



No safe space:

Lessons for national policy and local practice from the West Midlands multi-agency response to women involved in offending or alleged offending who are victims of domestic abuse

Report of findings and recommendations

July 2022

Contents

Introduction	3
Executive Summary	4
Context for this study	12
Report of discussions and responses:	16
• Women with lived experience of domestic abuse and the criminal justice system	16
• Criminal justice practitioners and women’s specialist services	18
• Local authorities	35
Conclusions and recommendations	39
End notes	44

About the Centre for Women’s Justice (CWJ)

CWJ is a feminist legal charity, widely recognised as a centre of excellence in its field. Our aim is to hold the state to account and challenge discrimination in the criminal justice system relating to violence against women and girls (VAWG).

Credits and acknowledgements

Katy Swaine Williams led this study and wrote the report, assisted by Harriet Wistrich. Our thanks go to Bobbie White and Klara Del Moro of Birmingham City University for donating their time to assist with note taking and analysis; and to Claire Rushton and Claire Morley of the Probation Service for facilitating the women’s focus group and note taking.

We would like to thank the JABBS Foundation for funding this piece of work, and all those who reviewed drafts. We are also grateful to all the practitioners who gave up their time and expertise to take part in discussions, as well as Imogen Cheatham of the Office of the Police and Crime Commissioner for the West Midlands, for her help in facilitating the study.

Finally, we would like to thank the women with lived experience who took part in the study, for generously sharing their views and insights.

© Centre for Women’s Justice, 2022
www.centreforwomensjustice.org.uk

“Modern slavery is more likely to be considered ... than the impact of domestic violence.”

Prosecutor

“When women are engaged with a support organisation, they are more willing and likely to disclose.”

Probation practitioner

“They are not giving us a safe space.”

Woman with lived experience of domestic abuse and the criminal justice system

Introduction

The problem

At least 57% of women in prison and under community supervision are victims¹ of domestic abuse.ⁱ The true figure is likely to be much higher because of barriers to women disclosing abuse.ⁱⁱ Research suggests that for many of these women, their offending or alleged offending resulted directly from their experience of abuse.ⁱⁱⁱ CWJ has argued, with widespread support, that the defences of self-defence and duress are ineffective in such cases, and that statutory reform is needed.^{iv} Evidence also suggests that current criminal justice practices, from the point of arrest to conviction and sentencing, often fail to take appropriate account of the context of domestic abuse within which an offence or alleged offence has taken place, with the result that victims may be unjustly criminalised.^v Criminalisation has severely negative consequences for survivors and their children.

Background to this project

CWJ has been at the forefront of challenging convictions of women who have killed their abusive partner while subject to coercive control and other forms of domestic abuse. In February 2021 we published a major piece of [research](#) considering the barriers to justice for women who kill their abuser. This was followed in March 2022 by our [Double Standard](#) report on the wider criminalisation of victims of domestic abuse and other forms of VAWG. We have undertaken this study in collaboration with the West Midlands Women and Girls Strategy Group, which aims to establish a whole system approach to the treatment of women and girls in contact with the criminal justice system in the region.

Our aims

The primary aim of the study is to help statutory and non-statutory agencies in the West Midlands Police Force Area (the 'West Midlands') reflect on the effectiveness of their response to women involved in offending or alleged offending who are victims of domestic abuse, by answering the following questions:

How effective is the response of statutory and non-statutory agencies in the West Midlands to women involved in offending or alleged offending who are victims of domestic abuse, in order to fulfil the following key objectives?

- A. Ensure women experiencing domestic abuse who are involved in offending or alleged offending are supported and protected to keep themselves and their children safe;
- B. Divert women experiencing domestic abuse away from the criminal justice system wherever appropriate; and
- C. Ensure women's experience of domestic abuse is appropriately taken into account throughout criminal justice proceedings against them.

We have tried to identify examples of good practice and suggest areas for development. We hope to raise awareness of the links between domestic abuse and women's offending, and to inform continuous improvements in practice in the West Midlands and elsewhere in England and Wales, as well as informing national policy in this area. The report is focused

¹ We sometimes use the term 'victim' as that is the term used by most criminal justice and other official agencies, however the term 'survivor' is preferred by women's sector organisations.

on women, but the issues faced will also arise for girls. We have recommended a further study focused specifically on girls.

Methodology

We conducted focus groups and interviews with representatives of relevant statutory and non-statutory agencies based on the study questions above. We disseminated a survey to local authority domestic abuse leads, and held a discussion with six women with lived experience of domestic abuse and the criminal justice system. The findings from the discussions and survey responses have been collated in this report.

Two focus groups were held with practitioners in July 2021 lasting 90 minutes each, and two interviews with individual practitioners, all working in the West Midlands. Each focus group included six participants. The first included representatives of probation services, the West Midlands Violence Reduction Unit and women's third sector services. The second included representatives of the police, Crown Prosecution Service (CPS) and third sector women's services. Interviews were held with a probation worker working in prison, and with a women's third sector agency worker who also participated in the second focus group.

All local authority domestic abuse leads in the area were sent a survey in summer 2021, and three responses were received. In March 2022, an hour-long discussion was held in the community with six women with lived experience of domestic abuse and offending. Feedback was subsequently sought from practitioners on the draft report. We have recommended further consultation with women with lived experience of domestic abuse and offending.

Executive summary

Women with lived experience of domestic abuse and the criminal justice system

Barriers to disclosure

Some women spoke about their offending history, explaining that they had been convicted of violent offences after using force in self-defence against their abuser. The women described the difficulty of being identified as both a perpetrator and a victim, the fact that this is not 'black and white', and feelings of shame and guilt. Most had not disclosed their experience of abuse until they were in prison. Reasons for this included feeling shame and embarrassment, feeling like they deserved the abuse, and only feeling safe to make a disclosure once they were in prison. Others felt there was no point as they would not be believed. Several women said that they had not been asked about the abuse. One woman commented that as her mental health deteriorated, it became harder to disclose the abuse.

There was a discussion of trauma-informed practice in prison, and the women raised a concern that they were required to talk about their past trauma in prison as part of their rehabilitation, but were then left alone in their cell afterwards where they became distressed. A question was raised as to whether staff were qualified to have these discussions with women, whether appropriate support was in place, and whether the women should be required to engage in this way.

Taking contextual domestic abuse into account

The women all strongly agreed with each other that their experience of domestic abuse had not been taken into account at all during the criminal justice process. They felt they were treated as perpetrators rather than victims. The women also talked about the trauma of being arrested by male police officers.

Access to support

Far from feeling supported, the women felt punished for being unable to break free from abuse. For some, this was compounded by the trauma of losing custody of their children. All participants agreed that there is not enough support for women who are victims of domestic abuse. Some commented that signposting to counselling services had not been effective as they had been left on waiting lists and ultimately not gained access to the right treatment. The women felt that engagement with statutory agencies was effective when they felt supported, but not when they felt under surveillance and subject to ambiguous requirements which left them feeling anxious and 'walking on eggshells'.

None of the women was aware of the national domestic abuse helpline, suggesting a need for greater awareness raising. The lack of safe housing for women and children at risk of abuse was identified by the women as a big gap. Some commented that drug treatment service providers should receive training on working with victims of abuse.

Criminal justice practitioners and women's specialist services

1. Agencies' objectives

Agencies that have direct contact with women involved in offending who are victims of domestic abuse all conduct risk assessments and, in the case of women's services, needs assessments with the women they come into contact with. These agencies follow safeguarding procedures in relation to any evidence of domestic abuse, sharing information with other agencies and referring to a MARAC meeting where appropriate, with the objective of safeguarding women and their children.

Taking account of contextual domestic abuse

Police	College of Policing (CoP) Authorised Professional Practice guidance requires the police to make efforts to identify the primary victim correctly where there are counter-allegations at the scene of a domestic abuse incident. ² There is no guidance on assessing contextual domestic abuse where a potential victim is suspected of other offences. Where women are believed to have committed an offence, West Midlands Police aim to divert them from the criminal justice system where eligible under the New Chance or Project CARA police diversion schemes. However, they report that limited resources have hampered their ability to respond effectively to domestic abuse, and both limited resources and the impact of Covid-19 have contributed to a recent fall in the number of referrals to these diversion schemes.
CPS	National CPS Domestic Abuse legal guidance requires prosecutors to take steps to identify the primary victim correctly where counter-allegations are made at the scene of a domestic abuse incident. ³ There is no guidance on

² This includes CoP guidance on ['identifying the primary perpetrator and dealing with counter-allegations'](#) and guidance on [Arrest and other positive approaches](#) which states that "a manipulative perpetrator may be trying to draw the police into colluding with their coercive control of the victim; police officers must avoid playing into the primary perpetrator's hands and take account of all available evidence when making the decision to arrest". There is also CoP guidance advising against making ['dual arrests'](#). Two publications accompanying the Female Offender Strategy provide background information on working with women offenders: [Ministry of Justice \(2018\) Managing vulnerability: Women – Fact Pack](#); [Ministry of Justice \(2018\) A Whole System Approach for Female Offenders: Emerging evidence](#)

³ CPS [domestic abuse legal guidance](#) includes a section on 'self-defence and counter-allegations'. Table 1 of the [CPS Toolkit for Prosecutors on Violence Against Women and Girls Cases Involving a Vulnerable Victim](#) refers briefly to counter-allegations in relation to assessing credibility and understanding perpetrator tactics.

	<p>assessing contextual domestic abuse where a potential victim is suspected of other offences, other than a reference to coercion as a factor relevant to culpability when considering the public interest.⁴ A practitioner in this study cited concerns that in general, taking account of a suspect's experience of domestic abuse would not be at the forefront of prosecutors' minds.</p>
<p>Probation services</p>	<p>HM Prisons and Probation Service's (HMPPS) Women's Policy Framework aims to enable staff to 'be aware of the gender specific issues that affect women, and respond appropriately to ensure that their different needs are consistently met', including the prevalence of past trauma amongst women in contact with the criminal justice system.</p> <p>Probation services in the community have made changes to their working practices to help keep women safe from abuse, including sharing information within probation services about male perpetrators under supervision who may pose a risk to women who are on probation practitioners' caseloads.</p> <p>Probation practitioners aim to include information about contextual abuse in their pre-sentence reports. Working in specialist, women-only teams helps to concentrate expertise and improve the quality of pre-sentence reports. However, practitioners expressed concerns about the extent to which contextual abuse is taken into account in sentencing decisions.</p> <p>Probation services in prison have a substantive focus on facilitating women's disclosure of abuse and taking this into account in determining support that will be offered. However, there are concerns about gaps in support following reunification of probation services.</p>
<p>Women's specialist services</p>	<p>Taking account of contextual domestic abuse is central to the work of women's specialist services with women involved in offending. These services use a relationship-based approach to support women, including helping them to keep themselves safe.</p>

The police aim to use the local New Chance women-specific conditional caution scheme to divert women away from prosecution where possible, including those accused of domestic abuse offences. However, due to limited resources and high demand, and following the impact of Covid-19, the number of women being referred has fallen. Police representatives also expressed concerns about the impact of limited resources and high demand on their ability to respond effectively to domestic abuse. Where they do not respond effectively, this damages their relationship with victims.

Demand outstrips our ability to deal with what's coming through the door.

Police officer

Prosecutors depend on information provided to them by the police. A CPS representative commented that prosecutors are less likely to think about contextual domestic abuse as relevant context for an offence, than about modern slavery.

⁴ Para 4.14(b) of the [Code for Crown Prosecutors](#) stipulates that '[a] suspect is likely to have a much lower level of culpability if the suspect has been compelled, coerced or exploited, particularly if they are the victim of a crime that is linked to their offending'.

[The issue of] female suspects with a context of domestic abuse is not one given the oxygen of publicity that would lead to it being at the forefront of most investigators' minds.

CPS representative

Probation practitioners working with women deemed to be medium or high risk to themselves or others acknowledge that, while there have been improvements, there is still a need to improve their ability to distinguish risk from need, and for gender-informed risk and need assessment tools. Probation services in prison report that they start with an assumption that most women in prison have a background of trauma, and they are good at talking about this with women. There is concern, however, that there may be less support available for women in prison, post-reunification of probation services.

