

Providing for women offenders: the risks of adopting a payment by results approach

Probation Journal

59(4) 374–390

© The Author(s) 2012

Reprints and permissions:

sagepub.co.uk/journalsPermissions.nav

DOI: 10.1177/0264550512458477

prb.sagepub.com**Loraine Gelsthorpe**

University of Cambridge, United Kingdom

Carol Hedderman

University of Leicester, United Kingdom

Abstract

While the evidence base for what works with male offenders is imperfect, that for women is even more limited. This reflects the general tendency in penal policy and practice and in criminological research to neglect women who offend either because it is assumed that what works for men will work for women, or because their small numbers lead to women being ignored entirely. In this article, the emerging evidence on women is reviewed in order to consider what we now know about women's needs and about best practice in responding to those needs. The extent to which this evidence provides a sufficiently robust and definitive base for the development of a criminal justice 'market' is then considered in relation to the four main potential benefits claimed for a payment by results approach: greater efficiency; greater innovation; reduced cost; and a broader range of services. The results suggest that a number of important challenges may stand in the way of such benefits being realized in practice in relation to promoting and sustaining community based services for women. These include: defining, estimating and measuring impact; achieving a level of change which is sufficient to attract suppliers; and an inability to value outcomes and to identify and allocate benefits.

Keywords

effective practice, payment by results, voluntary sector, 'what works', women

Corresponding Author:

Loraine Gelsthorpe, Professor of Criminology and Criminal Justice, University of Cambridge – Institute of Criminology, Sidgwick Avenue, Cambridge CB3 9DT

Email: lrg10@cam.ac.uk

Introduction

There has been a resurgence of interest in constructive work with offenders in order to prevent crime. The history of work with offenders is not replete with success, but the research base (particularly the meta-analyses) developed since the early-1990s in the UK and other parts of Europe (drawing especially on work in Canada) now strongly supports the position that effective work with offenders is possible (McGuire, 1995; Hollin and Palmer, 2006a; Porporino, 2010). Whilst women have been seen as 'correctional afterthoughts' in all of this (Ross and Fabiano, 1986) there are nevertheless signs of positive impact from a range of sources on the effectiveness of criminal justice interventions with women offenders. In particular there have been attempts to focus more directly on what we know about women's needs, and to develop practice-based initiatives which address these needs. This article focuses on the emerging evidence regarding what works with women; how far this provides the sort of evidence base which would be required to support a criminal justice 'market', and whether such a move is likely to carry more benefits than risks in relation to provision for women.

Messages from research

Notwithstanding various positive developments in programmes designed to address offending behaviour in the 1990s, there have been controversies regarding their suitability for all offenders (especially women, black and minority ethnic offenders, young offenders, offenders with mental health problems, and very high risk and psychopathic offenders). Offender treatment programmes are typically designed for white, male, adult offenders, with only minor adaptations for other groups of offenders (Ogloff, 2002). Indeed, the criminogenic needs that have emerged from research on men have typically been applied to women offenders uncritically. The problem is encapsulated very well in the reference to women as 'correctional afterthoughts' (Ross and Fabiano, 1986). However, it has been argued that the concepts of 'risk' and 'need' are themselves 'gendered', and that differences between men and women should be taken into account in devising intervention programmes. Various reviews of the literature support this claim (Blanchette, 2002; Hollin and Palmer, 2006a; Howden-Windell and Clark, 1999; Kaschak, 1992), and there is evidence from individual studies that 'what works' for men does not in fact work for women. For example, in England and Wales, Cann (2006) found that the prison-based cognitive behavioural 'Enhanced Thinking Skills' programme had no statistically significant effect on the one and two year reconviction rates of female offenders who participated compared to a matched comparison group of women, though the same programme had been effective with men. Of course this was a prison-based programme and we know community-based ones are more effective (Hollin and Palmer, 2006a); and Cann (2006) suggests the results may reflect methodological shortcomings. However, she also acknowledges that there may be an issue around the responsivity of female offenders to cognitive skills programmes. A little more recently, Hollis (2007) reached similar conclusions

about another cognitive behavioural programme – the General Offending Behaviour Programme (GOBP) – which is delivered in the community. As Anne Worrall (2002) has argued, women who offend are often driven to do so not by ‘cognitive behavioural deficits’ but by the complexity of the demands placed upon them. Worrall goes on to suggest that ‘... [women] not only believe that they have few legitimate options, but in reality, they have few positive options. Important as enhanced thinking skills are, they can only be, at best, a prerequisite to empowering women to make better choices, if the choices genuinely exist’ (Worrall, 2002: 144).

