks like, but I did ask what had supported them in the Criminal Justice System. Although the specific themes and meaning making is not outlined here, the consistent message was that positive change had affected their whole lives and that it was not just about offending. Women in the CJS do not appear to have a separate offending life and a separate life of experiencing chronic stress and abuse (both on going and past experiences). I think this is a very pertinent consideration with regard to women and one which requires essential attendance to, with regard to future service delivery and support. To achieve this, commissioning needs to be accountable and there needs to be transparency in approach.

My great concern is that from a commissioning perspective, if there is a focus on reduction in offending only, there would be a cost-balance decision made based on the most gains, for the least resources. If the focus on reduction in official records of offending prevails, the sound investment would follow the woman that demonstrated the greatest reduction in offending. Both women accessed the same high levels of resources required in the context of trauma and abuse, but one apparently pays off better.
In terms of commissioning “investment”, there is always a filtering exercise based on the indicators of success. The support needs are complex and layered and need to involve a range of provision, including mental health provision and options for trauma informed care. For this reason, indicators of change need to include both mental health and criminal justice indicators, as they are not mutually exclusive. They are intrinsically related and commissioning should be sensitive to this and cohesive in approach.

The current landscape is a transitional mess and this is set to continue until the contracts are embedded. Going forward from April 2015, I anticipate that things will go very quiet, reflecting a decrease in transparency. For this reason, I think it is important that essential considerations are made now which tie in with the need for commissioning to be accountable to service users, particularly for those that can often be described as victims, as well as offenders.

Based on thoughts from this current research and concern for the legitimacy of impact measurement, I have made some brief recommendations, below:

- Intermediary outcomes, or “soft” outcomes need to be facilitated as a drive to ensure that desistance is essentially viewed as a process, rather than an event. With regard to women, these need to reflect the complexity of support needs.

- Joined up commissioning arrangements in the Ministry of Justice need to mirror service user requirements, which should include mental health provision and trauma informed care for women in the CJS.

- Contract evaluation needs to be embedded within both health and police and crime commissioning streams, in a cohesive way. The “evidence” for this needs to be considered as a parallel process as it concerns the same individuals. There needs to be a mechanism to ensure transparency and cohesion between them and to reflect that women comprise a different profile.

- Service level evaluation needs to be clearly linked to the above so that this is a continuous process, which third tier providers are aware of, rather than a reflection of what the providers currently do.

- The voluntary sector needs to be allowed built in flexibility within their contracts to prioritise care as it presents. As relationships develop between the women service users and practitioners, additional needs are uncovered on the basis of establishing supportive relationships. Most traumatic support needs and childhood events come to light after the relationship with the service user has been established and trust has been built.
What will 'count' and be transformed for women in the criminal justice system?

References