2. How do agencies support women's disclosure of abuse?

"When women are engaged with a support organisation, they are more willing and likely to disclose."

Probation practitioner

Police	<p>Police representatives acknowledged that it is very difficult for them to support women's disclosure of abuse, because the police custody suite is not a conducive environment. Other participants commented that women often do not trust the police, and particularly if they are 'high risk' may feel they will be punished rather than protected if they make a disclosure. Police representatives did not discuss the other ways in which they might identify contextual domestic abuse, without relying on victim disclosure.</p> <p>Participants identified a need for a culture change in the police, to help ensure that women do not see the police as the enemy. Police representatives commented that women's trust in the police is likely to be damaged when they are slow to respond to reports of domestic abuse.</p>
CPS	<p>Prosecutors do not have direct contact with women and are not in a position to facilitate disclosure of abuse. A participant in this study suggested prosecutors would be unlikely to take the initiative in asking the police to investigate whether a suspect is a victim of domestic abuse.</p>
Probation services	<p>Probation services in the community have a women-only team and women-only space which they find conducive to building trust and facilitating women's disclosure of abuse. They commented that this should be made more widely available. Probation services in prison are accustomed to working with women who have experienced trauma, but some practitioners may lack experience.</p>
Women's specialist services	<p>For women's specialist services, disclosure comes over time as women build trusting relationships with their keyworkers and benefit from peer support. Disclosures are more likely in the one-to-one setting these services can provide, and can be more common in prison. Probation services report that women's specialist services are important in helping to facilitate women's disclosure of abuse.</p>

3. Where domestic abuse is known about, how do agencies take this into account?

“I am shocked, beyond shocked around sentencing.”

Probation practitioner

Police	<p>If domestic abuse is identified as a driver of a woman’s offending, police representatives explained that this must be recorded and investigated, and a Multi-Agency Safeguarding Hub (MASH) process would be followed. If eligible, the woman may be referred to the New Chance and/or Project CARA diversion schemes at the point of arrest. However, referrals for both schemes declined significantly during the pandemic and have not yet recovered.</p> <p>It was not clear from the discussion how successful the police are in taking account of contextual abuse in their decision-making – for example, where they are faced with counter-allegations at the scene of a domestic abuse incident, or where offending in other contexts may be linked to the suspect’s experience of domestic abuse.</p>
CPS	<p>A CPS representative explained that, if information was provided by the police about contextual domestic abuse, this should be taken into account both in relation to the evidential test and the public interest test when deciding whether to prosecute. However, they commented that this consideration is not likely to be at the forefront of prosecutors’ minds.</p>
Probation services	<p>For probation services, evidence of domestic abuse should be incorporated into pre-sentence reports and needs/risk assessments post-sentence. There are concerns about the extent to which this information is appropriately taken into account by sentencers. In prison, information about domestic abuse will determine what services women are encouraged to access both in prison and on resettlement. There are concerns about reduced options for support and a deterioration in communication between prison and the community following the reunification of probation services.</p>
Women’s specialist services	<p>For women’s specialist services, evidence of domestic abuse informs decisions whether to follow safeguarding processes and what services to offer to the woman and her children.</p> <p>Even where domestic abuse is known about, both probation and women’s specialist services commented that it is hard to find safe accommodation for women, and this is a significant barrier to meeting their needs.</p>

4. What works well and what needs to change?

What works well?

The relationship-based, women-only approach used by women’s specialist services was identified as key in both providing support and facilitating disclosure of abuse and engagement with other agencies. The New Chance and Project CARA police diversion schemes have enabled women to access support and reduced reoffending rates, but the number of referrals has declined significantly. Women-only probation teams working in women-only spaces are effective in facilitating women’s disclosure and offering support. There is substantial expertise in sources of trauma for women in prison amongst probation practitioners working in prison.

What needs to change?

Early intervention and support through the criminal justice process: Agencies agreed on the need for more early intervention before women become involved in the criminal justice system, citing the potential benefits of making specialist women's services accessible to women at an earlier stage. It was also noted that investing in support for women going through the criminal justice process – rather than only upon diversion at the point of arrest or post-sentence – would be beneficial for women and help to facilitate disclosure of abuse and informed decision making within the criminal justice process.

Culture change: It was agreed that culture change, allowing for a more compassionate and trauma-informed approach, would lead to better outcomes – particularly in the police. A need was identified for the police to build trust with Black, Asian, minoritised and migrant women, and for women's services to ensure they are accessible to all women.

Resources and awareness raising for the police: The police identified a need for more resources to tackle domestic abuse effectively and for both resources and awareness raising to make better use of the New Chance and Project CARA diversion schemes for women, including through closer joint work with women's services and possibly co-location.

Sentencing: There are concerns about inappropriate sentencing that does not take account of defendants' experience of domestic abuse, and a lack of engagement by the courts in the whole system approach to women involved in the criminal justice system which hampers progress.

Women-only probation teams and co-location: The women-only approach for probation services needs to be spread more widely, as otherwise women are usually a small minority of individual caseloads and their needs can be overlooked. Co-locating probation with women's services could be even more effective. There is also a need to ensure risk and need assessments are gender-informed.

Trauma-informed approach in prison: Changes that have come with reunification of probation services give rise to concerns about reduced support for women in prison and fragmentation of resettlement support, which is now community-based. Difficulties are particularly acute for short-sentenced women. Women raised concerns about how they are expected to discuss trauma in prison and inadequate support to help them cope with this.

Accommodation: The lack of suitable accommodation is identified by probation and women's services as a major barrier for women leaving prison. This is particularly the case for women with a history of arson as a cry for help.

Local authorities

Support for victims of domestic abuse in contact with the criminal justice system

In the local authorities who responded to the survey, there is a range of commissioned services in place for victims and survivors of domestic abuse. Due to a spike in the demand during the pandemic, local authorities have increased investment in these services, particularly refuge accommodation. However, the respondents were not aware of any services commissioned for victims of domestic abuse who are in contact with the criminal justice system as offenders or alleged offenders, apart from Black Country Women's Aid's Mariposa project.

Local strategies

None of the respondents knew how many women in their area are victims of domestic abuse and also involved in the criminal justice system as suspects or defendants. Respondents reported that local strategies for the commissioning of domestic abuse services do not specifically consider this group. Performance management does not include reviewing any data in relation to women in contact with the criminal justice system as suspects and defendants.

One respondent commented that, although there was a comprehensive set of commissioned domestic abuse services in the area and regular performance review, they could spend significantly more and still not meet all the potential demand. Two respondents felt it could be difficult to meet the specific needs of small numbers of people on a local level, and that a broader, regional approach might work better for 'hard to reach' groups, including joined up commissioning to prevent duplication. Another pointed to the need to ensure a comprehensive response is in place across the region.

Barriers to progress

The lack of stability in funding was identified as a barrier to progress in ensuring commissioned services meet all victims' needs. One respondent noted that there is now a better understanding of exploitation, and this could be built upon to improve understanding of the links between domestic abuse and offending. This respondent noted how preconceptions, myths and stereotypes may lead to victims being stigmatised where they are suspected of offending.

Personally, I think there is a deep-seated vision of how DA victims should look and behave. If women deter from this by engaging in drugs, being challenging or involved with criminal activity, they are seen as less of a victim.

Local authority domestic abuse lead

Another respondent shared her own experience of sitting on child serious case reviews and witnessing the criminalisation of mothers who are victims of domestic abuse and who are convicted of offences alongside their abuser, essentially for failing to protect their children from the abuse. This respondent felt these decisions were made without understanding how the abuse 'impacts on mothers' ability to protect their children'.

Summary of findings

We embarked on this study to find out how effective statutory and non-statutory agencies in the West Midlands are at achieving three objectives:

- A. Supporting victims of domestic abuse who are accused of offending
- B. Diverting victims of domestic abuse from the criminal justice process where possible
- C. Taking account of contextual domestic abuse in criminal justice decision-making.

We now look at each of these in turn, starting with identifying victims. It is likely that many of the challenges and successes experienced in the West Midlands will be reflected in other local areas.

Identifying victims

Identifying where someone is, or may be, a victim of domestic abuse is a prerequisite to all three objectives. The women taking part in this study told us they did not feel safe disclosing abuse, did not see any point in doing so, and/or were not asked until very late in the criminal justice process.

The police acknowledged that limited resources and rising demand mean limits their ability to respond in a timely way to victims of domestic abuse, and that this undermines victims' trust in the police. They also commented that the police custody environment is not conducive to disclosure of abuse.

Women's specialist services, and women-only probation teams, have developed effective ways of facilitating women's disclosure of abuse using a relationship-based approach. However, this engagement comes later in the criminal justice process, often after women have been convicted of an offence.

It is also worth noting that victims' disclosure of abuse is not the only way to identify victims, as shown by probation practitioners who routinely check their own records to assess whether women are at risk of abuse. The police could learn from this approach.

A: Supporting victims

Where a victim is identified, all public-facing criminal justice and third sector agencies confirmed that they aim to safeguard victims of domestic abuse. However, limited resources and high demand limit the police's effectiveness in doing so. The police would welcome greater investment in early intervention and prevention, before women face arrest.

Women's specialist services and women-only probation teams provide effective support to victims, working closely together, but this comes very late in the criminal justice process – usually (always, for probation services) after they have been convicted of an offence. Probation practitioners in prison are concerned about gaps in support for women in prison and on release, following the reunification of probation services. Support is available at the point of arrest for women who are referred under the New Chance police diversion scheme, but referrals into the scheme have dropped significantly.

Effective pathways into healthcare and lack of safe and suitable accommodation remain big problems for these women. Local authorities do not have a strategic approach to meeting the needs of this group.

B: Diversion & C: Taking account of contextual domestic abuse in criminal justice decisions

The New Chance and Project CARA diversion schemes have demonstrated successful outcomes, but referrals dropped significantly during the pandemic and have not yet recovered. Even without the pandemic, women's services face an ongoing challenge in ensuring police officers are aware of the schemes and making referrals, partly due to staff turnover.

Prosecutors are more likely to be aware of modern slavery as a driver of offending, than of domestic abuse. Improving prosecutors' awareness and understanding of the dynamics of domestic abuse and the ways in which it can drive victims' offending or alleged offending would strengthen decision-making on prosecution.

Probation practitioners have improved their practice in ensuring sentencers are aware of the context of domestic abuse where this is relevant to a victim's offending. However, sentencing often illustrates a lack of understanding of domestic abuse.

Summary of recommendations

Based on these findings, we have identified seven areas in which action could be taken to improve the response of statutory and non-statutory agencies to victims of domestic abuse who are accused of offending. While these recommendations are based on our study of practice in the West Midlands, many of the challenges and successes experienced in this

region are likely to be replicated in other parts of England and Wales. We have therefore framed the recommendations to apply at national level and in other local areas. The recommendations are summarised here and set out in more detail at the end of the report.

- 1. Implement a strategic approach based on a shared understanding:** Local and national government, and local multi-agency groups, must ensure the whole system approach to women's offending includes a strategic focus on protecting victims of domestic abuse from unjust criminalisation.
- 2. Provide a safe space:** Central government and local commissioners must invest in women-specific provision to provide a safe space for victims to disclose domestic abuse and receive support. This must include (a) national and local investment in third sector women's specialist services; (b) co-located, women-only probation teams as standard everywhere; and (c) improved pathways for women into gender-informed healthcare services.
- 3. Foster improved diversion and stronger decision-making on arrest and prosecution:** Central government and local commissioners must invest in continual awareness raising and improved guidance and training for frontline police officers and prosecutors on taking proper account of contextual domestic abuse where victims are accused of offending, to strengthen decision-making on arrest and prosecution, and maximise the use of out of court disposals where appropriate. Government must remove the blanket exclusion of women accused of domestic abuse offences from diversion at the point of arrest.
- 4. Work to achieve fairer court proceedings:** The Ministry of Justice and local agencies must ensure court staff, judges and magistrates have the information they need about domestic abuse and how it can contribute to women's offending, and use of safeguards.
- 5. Build on progress in probation services:** HMPPS must maintain a focus on improving probation services to ensure a trauma-informed response to victims of domestic abuse who are convicted of offences, including (a) continual review of trauma-informed practice; (b) improvements to risk and needs assessments; and (c) addressing any gaps in domestic abuse support following the reunification of probation services.
- 6. Draw on lived experience:** The Ministry of Justice and local agencies must invest in consultation with women and girls with lived experience, including Black, Asian, minoritised and migrant women and girls, to inform continuous practice improvements.
- 7. Continue learning:** The government and local agencies must undertake further study to inform practice development, including (a) gathering and analysis of quantitative data to shed light on the experiences of victims of domestic abuse and other forms of violence against women and girls who are accused of offending, including Black, Asian, minoritised and migrant women and girls; (b) the specific experiences of girls in this context; and (c) the support available to the children of victims of abuse who are accused of offending.

Context for this study

Reducing women's imprisonment

The Ministry of Justice established a Female Offender Strategy in 2018 which aims to reduce the number of women entering the criminal justice system, and the number of women in prison, followed by a Concordat on Women in or at risk of contact with the Criminal Justice System.^{vi} The strategy is intended to be implemented through local and national whole system approaches to women in contact with the criminal justice system. The

National Audit Office has criticised the government for failing to implement the strategy effectively, in part due to inadequate investment.^{vii} The House of Commons Justice Committee has criticised the government's 'slow progress' in implementing reforms.^{viii}

A whole system approach for women in contact with the criminal justice system, and those at risk of such contact, is a multi-agency approach which seeks to address the complex needs these women often have. This is done by bringing local agencies together to provide joined up, holistic and gender responsive support which recognises and responds to women's distinct needs, including experience of abuse. A whole system approach should divert women away from the criminal justice system where appropriate and reduce reoffending and demand on services.^{ix}

CWJ's 2022 [Double Standard](#) report made recommendations for reforms in law, policy and practice to prevent the unjust criminalisation of victims of domestic abuse and other forms of VAWG.

Four hundred and six immediate prison sentences were given to women in the West Midlands Police Force Area in 2019, an increase from 396 in 2018 but a 36% decrease since 2009. These were mostly for non-violent offences and 67% were for less than six months. Just over half (52%) of the prison sentences were for theft offences.^x The rate of immediate custody for women in the West Midlands in 2019 was 36 per 100,000 - down from 48 per 100,000 in 2014.^{xi} This compares to a rate of 25 per 100,000 in the Metropolitan Police Force Area, and 23 per 100,000 in Greater Manchester, where a whole system approach to women in contact with the criminal justice system has been in operation since 2014. The national average median rate of immediate custody for women in 2019 was 22 per 100,000 – down from 28 per 100,000 in 2014.

West Midlands Women and Girls Strategy Group

The multi-agency West Midlands Women and Girls Strategy Group was established in 2019 to improve the response to women in contact with the criminal justice system. It is co-chaired by the office of the West Midlands Police and Crime Commissioner and West Midlands Probation Service and reports to the West Midlands Criminal Justice Board. The aims established early on by the group included:

- Increasing investment in early intervention and prevention services, including expansion of the local New Chance police diversion programme.
- Rolling out women specific liaison and diversion partnership services across the West Midlands.
- Establishing a women's problem-solving court pilot.⁵

The group helped to facilitate this study as part of its commitment to improving the response to women involved in offending or alleged offending who are victims of domestic abuse and other forms of VAWG.

HM Prisons and Probation Service (HMPPS) for women in the West Midlands

Significant changes in the delivery of prison and probation services throughout England and Wales were completed in 2021. This included implementation of the Offender Management in Custody (OMiC) system^{xii}, and reunification of the National Probation Service and Community Rehabilitation Companies, to become the Probation Service^{xiii}.

⁵ The office of the West Midlands Police and Crime Commissioner currently awaits the outcome of its Expression of Interest to establish a problem-solving court for women as part of the Ministry of Justice's forthcoming pilots.

Women resettle to the West Midlands from a number of prisons across England. There is a local Approved Premises for women at high or medium risk to themselves or others. Some parts of the area offer a women-only probation team in the community. The Probation Service commissions Community Rehabilitation Services (CRS) throughout the region to offer women-specific wrap around support for women serving a Community Order, as well as prison 'in reach' and resettlement services.

Women's specialist services in the West Midlands

Women's Justice Partnership

Community Rehabilitation Services for women in contact with the criminal justice system are delivered throughout the West Midlands region by the Women's Justice Partnership, made up of [Anawim](#), [Black Country Women's Aid](#) (BCWA), [Changing Lives](#) and [Green Square Accord](#). These women-specific services use a relationship-based approach to offer one-to-one keyworker support to women, access to group work and peer support, in a women-only safe space. Women can access therapeutic support within some women's specialist services. Keyworkers offer emotional and practical support, and advocacy to support women to access services and engage constructively with other agencies and individuals, such as probation services, landlords and local authority housing departments, healthcare services and social workers.

Community Orders, prison 'in reach' and resettlement services

The Women's Justice Partnership delivers wrap around support for women under community supervision, as well as prison 'in reach' services and resettlement services to prepare for release and to provide support after release from prison. These services are commissioned under the Ministry of Justice's Dynamic Framework for CRS, supplemented by charitable funding.

Women in prison are offered pre-release keyworker sessions as part of this service. The length and intensity of their resettlement support depends on the complexity of their needs. If they have no accommodation or are unlikely to engage with services, there will be intensive daily contact with the woman for two weeks after release and then as and when needed. This includes ensuring women are engaging with Community Psychiatric Nurses and drug treatment services where needed, and that they are accessing opportunities for education, training and employment. The women can access one-to-one services and group work at the Anawim women's centre in Birmingham, and women's hubs in other locations. Anawim's charitably funded Dawn House residential unit offers 24 hour supported living for women on release from prison, helping with the transition into the community.

Women serving Community Orders are referred to the Women's Justice Partnership by the Probation Service. Women's services will then complete an assessment with the woman, find out her priorities, and assess how many sessions she may need. Some are required as part of the Community Order, while others are voluntary. The support lasts until the end date of the order. BCWA's Mariposa service specialises in working with women victims of domestic abuse who are involved in offending.

Spotlight on [Black Country Women's Aid](#) (BCWA)

BCWA is an independent charity which has supported survivors of abuse and exploitation in the West Midlands for 30 years. BCWA's holistic support currently helps over 8000 victims of abuse each year to escape from violence, cope with trauma and rebuild their lives. Their specialist Women's Justice Services work with women who may find it harder to access services than others. This includes the [Mariposa Project](#) for women who are on

probation or leaving prison, and the [New Chance project](#) for women who have been arrested.

Women's specialist services adapted significantly during the Covid-19 pandemic and have continued to learn from that experience. During lockdown periods, services were delivered through a mix of telephone support and face to face contact from some services, through doorstep visits at 2 metres, wearing masks.

"It made such a difference for women feeling quite anxious and isolated and with everything going on."

Women's specialist service manager

Liaison and Diversion services

Anawim's award-winning Liaison and Diversion team are part of a specialised service provided by Birmingham and Solihull Mental Health NHS Foundation Trust to work in police custody suites, courts, prison and the community, aiming to divert women to healthcare and holistic women's services.^{xiv}

Police Diversion schemes

New Chance Police Diversion scheme

New Chance is a police diversion scheme for women, commissioned by the Office of the West Midlands Police and Crime Commissioner and delivered by members of the Women's Justice Partnership, which operates throughout the West Midlands Police Force area.^{xv} Eligible participants are adult women who have committed a low-level offence and are eligible for an out of court disposal. This includes women with offending behaviour known through the Multi-Agency Risk Assessment Conference (MARAC).

Eligible women receive a conditional caution and are referred by the police at the point of arrest to women's specialist services, who work with them to assess their needs and deliver support for as long as it is needed. They may also undergo a voluntary referral. An independent evaluation in 2020 found that New Chance successfully reduced reoffending by 16%. For participants with problematic substance use, this rose to 50%.^{xvi}

Project CARA (Cautioning And Relationship Abuse)

Project CARA is a diversion programme using conditional cautions for specific domestic abuse offences, with the aim of improving justice outcomes for victims by addressing offender behaviour.

There are limitations to diversion for suspects in the context of domestic abuse. Most forces can no longer use cautions for domestic abuse offences. This means opportunities for diversion for women accused of domestic abuse offences are limited. Project CARA is an example of a scheme that is permitted in some areas, including the West Midlands. It consists of domestic abuse awareness-raising workshops to be delivered to individuals under a conditional caution, and is available to both women and men.^{xvii} Women taking part in the scheme undergo a female-specific course which is tailored towards the attendees being both victims and perpetrators, as women who are referred to Project CARA are understood to be highly likely to be a victim of long-term abuse themselves. Police officers are encouraged to refer women into both CARA and New Chance where appropriate.

An evaluation of the first 12 months of CARA's operation in Hampshire and the West Midlands from December 2018 to November 2019 found that the CARA workshops were

effective in reducing future domestic abuse harm among low to medium risk first time offenders who admit their crime.^{xviii}

Report of discussions and responses

Women with lived experience of domestic abuse and the criminal justice system

1. How was your experience of domestic abuse linked to your offending?

One participant explained:

“I lost it. ‘She’s going to batter me tonight, so it’s the only thing left to do [after being a victim of domestic abuse for a long period].”

“It was my first offence and it was self-defence.”

There was then a discussion about the difficulty of being both a perpetrator and a victim, the fact that this is not black and white, and the dichotomy of these two labels creating shame, embarrassment and guilt. One participant expressed shame over what she had done as she still loved her partner, despite him being abusive to her for a significant period:

“It’s really hard to say that he’s a perpetrator, as he’s my victim.”

2. At what stage, if at all, were you able to disclose the abuse?

Five out of the six participants very quickly responded that they did not disclose the abuse they suffered until they were in prison. Reasons for this included:

“It felt safer there.”

“Because I was embarrassed.”

“Shame.”

“I felt like I deserved it.”

Women said that *“no one asked”*, during their criminal justice journey, whether they were a victim of domestic abuse. One participant explained that she did tell court staff about the domestic abuse as her partner had turned up at Court and was *“hurling abuse at her”*. For this reason, some more questions were asked and when the abuse was further uncovered, her GBH charge was reduced from S18 to s20.

Other women in the group supported each other’s assertions that *“there is no evidence, so no one would listen anyway”*. A few of the women supported each other’s conversation around the guilt experienced in disclosing their victim status because *“you still love them”*.

3. What are the barriers to disclosing abuse?

Women’s responses included:

“People not asking.”

“They assume we are perpetrators.”

“They are not interested...especially if it hasn’t been recorded.”

“Your mental health starts to deteriorate so it’s harder for you to report.”

One participant simply said, *“What’s the point.”*

This led to a discussion about the support that is in place for women. One participant explained that when in prison, staff, including probation staff “*pick away at you and slowly open up Pandora’s box, and then put you back in your cell and lock the door before going on to punish you further when you get upset about it*”.

There was support for this thinking from other group members and it led to a discussion about the participants feeling strongly that they “*had to complete the healing trauma course*” because it was on their sentence plan. Yet they felt that six weeks on a programme was not enough to support them with their trauma. The group raised questions as to how well qualified staff were to deal with this.

The group also raised the issue of ongoing contact with abusive partners which they were unable to escape. One participant spoke about the contact from her abusive partner by text even when she blocked her number; her partner always found a way to get around this. Another participant discussed how being released without a mobile phone meant that if your partner was there to take you away on release, you would then be back within their control again with no means to break free or get in touch with agencies for support.

4. How was your experience taken into account in the criminal justice system?

The overall response to this was very clearly, “*Not at all!*” This was immediately said by one participant, then supported by others. The group discussed how they had sometimes been signposted to support services such as counselling, but this meant spending weeks on a waiting list and then not getting the support that they required.

One participant voiced her confusion and frustration over a question that she was repeatedly asked as part of her sentence planning meetings:

“They ask me, ‘How is your DV status a risk to you and others in the future?’ I find this really hard to understand.”

The group agreed with this and explained that they find questions phrased in this way accusatory, and feel they disregard the fact that their offending behaviour resulted from being a victim in the first place. This was identified as one example of the service working with them as perpetrators rather than victims.

When discussing how some services were seen as more supportive than others, and comparing this to the prison system, the group identified that they felt services were less effective when they felt under surveillance and anxious about getting things right, while at the same time dealing with ambiguity in recall thresholds and interpretation of licence conditions. Participants identified parallels between managing their life on licence and the management of their life as a victim in an abusive relationship, in both cases ‘walking on eggshells’.

5. What support did your children get and what barriers are there for children getting support?

One participant commented:

“I just said that he [her son] was living with someone else, then no further questions were asked.”

Reference was made to the Story Book Mums initiative and Christmas presents which are organised for mothers in prison. Both were related to as positive initiatives.

6. What should be done differently?

All participants agreed:

“There isn’t enough [support].”

The women identified barriers to disclosure:

“People [staff, or agency touch points] aren’t asking questions.”

“They are not giving us a safe space.”

“It’s too late when they ask us.”

Women noted the trauma that can be caused by encouraging disclosure, without having appropriate support in place:

“The Pandora’s box when opened in prison, is not helpful.”

The women discussed how they felt punished for being a victim and unable to break free, noting the additional trauma caused by losing custody of their children:

“Taking kids off us is not helpful”.

The participants were clear that housing is lacking - not just refuge and hostels, but safe housing for women and children where they could have a fresh start, with options for this to be out of area.

Participants raised the issue of being arrested by male police officers. Two women spoke of being tasered during arrests with two to four policemen in attendance, with one commenting, *“I freaked out”.*

One participant suggested that substance misuse teams should be better trained and supported to work with women who are victims of domestic abuse. Another supported this and was clear that many women, in her experience, were using substances as a coping strategy.

None of the women was aware of the domestic abuse helpline. They all agreed that they couldn’t keep phone numbers in their phone, in their bag or on their person, as their abusive partner would find it, by *“searching my bag, searching my pockets, searching my underwear”.*

Criminal justice practitioners and women’s specialist services

1. What are agencies’ objectives when working with these women?

Police

Police participants reported an improvement in their ability to identify and respond to domestic abuse over the last several years:

“In general terms around domestic abuse, I feel quite positive around where the West Mids [Police] are now at identifying DV versus where we were a few years ago.”

“Where we are now versus 10 years ago, it’s a different world.”

They noted, however, that where they are slow to respond to domestic abuse, this can damage victims’ trust and confidence in the police:

“If that offence isn’t happening there and then, sometimes it can take a day or two days to get a response.”

“I think we lose the confidence of our victims because of delays.”

“You weren’t there when I needed you, so why would I call you now?”

For women who are suspects, and who are also victims of domestic abuse, this could be picked up when she comes into police custody:

“There are multiple levels of risk assessments relating to vulnerability. We have to go through these.”

One officer suggested that links between contextual domestic abuse and alleged offending ‘wouldn’t be identified (..) until [the woman is] questioned’.

If domestic abuse was identified as a driver of a woman’s offending, this would have to be recorded and investigated, and a Multi-Agency Safeguarding Hub (MASH) process would be followed:

“[Everything is] process driven. If it’s not recorded, we don’t do anything.”

In terms of diversion, one option available to the police is to offer women a conditional caution via the New Chance women’s police diversion scheme, or via Project CARA if she is accused of a domestic abuse offence. Under these schemes, there has to be an admission of guilt before a woman can be diverted and dealt with out of court. The police cannot speak to a person before they are interviewed, in order to offer these diversions. They are encouraged to refer women into both CARA and New Chance where applicable.

Practitioners reported that referrals into both schemes have recently dropped significantly. In the case of Project CARA, referrals dropped by 70% due to the prioritisation of ‘High Risk’ cases for investigation during Covid, which screened out most of the cases suitable for out of court disposals. The numbers have since started to pick up, but are still only about 50% of pre-Covid levels.

New Chance police diversion project

New Chance is a police diversion project at the point of arrest which now exists across the whole region. Changing Lives (CL) delivers the programme with Black Country Women’s Aid, Anawim and Green Square Accord.

“It hasn’t flourished as we would have liked because of Covid – otherwise they could have joined the workshops and group work we usually do with sentenced women. A lot of women come through with relationship issues and finance issues. Hopefully will start to evolve properly now that restrictions are easing.”

Women’s service provider

Women attend the programme as part of a conditional caution or following a voluntary referral. Sometimes the police refer women for assessment only. If women are referred as part of a caution, this allows three months to work with them which can be more effective. Where needed, services will work with them for longer than this if possible.

“We’ve had women who have gone back to college and there’s a bit of work outstanding and we’ve chosen to continue to engage with them.”

Voluntary referrals may result from a very low-level incident such as an altercation with neighbour, but engagement can be less strong than under conditional cautions.

“Voluntary referrals are a bit of a mix.”

For those subject to a caution, CL lets the police know that the women have engaged. Police sometimes contact CL again to follow up.

“We’ve had some positive case studies; the police have said, ‘Whatever you guys are doing, it’s working – we used to have [a lot of] calls from this address and we haven’t had any.’”

If women are not eligible for diversion, they will be charged or released NFA (No Further Action).

“There are pluses and minus. On the plus side we are lucky enough to be able to use conditional cautions (one of 7 police force areas). We are also one of two forces using CARA, which has been shown to reduce reoffending by 55%. Because we are a big force we are able to use it on female offenders as well.”

Police officer

It is understood that women need a distinct approach:

“There is a realisation that there needs to be a different way of management.”

Referrals can also be made through community resolution, which will not lead to a criminal record. The police are constrained by volume, as they are dealing with more and more demand each day and have limited resources.

“Demand outstrips our ability to deal with what’s coming through the door.”

One police officer commented that the main area where police need to do more ‘is diverting of women away from the criminal justice system when appropriate’. One challenge is ensuring the diversion schemes are still being used as officers rotate in and out of roles, and embedding New Chance into core police training. Women are now more likely to be subject to No Further Action (NFA) than to be diverted into women’s services:

“They’re not getting the help that they would have got.”

Where there is low level domestic abuse with no complaint, no aggravating factors and an indication of no admission, ‘rather than add to the custody clock, we made the decision to not interview and release NFA’. Where police are unlikely to get an admission, then ‘to add another five hours’ work wasn’t proportionate’. A review was planned to consider the risks and benefits of this approach.

Crown Prosecution Service (CPS)

If provided with the right information, the CPS could potentially make a decision based on the public interest to divert women from prosecution. A prosecutor explained they will begin by considering the evidential test:

“The starting point is always, is there sufficient evidence to justify prosecution.”

If the evidential test is met, prosecutors will move on to consider the public interest. This includes considering the seriousness of the offence, with prosecution more likely for more serious offences. They will also consider culpability, planning, premeditation, the extent of

the suspect's benefit from the offence, and any previous convictions. Although coercion, compulsion and exploitation are stated in the Code for Crown Prosecutors as likely to reduce culpability significantly^{xix}, a CPS representative commented that domestic abuse as a driver of women's offending is less likely to be at the forefront of prosecutors' minds than trafficking:

"Modern slavery is more likely to be considered ... than the impact of domestic violence."

Prosecutors' assessments are driven by the information received from the police and defence solicitors.

"[Prosecutors are] very much reliant on info coming from police colleagues...and from the defence...Unless police have information ... this whole issue of background ... will be unknown."

There are quarterly multiagency meetings about coercion and the normalisation of domestic abuse amongst certain groups. However, a CPS representative commented:

"[The issue of] female suspects with a context of domestic abuse is not one given the oxygen of publicity that would lead to it being at the forefront of most investigators' minds."

For those coerced into offending, the only defence available is the common law defence of duress, which as one prosecutor pointed out, is very difficult to rely on:

"Duress is a high threshold."

Women's specialist services

A woman with lived experience of the criminal justice system, now working in women's services, highlighted the prevalence of domestic abuse amongst women involved in the criminal justice system:

"I have yet to see a woman involved with the criminal justice system who hasn't been domestically abused."

She discussed the barriers to victims' disclosure of abuse and lack of support, both within and outside the criminal justice system:

"Social services, the NHS, the Department of Education need to be more empathetic. When a woman is put in prison there are a lot of wider issues not considered such as the impact of children being put into care."

"The discussion needs to be wider. Other institutions need to take responsibility."

Women's specialist resettlement services work closely with the women's probation team. Safeguarding is their main priority. They start work with women in custody, and after release women have a case worker on whichever pathway they need.

"We can go straight to each other, instead of [cases] getting lost in the system."

Women's specialist services aim to support women to keep themselves safe, delivering support throughout the region under the Women's Justice Partnership, focusing on accommodation and social inclusion; employment, training and education; finances; lifestyle; emotional wellbeing; family, significant others and recovery.

Probation services in the community

Probation representatives commented that the vast majority of women they manage are domestic abuse victims. One probation practitioner, who works in a women-only team managing only low and medium risk women, noted that safeguarding is always the most important priority and would be addressed first before offending behaviour, although abuse might not be disclosed at first.

“Safeguarding will always be the main focus for us.”

Probation have started to do a lot of work to make sure they are alerted to situations when their clients are victims.

“We were completely oblivious (to victims) so we have done a lot of work around that.”

One practitioner explained that it is the job of probation services to know about any risks to be managed, and emphasised that safeguarding is the main issue they will consider. However, she noted that her team is unusual:

“Women-specific teams are really rare.”

The women-specific team will always ask women about their relationships, and they have risk flags on their system to note either historical or current domestic abuse. They will also do a domestic abuse check, even if the woman’s offence is not apparently domestic abuse-related, as this is often not disclosed. Probation services must also take account of any safeguarding concerns around children, always making enquiries if children’s services have ever been involved. Probation services will then link with other agencies as needed.

“We have really good links with partner agencies and our team are really skilled and know what to look out for [in relation to women who might be being abused].”

Probation services will obtain the names of women’s partners where possible and check for any history of domestic abuse offences through probation records. They can also facilitate applications under the Domestic Violence Disclosure Scheme (also known as Clare’s Law) for women who wish to find out about any previous record of domestic abuse by their partner.^{xx} Previously DART⁶ notifications went only to the male perpetrators’ managers, and not to the manager of women victims, but this has been changed.

During the pandemic, probation services implemented an emergency delivery model. People with low risk were assigned only phone contact. However, it was noted locally that while women may not be a high risk to others, they may themselves be at high risk during Covid lockdowns.

“What they were on probation for was very much secondary.”

It was agreed locally during lockdown, that women who were known to be at risk of domestic abuse would be asked to come into the probation office for face to face appointments, in order to allow them to make a disclosure and seek support. Following the pandemic, a new

⁶ The aim of the Domestic Abuse Response Team (DART) is to highlight information about domestic abuse incidents that involve children/families across multiple agencies. The sharing of information aims to improve the assessment of children subject to domestic abuse, and request that targeted support is offered to those children living in households where domestic abuse is a feature. (Source: Black Country Partnership NHS Foundation Trust website, accessed: 05/02/22)

requirement has been implemented to ensure that abusive partners are not allowed on probation premises during women's appointment times.

In terms of diversion from custody, probation services play a key role in providing pre-sentence reports. A probation representative explained that they have staff in the courts, who write and submit pre-sentence reports to try and ensure appropriate sentencing.

"Probation really does do its best at the sentencing stage."

One probation practitioner explained that she believes a lot needs to change in relation to sentencing:

"I am shocked, beyond shocked around sentencing."

She gave an example of a woman with a child, who was pregnant and a victim of domestic abuse. The crime was a low-level fraud and her first offence; her abusive partner was the primary perpetrator of the offence. The woman and her partner both received curfews, requiring them to wear electronic tags. The woman had moved away from her home address to a refuge, where it was initially advised that her tag could not be fitted. When the case was taken back to court to ask for the curfew order to be revoked, the judge said she would have to move out of the refuge instead. Eventually the issue was sorted out, as it was possible after all to fit the tag at the refuge.

Probation services in prison

A probation practitioner working in prison confirmed that they aim to support women who are victims of domestic abuse, but was sceptical about how successful they are in achieving this:

"These are our objectives, but how skilful are we at assessing and offering support?"

This practitioner was concerned about the impact of changes in the delivery of probation services post-reunification of the service, which she felt had led to a reduction of services available in prison:

"I can see the sense of loading rehabilitation measures out in the community to give sentencers confidence to use community orders. New providers have a very limited portfolio for working with women in prison – only mentoring service and housing. Women won't be accessing services before they leave prison in the same way as previously."

Before reunification, the local CRC used to commission organisations to come into the prison to provide services relating to domestic violence and sex work, and set up resettlement plans for women at risk. This service now sits with the woman's home area, which is likely to be some distance away, and this practitioner found this to be a more fragmented approach. Community services are now commissioned within each Police and Crime Commissioner (PCC) area (not probation areas). In the West Midlands there are four PCC areas with different providers in each area – West Midlands, Staffordshire and Stoke, Warwickshire and West Mercia. Their services can be accessed using the RAMI⁷ system, but it can be difficult to find out who is offering what service.

⁷ Refer and Monitor an Intervention (RAMI) enables probation practitioners to choose from a range of programmes (interventions) offered by different suppliers that meet the rehabilitative needs of individuals subject to probation services and addresses the underlying causes of their behaviour. (Source: HMPPS website, accessed 05/02/22)

Under the new OMiC system, seven months before release women's cases are handed to their Community Offender Manager (COM) to plan for their resettlement. The COM should then engage with providers, but only housing and mentoring services are available in prison. The Women's Justice Partnership services are available as prison 'in reach' and on resettlement for those resettling to the local area. Previously this was all done onsite in the prison, and the CRC commissioned or ran services to work with all women at all stages of sentence. That work may now be picked up by Anawim, but their brief is to refer into services for release. The probation representative commented:

"[There] is now a mish mash of services and it feels quite limited within the prison... It feels uncomfortable and fragmented; it is perhaps a disparate service now for women, particularly where they are not local women."

2. How do agencies support women's disclosure of abuse?

Police

Police representatives acknowledged the barriers to women disclosing domestic abuse when they were brought into custody:

"I don't know if that's an environment where they would be comfortable disclosing domestic abuse."

A woman with lived experience of the criminal justice system, now working in women's services, agreed that police custody was not an environment in which women were likely to feel able to disclose abuse:

"There isn't enough support, at all...it comes down to, unfortunately, the person [frontline police officer] you deal with on the day."

"Instantly you are being treated like a perpetrator means you don't want to open up. You don't feel safe in those police environments."

"Being looked at like you are nothing."

"It's not going to encourage people to sit there and open their deepest darkest, that has led to that situation."

Women's specialist services

A women's service provider noted the prevalence of domestic abuse amongst their clients:

"A high number of our women are experiencing domestic abuse."

A lot of women do not recognise that they have been experiencing domestic abuse until they started working with the women's service.

"Even though there is nothing on their referral form about DA, when we start working with them, it's coming out."

One practitioner noted that in prison, in a one-to-one setting, women are more likely to disclose. In the community, domestic abuse is usually disclosed in a one-to-one assessment. Sometimes women will openly talk about it, but for a lot of women it may only unravel after their third session. The necessary element of trust may not be there at the beginning, but may build over time. Women's specialist services have the benefit of not having an enforcement role, which helps to build trust. Women can also gain confidence from peer support:

“The authority label – we don’t work like that: we want them to feel safe and comfortable. The surroundings make a big difference. It can be very emotional for the women to be listened to and to be able to talk.”

“How they gel and share their experiences when we run groups is amazing – that peer support.”

A community women’s service provider commented that the outcomes under their last contract ‘clearly showed the one-to-one work was critical’.

“Our engagement rate [for one-to-one work] was 99% compared to [lower] engagement rates with group work.”

Remote one-to-one work during Covid lockdown was found to be really effective.

“We had much better outcomes because the barriers weren’t there – travelling, bus fare etc. Their mental health, their time. They were more likely to answer their phones straight away.”

During Covid lockdown, the service found it was able to help women more than usual around their finances, as there was more funding available. This included helping women with rent deposits, white goods purchases, and electronic goods like laptops so that they could enrol in free online courses.

“We had nearly 26 women at one point getting food parcels weekly for 12 weeks. There was that community spirit. We had lots of charities asking us what we needed. Support with finances had a big impact with women’s wellbeing and having a listening ear stabilised women’s mental health.”

Probation services in the community

Probation service representatives in the community commented that they were often aware of historical abuse experienced by the women they were working with. Where this was the case, it was a ‘good indication of, okay this person has been in a number of abusive relationships’ and may be at risk. One practitioner commented:

“At the time of abuse, we have to be skilled in looking for subtle changes...Service users keep it hidden.”

During the pandemic they have offered face to face appointments to suspected victims to help them to access support. They try to find “a comfortable environment [to see the woman] out of probation offices ...where they feel more comfortable to say, ‘Yeah, this is what is going on’”. They try not to invite women into probation at the same time as their perpetrators.

“We try and give our women every opportunity to disclose to us.”

This can be very challenging for practitioners. In one case, a woman was being severely beaten and wanted to disclose, but wasn’t ready to leave, and then went missing.

A probation representative managing a women’s Approved Premises noted that for some of the women she works with, their offence is murder/manslaughter of their abuser, or arson – often as a way of communicating distress. There is frequently domestic abuse underlying these offences. She commented that more needs to be done about how women involved in the criminal justice system as offenders are identified as victims. Crucially, she wondered

how victims are identified, if they have not come to the attention of women's services while going through the system.

“Women will disclose if they feel it's safe to do so and they have a good relationship with the person they are engaged with.”

There used to be a SPOC (single point of contact) model, involving practitioners who had primarily women on their case load. There are currently only two specialist, women-only teams; there may also be practitioners within a mixed team who only work with women, because they like working with them and are surrounded by others that prefer not to work with women. This practitioner noted the value of working alongside women's specialist services to facilitate disclosure and help women access the support they need:

“When women are engaged with a support organisation, they are more willing and likely to disclose.”

For higher risk women, it can be harder to disclose domestic abuse. Women may fear that disclosure will lead to punishment rather than support, including increased monitoring. This is more complicated when children are involved, as there is a fear of social services, and that disclosing abuse would lead to women being deemed unsuitable to raise their children. If they are worried about the police, women are less likely to disclose. Practitioners identified a need to help women see the police in different roles, not just as people who may arrest them.

Probation services in prison

A probation practitioner working in prison raised concerns that there may now be fewer opportunities to facilitate women's disclosure of abuse. Before the OMIC system was introduced, probation workers in prison did resettlement plans for all women and also talked to their prison offender manager (POM). There was case conferencing between prison and community officers, twelve weeks before release. If domestic abuse had not previously been picked up, then it would be identified at that point. The woman would then be interviewed by the resettlement team, and any concerns would be discussed by practitioners at a weekly safeguarding meeting which included Through The Gate (TTG) probation workers. They would then communicate with services in the community via the COM, and put in place support for the women. This might include contacting Anawim, who have a prison 'in reach' worker, and making sure she was on the list to see them. Anawim would see everyone at that point, whether or not they were going back to Birmingham. The women might also be involved in the TTG team's group work.

“There were a host of ways to reach her.”

The TTG team might also talk to children's services. They would be trying to get safe and suitable accommodation. They had some success with this, for example where women's services picked women up on release and took them to a refuge.

One practitioner reported that probation workers in prison are no longer tasked with gathering information of this nature. They are not able to work with high risk women from out of area. They still work with low and medium risk women from out of area, but only under direction from the COM. They do an assessment but don't ask about pathways into offending. There is little information available about women for whom they are doing resettlement plans. They pass on what they have to the COM who decides what services are needed.

“The COM is now at the heart of it all.”

The COM is tasked with asking these questions to complete an OASys assessment.⁸ However, this probation officer had concerns about COMs' skill and time available.

"A lot of COMs are on their knees and a lot are quite new. I feel like we are being wasted. It is a team of two halves. Some are experienced but not able to use their expertise, and waiting for COM to tell them what to do."

3. Where domestic abuse is known about, how do agencies take it into account?

Police

Police will take into account information about contextual domestic abuse in decisions to divert women, in order to make safeguarding referrals in relation to any children, and to take enforcement action where possible. However, limited resources and high demand impose constraints on the ability of the police to respond effectively.

Crown Prosecution Service

Contextual domestic abuse should be taken into account by prosecutors in both the evidential and public interest tests when deciding whether to prosecute. However, it may not be in the forefront of prosecutors' minds when making these decisions, suggesting a need for awareness raising.

Women's specialist services

Women's specialist services will respond to a disclosure by talking with the woman about how she feels, telling her about what support is available and finding out what she needs. They would do a DASH⁹ assessment and follow safeguarding procedures, including referral to a MARAC meeting¹⁰ as needed. They would let probation know of women's progress and tell them about disclosures and support they will be providing. All women sign a consent form allowing information to be shared with probation.

In one example given by a service provider, the service had been working with a sentenced woman who had been convicted of drink driving. The woman said that her relationship with her husband was awful. The service made a referral in consultation with probation to offer her emotional wellbeing support and did work around healthy relationships, including how to recognise the signs of domestic abuse. This helped the woman to identify that she was experiencing domestic abuse. The service then went on to work with her on positive and negative relationships, and gave her information about support services to which they could make referrals, such as IDVA services at BCWA, and counselling. The client chose not to go down those routes, but the service continued to provide support for her health and wellbeing and offered information about support services that would be available if she did choose to leave.

In another case during lockdown, the service was working with a woman who was on an order and her ex-partner was coming out of prison and had threatened her. The first person she called was her keyworker at the women's service. The service then contacted her probation officer, who obtained a restraining order and got the police involved.

⁸ OASys (Offender Assessment System) is the main probation assessment tool currently in use in England and Wales. It provides a standardised assessment of the needs and risks of service users which, once identified, can be used to develop and deliver sentence plans.

⁹ The Domestic Abuse Stalking and Honour-based Violence assessment is a tool for practitioners who work with adult victims of domestic abuse in order to help them identify those who are at high risk of harm and whose cases should be referred to a Marac meeting in order to manage their risk. (Source: SafeLives website, accessed 05/02/22)

¹⁰ A Marac is a regular local meeting to discuss how to help victims at high risk of murder or serious harm. (Source: SafeLives website, accessed 05/02/22)

“Sometimes we have the information first, before it gets to probation.”

“If we hadn’t been able to help so quickly, she could have been in the papers.”

Where there are children involved, the women’s service feeds back all information to probation officers. They have also been asked to provide supportive letters or feedback to social workers where safeguarding is raised. They have on occasion attended child protection meetings, but normally the probation officer deals with this.

Women’s services have no interface with the children themselves – only with the social worker where they have been asked for feedback. They have however applied for funding for children during Covid, such as getting tablets for children’s home schooling. They will also give information to mothers and probation officers about any local services for children, such as CAMHS and HomeStart, who offer support to mothers of young children.

Probation services in the community

Even where pre-sentence reports provide information about domestic abuse, probation practitioners expressed concerns that sentencing sometimes did not take this into account and was inappropriate. This included imposition of curfews that prevented women accessing support. There were also worries about the government’s investment in new women’s prison places, running contrary to the aim to reduce women’s imprisonment.

Post-sentence, an important element of probation practitioners’ roles is risk assessment. One probation officer working with high risk women commented that although the Probation Service is now better at understanding the difference between needs and risks, there is still room for improvement, in that ‘risk assessors have historically confused need and risk’. For example, problematic substance use may be defined as a risk rather than a need. The same may happen in relation to women experiencing domestic abuse.

A probation officer working with low and medium risk women agreed that a gender informed approach in risk assessment is very important. For example, a woman’s offending risk may be low, but child protection and domestic abuse risk may be high. A case like this might be allocated to a less experienced worker, even though this would be a complex case requiring someone with more experience. Particularly where probation teams are not women specialists, more training is needed about gender informed risk management.

“There does need to be that gender informed assessment.”

Probation practitioners noted that most caseloads in the community will be male ‘*and so a lot of training has skewed towards male services*’:

“Women are taking a back seat with all the training going on.”

Probation practitioners in the community who are not in a women’s specialist team may not have any women on their caseload. Specialist women’s teams do not exist in all areas. Practitioners will commonly have two or three women and 40 men on their caseload.

Even where domestic abuse is known about, it can be hard to find accommodation for women being released from prison, with private landlords often refusing to accept them. This is why many women go back to abusive relationships.

“Accommodation is a big, big problem.”

This is especially visible with arson, which is often a cry for help, but which can nonetheless make it very difficult for women to access accommodation.

“Because of that one off, what she’s been suffering, she’s then penalised forever really.”

One senior probation officer working in a women’s Approved Premises noted that some women using this service were coming out of custody for offences committing crimes against abusive partners. Very often those women would re-enter abusive relationships. They would also enter potentially abusive gay relationships in custody.

“It is very often those women were committing offences against abusive partners.”

“Substance misuse would be at the heart of that as a coping mechanism I suppose.”

“They would then re-enter relationships with other abusive men.”

Another probation representative commented that women don’t get enough support in probation services, although they have the highest needs.

“Women in the CJS, there’s not enough support for them. Because there is a small minority of women they don’t get looked at.”

Probation services in prison

A probation practitioner in prison commented that she felt they are good at helping women to talk about abuse, but was concerned about a reduction in the amount of support available to women in prison.

HMPPS’ Women’s Policy Framework sets out the Ministry of Justice’s ‘expectations for the delivery of services for working with women in custody and the community’ and aims to enable staff to ‘be aware of the gender specific issues that affect women, and respond appropriately to ensure that their different needs are consistently met’.^{xxi} Probation practitioners in prison receive training about risk, and training on working with women.

“[This prison] assumes every woman has been victim of those kind of life events – trauma informed working. [We] start from that point. It’s a question that’s always there – ‘What led you here?’ I think we do that well.”

This practitioner noted that for their service in prison, addressing the woman’s victimisation is more important than anything else. She noted real challenges in helping women find accommodation on release.

“Safe housing is essential and we are not always able to source that. We have had some appalling stories where supposed safe supported housing providers have been unsatisfactory and put women at risk.”

Problems can also arise where women are placed in areas where they are at risk, sometimes because they have not wanted to relocate.

“Women don’t have a lot of confidence sometimes about making it on their own.”

There have however been some positive outcomes.

“We’ve had some amazing success stories – about a quarter of cases.”

This practitioner noted there were some important knowledge gaps about safeguarding:

“Practitioners don’t always understand safeguarding – don’t know where to put information (on OASys) and some don’t know about MARAC. Some NPS colleagues have less experience with victims and more with perpetrators, and the reverse for CRC colleagues.”

“Preparing for release, colleagues are scared about what they need to do in order to safeguard; these days perhaps colleagues don’t have the same training. Maybe because of inexperience.”

4. What works well and what needs to change?

Issues affecting more than one agency

There is a need for more early intervention outside the criminal justice system

Police representatives felt that greater investment in early intervention, such as healthcare and women’s centres, would help to avoid some women getting to the stage of coming into contact with the police, by which stage at least some damage has been done:

“Once the police are there, it’s not early intervention. Police are there at probably the worst time in someone’s life... We are unskilled to deal with that.”

One police officer commented that early intervention and diverting women into help and support should be prioritised, citing the success of women’s centres:

“Anawim has changed lives.”

A probation practitioner agreed that a broader multi-agency approach would be more beneficial. A woman with lived experience of the criminal justice system, now working in women’s services, also noted the need to look beyond the criminal justice system, to ensure women can access the support they need at an earlier stage:

“The police are doing an amazing job, but it shouldn’t be their responsibility. [I] went to the doctors for help and they didn’t have the resources or time to help.”

She commented that women’s centres should be made more widely available as an early intervention:

“This [wrap around services] should be available to all women.”

Referrals to women’s specialist services from outside the criminal justice system are rare. If they were received, women’s centres would usually make a referral to another service, such as BCWA or the Haven for refuge accommodation, as they are not currently funded to serve these women, although they would do what they could:

“We would support her as much as we could.”

A police officer noted that support for domestic abuse victims sometimes comes too late:

“By the time it’s come to offender management, there is a time delay before we can even make a referral to Anawim.”

This officer raised a concern that officers on the ground are not aware enough of support that is available or what questions to ask offenders, and there needs to be more communication to officers on the ground.

Communication between agencies could be improved

A women's service provider with lived experience commented that agencies do not share information effectively. Women have to repeat their stories again and again, making them feel no one is paying attention or no one cares about what they are saying. A police officer echoed this, commenting that repeating the same information can mean women are re-living trauma repeatedly. Another participant noted that time delay and communication between agencies can be an issue.

Culture change would lead to improvements in practice and outcomes

A women's service provider commented that there needs to be *'more humanity'* and more of an emphasis on how important this is. It was pointed out that women in contact with the criminal justice system were often also victims and should be seen as such, using a trauma-informed approach.

Black, Asian and minoritised women

A probation practitioner commented that Black, Asian and minoritised women can find it more difficult to access support due to a lack of trust and confidence in statutory services:

"Women from ethnic minorities don't speak up because they don't think they can get help... They don't have faith in the system."

A women's services provider commented that staff need to be more culturally aware of Black, Asian and minoritised communities and that there is a need for training.

"I don't always feel that's something that is dealt with well."

She noted the low numbers of Black, Asian and minoritised women accessing the service and questioned the reasons for this:

"As a BAME woman myself, I've always said this. Because our area is so diverse, but predominantly our service is provided to white British women. Is it just white British women who suffer DA and mental health or offend or are arrested? Or is it because it is silenced and because of culture it is kept indoors and not disclosed?"

"Where I've worked with women who are not white British, they have said they didn't know the service existed, or didn't want anyone in the family knowing they were on an order. Embarrassed – didn't want us to come to their door. There is a lot of work there to be done, but there is no evidence It's about them not being referred. We are not having access to them – perhaps police aren't called. It's just the fact that there is work there to be done."

Women's specialist services

Women's services are key to facilitating disclosure and their role could be expanded

Women's services use a relationship-based approach to build trust with women and facilitate disclosure of abuse, as well as offering support from staff and through peer groups. They are able to facilitate women's engagement with other agencies. If women's services were commissioned to support women throughout the criminal justice process, this could help to ensure more information is available to inform decision makers:

"At the moment there is a potential gap there. And that would really help because women are sent down for like 6 weeks or 3 months... I really find it pointless and it costs the country – public money – whilst we could have supported the woman in a much more holistic way rather than sending her to prison. If we can support her

before that happens...and provide information for the judge/magistrate. It would be separate from what we currently provide."

Women's service provider

Probation services have sometimes asked women's centres to prioritise clients who are going to court for another reason, so that they can demonstrate to the court that she is doing well:

"We have had a handful of women where we were already working with them in relation to another offence, and where we have closely worked with the probation officer who has asked us to elaborate on how well she has done, and it has helped to avoid her getting sent down."

"We had a waiting list of women waiting to engage with us because we were inundated with referrals. Probation asked us to prioritise cases where women were going to court for another reason and needed to demonstrate she was doing well."

Women's service provider

Police

The police need more resources to tackle domestic abuse effectively and make use of diversion schemes

The New Chance and CARA diversion schemes have seen good outcomes for women. However, high demand and limited resources mean that the police are unable to refer as many women as they would like. Limited resources can also lead to delays in tackling domestic abuse, which in turn erodes victims' trust and confidence in the police:

"Time delay doesn't work, resources and demand doesn't help. Out of court disposal is ideal but demand is the biggest blockage."

Investment is needed to enable a more effective response to domestic abuse, and to address the falling use of out of court disposals. One participant argued that the police culture needs to change, becoming better informed, and creating better relationships with women.

"It doesn't help when police have targets based on numbers of arrests."

"[We need] better informed police [who have] better relationships with women to drive up disclosure."

"Women see the police as the enemy and in this instance, this doesn't help at all."

Culture change would lead to improvements in practice and outcomes

One police officer explained how the police could become more effective in facilitating disclosure and diverting women where appropriate, avoiding unnecessary pressure on public services:

"When a woman is arrested and investigated; obviously you have to abide by the law depending on what the offence is, but while investigating – rather than convict or imprison for a short sentence and have her children removed – we could have avoided that if it was investigated properly in the first place to find out why that offence has happened."

“Information about why her mental health is poor etc is not available until we start unravelling.”

Prisons and probation

Women-only probation teams and spaces work well but are rare

Women-only probation teams have specialist skills that enable them to spot the signs of abuse and facilitate women’s disclosure. Using women-only probation appointment times helps to protect women and facilitate disclosure. However, women-only probation teams are rare and often probation practitioners will have mainly men on their caseload with just a few women. This is a less effective approach. A women’s service provider commented that they hope the women-only probation team will be co-located with the women’s service, which has worked well in the past:

“Having a women-only space really works, with probation co-located.”

Risk and need assessments should be gender-informed

Risk assessments can misidentify needs as risks. This may lead to a focusing of resources on individuals who are judged to be a higher risk to others, at the expense of providing adequate support to women who are at risk themselves.

Concerns post-reunification of probation services

Support for women in prison and on release is now based in their home area, which one practitioner was concerned could lead to difficulties accessing the right support.

“We were the glue that held it all together – there is no glue now.”

This practitioner also had concerns about knowledge gaps around safeguarding amongst probation practitioners in prison. They suggested the priority for improvement should be to develop more holistic services in prison:

“This new model has dangers – there will be pockets of excellence and pockets where women are not getting the service. Women are miles away from home.”

This practitioner thought that there was a lot of emphasis on domestic abuse within prison which worked well, and valued organisations like Anawim that can attract other sources of funding to offer specialist services. They felt that awareness of women’s specific needs is growing, but that the new system ‘could undermine it a little bit’ particularly where women are imprisoned a long way from home and ‘won’t see their COM until they get out’. Some initiatives are underway – for example, services in Cornwall are going to use video links to engage with women planning to resettle there.

Prisons need to work harder to support women on short sentences

Some practitioners felt that prisons needed to work harder to support the resettlement of women on short sentences. In one prison, for example, women’s average length of stay is 21 days. There needs to be ownership on the side of prison for support, intervention, accommodation or putting women in touch with support organisations/charities.

“It’s very dependent on how long someone is there for. More is done for people who are there longer.”

Courts

Courts are not sufficiently engaged in the whole system approach

A women's service provider commented that partnership working is critical in this area, and that lawyers and the courts need to become more involved, given the crucial role they play.

Sentencing is sometimes inappropriate

Despite the best efforts of probation services to provide a pre-sentence report and include relevant information about contextual domestic abuse and other background circumstances, probation practitioners agreed that sentencing sometimes takes insufficient account of domestic abuse and needs to improve.

"Some sentences are just not appropriate."

One example was given of a sentence that was particularly punitive, not only for the defendant but also for her son. This was a first time offender who had taken drugs into prison for her abusive male partner. She received a daytime curfew for six months, while her co-defendant partner was not convicted. This is an unusual sentence which meant the woman would not be able to pick up her son from school. The judge explained that she wanted it to be very punitive and said, *"Surely he can come back from school on his own."*

Accommodation

The lack of suitable accommodation is a major barrier to good outcomes

Most professionals agreed they felt ill equipped to help women find suitable accommodation.

"As a professional, there is no one to go to when there is a need for an urgent move."

One accommodation support worker suggested there should be a specific portal for women to be assessed and for accommodation to be found straight away. Probation practitioners in the community agreed that there are very few women-only accommodation services that are prepared to house 'chaotic' or high risk women. And, unless services have enough women to fill up a house, they may not offer spaces to women at all.

There is a particular problem in relation to women convicted of arson. Probation services are looking locally at introducing specialist arson risk assessments, identifying the difference between a compulsive fire setter (pyromaniac) and someone who sets fire to themselves as an act of self-harm, or as a cry for help.

Amid the Covid pandemic, there has been additional provision of emergency temporary accommodation. This has often been unsuitable for women, who may be given places in hotels in unsafe areas, leaving them vulnerable. Probation services have done a presentation for local authorities to incentivise landlords to house vulnerable women. This includes an offer of additional funding, understanding there may be more damage to the property, and supervision. One probation practitioner commented that many landlords don't provide support and that private properties are often not in live-able condition. Women may end up back in prison as they feel safer there.

"Why would I put someone somewhere where I wouldn't live myself?"

Local authorities

1. Can you share any evidence of outcomes for your local authority and/or partner agencies/commissioned services?

Respondents were not able to share data, but explained this might be available from the West Midlands Police or from commissioned services.

2. What strategic and frontline work is your local authority involved with, including joint work with other agencies and both commissioned and non-commissioned services, to ensure that effective, sustainable services and systems are in place to meet the needs of women - and where applicable their children - who:

- (a) are domestic abuse survivors; and
- (b) are involved with the criminal justice system as suspects or defendants?

Local authority leads described a range of commissioned services in place for survivors of domestic abuse, including counselling, refuge, community support, Independent Domestic Violence Advocates (IDVAs), children's services, services for Black, Asian and minoritised women and sanctuary schemes (which enable survivors to stay in their own homes but with enhanced security), pursuant to local domestic abuse strategies. These services exist alongside other relevant statutory services such as children's social care, housing and adult social care, and include provision for workforce training, mental health support, immigration and family support workers. In response to increased demand during the pandemic, local authorities have increased investment in services to support victims, particularly including refuge accommodation.

One local authority representative mentioned a perpetrator service which works in parallel with the victim, and a regional commissioning arrangement for perpetrator mentoring. This local authority also has three IDVAs embedded in the police station who work with the specialist domestic abuse team to support victims as part of a two-year early intervention pilot. The PCC commissions an IDVA service across the region.

One local authority commented that their Domestic Abuse Local Partnership Board coordinates the response to domestic abuse across the borough, but does not specifically focus on women in contact with the criminal justice system as suspects or defendants. She noted however that Probation are members of the Partnership Board, and that Youth Offending Services are also linked in with them. A needs assessment was taking place at the time which was expected to highlight any improvements required.

Another respondent commented that she was not aware of any work that is taking place to support women experiencing domestic abuse who are also involved in the criminal justice system as suspects or defendants. She noted that specialist support is commissioned directly by the local authority, and part of their remit will include supporting and advocating for women affected by domestic abuse in relation to civil interventions and engagement with the police.

3. How many women and children does this affect in your local authority area?

One local authority reported an increase in demand on domestic abuse services generally since the pandemic, rising between April 2020 and March 2021 to a monthly average of 415 reports. This local authority receives about 1200 calls to the domestic abuse helpline per quarter, and about 30 referrals through GP surgeries per quarter. Since an early intervention pilot began in a local police station, this local authority has had contact with 500 victims in the first quarter (420 of whom were female); the vast majority of these would not normally access any further service.

None of the local authorities had data on the numbers of women who are victims of domestic abuse and involved in the criminal justice system as suspects or defendants.

4. What interventions and support are currently available for women who experience domestic abuse, and their children, (a) where they have no involvement with the criminal justice system (early intervention and prevention) and (b) where they have been arrested and throughout their criminal justice journey?

The respondents described a range of provision available for victims of domestic abuse generally but had little information about provision for victims involved in the criminal justice system as suspects or defendants. One local authority lead described a specialist support service commissioned by the local authority with a single point of contact for all victims of domestic abuse, who will refer women if appropriate to other services. The service offers a range of support to victims and their children based on need in each case. In this local authority, where women are involved in criminal justice as a suspect or defendant, there is a women's support offer from a specialist service provider (not commissioned by the local authority).

In respect of early intervention and prevention, this local authority implements a comprehensive communications plan each year to raise awareness of domestic abuse and where to access advice and support, including information on the community safety partnership website.

Another respondent noted that children and young people may receive support from their education setting, or from children's social care, if their needs meet the threshold. There may also be access to counselling and online advice from [Kooth](#) and Child and Adolescent Mental Health Services (CAMHS).

5. From whom would you and your partner agencies/commissioned services receive referrals in relation to these women and their children, and where would you refer them, or signpost them?

One respondent described their local authority's single portal for referral in relation to domestic abuse generally through their website, which provides a helpline number and live chat function. Visitors to the site can self-refer or professionals can refer in. This referral will initially be dealt with by the lead domestic abuse service who will make an assessment about which support would be most appropriate, including perpetrator services, specialist accommodation or specialist provision for Black, Asian, minoritised and migrant women.

A second respondent described a single point of contact for domestic abuse referrals within the borough. They will then either work with the victim or refer / signpost them on to other agencies depending on need, such as refuge accommodation.

6. Have any strategic partnerships or boards been set up to address the needs of these women and their children?

Respondents described their Domestic Abuse Local Partnership Boards, which coordinate the response to domestic abuse across the borough, but which do not specifically discuss women victims involved in the criminal justice system as suspects or defendants.

7. Are the needs of these women, and their children, highlighted within any local authority/partnership strategies?

All areas operate domestic abuse strategies, but these do not specifically discuss women victims involved in the criminal justice system as suspects or defendants.

8. What specialist services, if any, are available for women and children in these circumstances who are (a) Black, Asian or minoritised or (b) foreign nationals?

One area has a specialist service for Black, Asian, minoritised and migrant women, and will work with people whether or not they have recourse to public funds. A specialist support service in another area will work with all victims of domestic abuse that accept support. Where women are involved in criminal justice as a suspect or defendant, in this local authority area there is a women's support offer from the specialist service provider (not commissioned by the local authority). Regional specialist services are also available, commissioned by the West Midlands PCC.

9. How is performance measured and monitored?

All areas have their own processes for regular data gathering and monitoring, which is reviewed by the domestic abuse local partnership board and used to inform service development. However, data in relation to women in contact with the criminal justice system as suspects and defendants is not reported on.

10. What do you think works well, and what do you think needs to change in order to meet objectives A-C above?

In relation to domestic abuse generally, one respondent described their local authority area as having a comprehensive set of commissioned services, with regular reviews of performance against the contract so they can be adapted as needs change. However, they noted, 'We could easily spend significantly more in this area and still not meet all the potential demand'. This respondent was conscious that 'there are still people affected that do not come forward for help' but pointed out difficulties in meeting the specific needs of small numbers of people on a local level:

"It would be difficult to commission services for very small number of certain types of people on a local footprint as the demand may be so small as to make it economically unviable."

They suggested that a broader, regional approach might work better for these groups:

“...a regional service for smaller hard to reach groups of victims would be a better choice in these circumstances. If we were to have a more joined up approach to commissioning it could prevent duplication.”

Another respondent suggested that joined up commissioning would help to avoid duplication:

“...there are lots of agencies commissioning stuff and there's little conversation about how they overlap / complement each other.”

Local authority leads had little or no knowledge about diversion of women away from the criminal justice system. In terms of development needed to improve service provision generally, one respondent pointed to the need to ensure a comprehensive response is in place across the region. One respondent acknowledged that women involved in the criminal justice system as suspects and defendants are not specifically considered, and noted the lack of stability in funding as a barrier to progress:

“Victims of domestic abuse and their links to offending, as either suspect or defendant is not addressed and does need development. An on-going unstable budget and issues providing sustainable specialist support for domestic abuse has impacted on development work.”

This respondent considered that increased understanding of exploitation could lead to better understanding of the links between domestic abuse and offending:

“Currently there is an increased focus on exploitation and it is likely that the links between domestic abuse and offending is more visible in this arena. Personally I feel this would be about historical DA, and in the context of ACEs.”

They also noted how preconceptions, myths and stereotypes may lead to victims being stigmatised where they are suspected of offending:

“Personally, I think there is a deep seated vision of how DA victims should look and behave. If women deter from this by engaging in drugs, being challenging or involved with criminal activity, they are seen as less of a victim.”

They pointed out the perspective that probation practitioners can bring:

“Probation officers sometimes have a better understanding of what is going on and can see the wider needs of women, and how these may have contributed to their criminal activity.”

Another respondent shared their own experience of witnessing victims' criminalisation:

“I have sat on some child serious case reviews and in these situations; mothers are often criminalised alongside fathers. Despite acknowledging the presence of DA, it is not fully comprehended how this impacts on mothers' ability to protect their children, It is often described as 'collusion' but it is more likely powerlessness and fear that has meant she has been unable to protect her child/ren.”

11. Can you share any evidence of outcomes for your local authority and/or partner agencies/commissioned services?

Respondents were not able to share data, but suggested this might be available from the West Midlands Police or from commissioned services.

Conclusions and recommendations

Conclusions

The findings from this short study suggest that, while some agencies are further ahead than others, criminal justice agencies are often not confident in their ability to identify where women and girls accused of offending are victims of domestic abuse, offer them support and ensure proper account is taken of their experience of abuse throughout the criminal justice process. Limited guidance is available to some agencies, and criminal justice settings and processes are not conducive to disclosure of abuse and timely access to support. The women who took part in this study felt judged and punished rather than protected and supported, both outside and within the criminal justice process. For women and for some agencies, their perceived dual identity as both 'victim' and 'perpetrator' remains challenging.

Third sector women's specialist services reported positive outcomes from their work with women in prison and in the community, using a relationship-based approach to offer one-to-one support in a women-only safe space. It was widely agreed that this approach performs a crucial role in enabling women to build trusting relationships, facilitating disclosure of abuse, and helping women to access support and engage constructively with other agencies. The tangible benefits of this were illustrated in one example given by a service provider of a woman who disclosed that she had been threatened by her ex-partner who was due to be released from prison. The service passed this information on to the woman's probation officer, who obtained a restraining order against the ex-partner and contacted police.

Sometimes we have the information first, before it gets to probation.

Women's service provider

It was agreed that additional investment is needed to support the delivery of women's specialist services and their close joint work with criminal justice agencies, both in terms of early intervention and prevention, and throughout the criminal justice process. Participants drew attention to the need to ensure services are equally accessible to Black, Asian, minoritised and migrant women. Lack of access to safe housing was identified as a significant barrier to good outcomes for women.

Police representatives reported that they have made progress in tackling domestic abuse, but explained that limited resources hamper their ability to meet demand and this erodes victims' trust. Women spoke about the trauma of being arrested by male police officers. The police spoke about the need for culture change, to encourage women to disclose abuse and improve outcomes, and clearly identified the benefits to be gained by taking proper account of the context of domestic abuse:

When a woman is arrested and investigated; ... rather than convict or imprison for a short sentence and have her children removed – we could have avoided that if it was investigated properly in the first place to find out why that offence has happened.

Police officer

One prosecutor reported a lack of awareness within the CPS of the need to take proper account of suspects' experience of domestic abuse when deciding whether to prosecute, noting that there is greater awareness of the need to consider whether a suspect is a victim of trafficking.

Local authority domestic abuse strategies do not specifically consider this client group. This means there is likely to be a lack of understanding of their needs to inform service provision. Women's specialist services, including Anawim, Black Country Women's Aid, Changing Lives and Green Square Accord, offer good examples of local specialist provision. However, these services are often only available to women after they have been convicted of an offence.

Probation practitioners reported how they have developed their practice in the community to improve the safety of women under probation supervision who are, or may be, at risk of domestic abuse. This includes risk flags on their system and improved information sharing within probation services, to identify any risk posed to women on their caseload by male perpetrators of domestic abuse who are also under probation supervision. The establishment of women-only probation teams in some areas works well to facilitate women's disclosure of abuse and concentrate expertise, and practitioners argued they should be more widely available.

Concerns were raised about possible gaps in support for women in prison and 'fragmentation' of resettlement services, in the wake of probation reunification and changes in the commissioning of rehabilitative services. Women reported that they sometimes found post-release licence conditions to be ambiguous, which left them walking 'on eggshells'. Probation practitioners aimed to ensure sentencers were aware of women's experience of domestic abuse, but reported that sentencing was sometimes overly punitive and inappropriate.

Recommendations

While this study focused on practice in the West Midlands, many of the challenges and successes experienced in this region are likely to be replicated in other parts of England and Wales. We have therefore framed our recommendations to apply at national level and in other local areas.

Based on our findings, it is clear that wide ranging reforms are needed to improve understanding and practice on the ground in order to meet the three objectives identified at the start of this report – namely (A) supporting victims of domestic abuse who are accused of offending, (B) diverting them from the criminal justice system where possible and (C) taking proper account of contextual domestic abuse throughout criminal justice proceedings.

Participants in the study suggested that practitioners may have greater awareness of modern slavery and child sexual exploitation, compared to domestic abuse, as drivers of victims' offending. This suggests there are lessons to be learned in this context from the strategic approach that has been taken in recent years to improve protection for victims of modern slavery and child sexual exploitation. These reflections, and the wider findings of the study, support CWJ's earlier recommendation for a comprehensive legal, policy and practice framework to be introduced at national level to protect victims of domestic abuse from unjust criminalisation.

Reforms must include improvements in guidance and training, and culture change, for all agencies that come into contact with these women, both within and outside the criminal justice system. Increased investment is also needed to ensure these women and girls have

access to gender-specific support, including early intervention and prevention, and safe housing. Reforms must be informed by women and girls with lived experience, including Black, Asian, minoritised and migrant women and girls.

In conclusion, we have identified seven areas in which action could be taken to improve the effectiveness of statutory and non-statutory agencies in supporting victims of domestic abuse who are accused of offending, diverting them from the criminal justice system where possible, and taking proper account of their experience of domestic abuse in criminal proceedings against them.

- 1. Implement a strategic approach based on a shared understanding:** Local and national government, and local multi-agency groups, must ensure the whole system approach to women's offending includes a strategic focus on protecting victims of domestic abuse from unjust criminalisation. This must include:
 - (a) A national cross-government framework:** This study supports CWJ's earlier recommendations for the government to establish a national legal, policy and practice framework to prevent the unjust criminalisation of victims of domestic abuse. This must be a cross-government initiative led by the Ministry of Justice and Home Office, forming part of the government's approaches to women's offending and to tackling domestic abuse, and incorporating the Department of Health and Social Care, the Department for Levelling Up, Housing and Communities, the Department for Education and the Department for Work and Pensions.
 - (b) Local whole system approaches:** Local strategic, multi-agency groups like the West Midlands Women and Girls Strategy Group must have a distinct focus on preventing the unjust criminalisation of victims of domestic abuse, with clear governance arrangements and measures of success. As well as senior leaders in the offices of Police and Crime Commissioners (PCCs), local authorities, NHS England, women's specialist services, the police and probation services, this work must include meaningful engagement by the Crown Prosecution Service (CPS), courts, magistracy and judiciary.
 - (c) Local authority multi-disciplinary approaches:** Local authorities must ensure women in contact with the criminal justice system as offenders or alleged offenders, and women at risk of such contact, are at the heart of their strategic approaches to tackling domestic abuse and serious violence, including the provision of safe housing. This must include (i) strengthening links between local authority leads in tackling domestic abuse, housing, children's social care and community safety, in order to share knowledge and ensure local strategies and commissioning are joined up and able to meet these women's needs; (ii) challenging myths and stereotypes; and (iii) sharing data to measure progress.
- 2. Provide a safe space:** Central government and local commissioners must invest in women-specific provision to provide a safe space for victims to disclose domestic abuse and receive support. This must include:
 - (a) Third sector women's specialist services:** Women's specialist services, delivered in a women-only space and using an independent, relationship-based approach, offer the best available model for facilitating women's disclosure of domestic abuse and supporting women to keep themselves safe and facilitating disclosure of domestic abuse. The whole system approach, both nationally and locally, must aim to provide adequate, sustainable investment to make these services available where needed by victims of domestic abuse who are in contact, or at risk of contact, with the criminal justice system as offenders - including services led by and for Black, Asian, minoritised and migrant women. This must include early intervention and

prevention (before women have contact with the criminal justice system), diversion at the point of arrest and effective support throughout the criminal justice process, including co-location with criminal justice services where appropriate, and with an emphasis on strengthening community provision and reducing imprisonment.

(b) Co-located, women-only probation teams: The Ministry of Justice and HM Prisons and Probation Service (HMPPS) must ensure women-only probation teams, provided in women-only spaces and preferably co-located with women's specialist services, are put in place as standard practice everywhere.

(c) Women's healthcare pathways: Local health and justice strategic leads must work with frontline healthcare providers, women's specialist services, probation services and NHS Liaison and Diversion services to ensure women's healthcare referrals have traction and lead to the right treatment within a reasonable timeframe, addressing any gaps in healthcare professionals' knowledge and understanding of the gender-specific approach, including the dynamics of domestic abuse and its links with women's offending.

3. Foster improved diversion and stronger decision-making on arrest and prosecution: Central government and local commissioners must invest in continual awareness raising and improved guidance and training for frontline police officers and prosecutors, to strengthen decision-making on arrest and prosecution, and maximise the use of out of court disposals where appropriate. This must include:

(a) National police and CPS guidance and training: This study supports CWJ's earlier recommendation for national guidance and training to be developed for the police and CPS, setting out how police and prosecutors are expected to take contextual domestic abuse into account when deciding whether to arrest or prosecute a potential victim of domestic abuse, and to reduce the risk of re-traumatising victims.^{xxii}

(b) Local practice development: Local police forces and CPS must review their own guidance and training, and set out how they plan to improve police and prosecutors' practice in taking contextual domestic abuse properly into account when deciding whether to arrest or prosecute a potential victim of domestic abuse, and in reducing the risk of re-traumatising victims.

(c) Commissioning to meet need: PCCs, local authorities and NHS England must work with local police forces and CPS to commissioning of services is effective to support improvements in police and CPS practice.

(d) Removal of blanket exclusions: The government must remove the blanket exclusion of women from diversion at the point of arrest in most police forces, where they are accused of a domestic abuse offence, in light of the evidence that such women are themselves highly likely to be victims of domestic abuse.

4. Work to achieve fairer court proceedings: The Ministry of Justice, Police and Crime Commissioners, local probation services, women's specialist services, local authorities and NHS England must work with court staff, judges and magistrates to ensure they have the information they need about the dynamics of domestic abuse and how it can contribute to women's and girls' offending, how this needs to be taken into account in court processes and decision making, the rehabilitative services that are available in the community, and the safeguards that can help to make court proceedings fairer.

5. Build on progress in probation services: HMPPS must maintain a focus on improving probation services to ensure a trauma-informed response to victims of domestic abuse who are convicted of offences. This must include:

- (a) **Reviewing trauma-informed practice:** The Ministry of Justice and HMPPS must review the ways in which women are asked to discuss trauma as part of their sentence progression, and consider any changes or additional support that may be needed to help women cope with investigation of their trauma.
 - (b) **Improving risk and needs assessments:** The Ministry of Justice and HMPPS must develop gender-informed and trauma-responsive risk and needs assessment tools to inform their work with women at low, medium and high risk.¹¹
 - (c) **Addressing gaps in domestic abuse support:** The Ministry of Justice and HMPPS must assess whether there is adequate domestic abuse service provision for women in prison and on resettlement, and address any gaps.
6. **Draw on lived experience:** The Ministry of Justice, Home Office and local commissioners must invest in consultation with women who have lived experience of domestic abuse and contact with the criminal justice system as an offender or alleged offender, including Black, Asian, minoritised and migrant women, to inform continuous practice development aimed at ensuring women are supported to keep themselves safe and diverted from the criminal justice system where possible, and that their experience of abuse is properly taken into account throughout criminal proceedings.
7. **Continue learning:** Central government and local agencies must undertake further study to inform practice development. This must include (a) gathering and analysis of quantitative data to shed light on the experiences of victims of domestic abuse and other forms of violence against women and girls who are accused of offending, including Black, Asian, minoritised and migrant women and girls; (b) the specific experiences of girls in this context; and (c) the support available to the children of victims of abuse who are accused of offending.

¹¹ See for example the Women's Risk Needs Assessment (WRNA), a gender-responsive risk, needs and strengths assessment designed specifically to be used with criminal justice involved women. The WRNA is in use in 22 US states and other jurisdictions, and a study currently underway at the University of Birmingham to validate the Probation Module (version 7) of the WRNA for the first time in England. (Source: University of Birmingham website, accessed 18/07/22 - [Trauma, Health and Social Harm: The WRNA Validation Study - University of Birmingham](#))

End notes

-
- ⁱ [Ministry of Justice \(2018\) Female Offender Strategy](#)
- ⁱⁱ [Gelsthorpe, L., Sharpe, G., and Roberts, J. \(2007\) Provision for Women offenders in the community](#); [Centre for Women's Justice \(2021\) Women who kill: how the state criminalises women we might otherwise be burying](#)
- ⁱⁱⁱ [Centre for Women's Justice \(2022\) Double Standard: ending the unjust criminalisation of victims of violence against women and girls](#) See also: [Prison Reform Trust \(2017\) 'There's a reason we're in trouble': Domestic abuse as a driver of women's offending](#)
- ^{iv} [Centre for Women's Justice \(2022\) Double Standard: ending the unjust criminalisation of victims of violence against women and girls](#)
- ^v [Ibid](#) and [Centre for Women's Justice \(2021\) Women who kill: how the state criminalises women we might otherwise be burying](#)
- ^{vi} [Ministry of Justice \(2018\) Female Offender Strategy](#); [Ministry of Justice \(2021\) The Concordat on Women in or at risk of contact with the Criminal Justice System](#)
- ^{vii} [National Audit Office \(2022\) Improving outcomes for women in the criminal justice system](#)
- ^{viii} [House of Commons Justice Committee \(2022\) Women in Prison: First Report of Session 2022-23, HC 265](#)
- ^{ix} [Ministry of Justice \(2018\) A Whole System Approach for Female Offenders: Emerging evidence](#). See also: [Ministry of Justice \(2021\) The Concordat on Women in or at risk of contact with the Criminal Justice System](#)
- ^x [Prison Reform Trust \(2020\) Reducing women's imprisonment fact sheet: West Midlands](#)
- ^{xi} [Prison Reform Trust \(2020\) Rates of immediate custody for women in England and Wales by Police Force Area, 2014-2019](#)
- ^{xii} [HMPPS, The Target Operating Model for probation services in England and Wales \(February 2021\)](#), p 18
- ^{xiii} [Ibid](#), pp 24 onwards.
- ^{xiv} [Anawim press release, 'Liaison and Diversion team win Howard League award'](#)
- ^{xv} [New Chance Project, Centre for Justice Innovation website](#) accessed 08/07/22.
- ^{xvi} [Abramovaite, J. et al \(2020\) New Chance: Process and Impact Evaluation](#)
- ^{xvii} [Hampton Trust website](#), accessed 18/07/22
- ^{xviii} [Flowe, H. et al \(2022\) Intervention for domestic abusers reduces crime](#)
- ^{xix} [CPS Code for Crown Prosecutors](#) para 4.14(b)
- ^{xx} [HM Government \(2020\) Domestic Violence Disclosure Scheme factsheet, updated 11 July 2022](#)
- ^{xxi} [HMPPS \(2021\) Women's Policy Framework](#)
- ^{xxii} [Centre for Women's Justice \(2022\) Double Standard: ending the unjust criminalisation of victims of violence against women and girls](#)