One recent study has tried to take things forward by exploring women’s lower rate of completion on the community-based GOBP (Martin et al., 2009). Compliance is an important step on the way to (but not interchangeable with) non-offending (Lewis et al., 2007), making clear that its promotion is important for everyone. The study indicates that despite some similarities, the (OASys)¹ predictors of programme completion not only vary for men and women, but also operate differently between them. The findings support the ‘gender responsiveness’ position that men and women should be approached differently, and suggest, moreover, that men are more likely to engage in instrumental compliance (turning up because it avoids unpleasant consequences like being breached) and women are more likely to achieve normative compliance (attending because they believe this is the right thing to do) (Martin et al., 2009).

Women’s engagement in existing interventions may also differ because they learn in different ways to men. For example, Belenky et al. (1986) argue that women’s learning differs in terms of its developmental sequence and in terms of underlying theory (see also Covington, 1998). The researchers suggest that most women prefer to learn in collaborative, rather than competitive, settings. If we put this alongside evidence supporting the idea that women-centred environments facilitate growth and development (Zaplin, 1998), we can see that the evidence adds up to a need to work with women in non-authoritarian co-operative settings where women are empowered to engage in social and personal change. Blanchette and Brown (2006) also argue that ‘responsivity’ for women lies not only in the importance of matching treatment style to learning styles, but also that alongside structured behavioural interventions case-specific factors should also be addressed. These include ‘women-specific’ factors such as mental and physical health and child care, together with factors relating to race and gender. Certainly, substance abuse treatment effects are thought to be more robust when such factors are conceptualized as responsivity factors (Ashley et al., 2003). On the basis of analysis of work in Canada, Blanchette and Taylor (2009) take us further in advocating the integration of a number of gender-informed theories and methodologies in responses to women offenders. Specifically, they recommend gendered pathways (Salisbury and Van Voorhis, 2009), the use of relational theory (Miller, 1986), strengths-based approaches (Van Wormer, 2001; Worell and Remer, 2003), the use of positive psychology (Gillham and Seligman, 1999) and use of the ‘good lives model’ (Ward and Brown, 2004), all of which are critical frameworks for intervention with women. We might add to this the need for such interventions to be sensitive to ‘trauma’ (Messina et al., 2007).

With some clear messages from research about ways of addressing women's needs, then, we turn to look at developments on the ground.

Policy and practice developments

Whilst it would be hard to describe policy and practice progress as 'rapid', there has certainly been strong interest in gender informed practice in working with women in England and Wales. In the 1980s and 1990s there were a number of prompts for and pushes towards what Pat Carlen has called a 'women wise penology' (Carlen, 1989). There were a number of research studies which examined differences between men's and women's offending and differences in responses to their offending (Hedderman, 2011); sufficient to indicate to the then Conservative Government that there should be regular monitoring for 'discrimination against any persons on the ground of race or sex or any other improper ground' (Criminal Justice Act 1991, S. 95). We also saw the creation of a number of gender-related practice-based initiatives, for instance, as outlined by Worrall and Gelsthorpe in their 2009 review of developments (in *Probation Journal*) over the previous thirty years. As it is widely known, the introduction of the Labour Government in 1997 signalled no major change to criminal justice policy or practice and so concerns about the treatment of women continued to be voiced (Hedderman, 2011; Prison Reform Trust, 2000). None of this was to persuade the Government of the need for a reduction in the use of imprisonment. However, the much vaunted Social Exclusion Unit (2002) acknowledged that women's needs were often greater than men's and that the women's prison population was growing at a faster rate than men's – with women's needs continuing to be overlooked in a system primarily designed for men. Thus the idea of a Women's Offending Reduction Programme (WORP) was duly launched later in 2002, followed by the publication of an action plan in 2004 (Home Office, 2004). Its purpose was 'to reduce women's offending and the number of women in custody, by providing a better tailored and more appropriate response to the particular factors which have an impact on why women offend' (Home Office, 2004: 5). The Women's Policy Team, tasked with co-ordinating the WORP, garnered support far and wide and managed to obtain over £9 million to support a demonstration project – 'Together Women' – which sought to provide holistic support for women who were current or former offenders or whose social exclusion put them at risk of re-offending. A further prompt to recognize women offenders' distinctive needs came from the deaths of six women in one prison and led the Government to commission Baroness Corston (2007) to review 'women with particular vulnerabilities' in the criminal justice system, a commission which Corston interpreted liberally by resisting any suggestion that the system was acceptable for the majority of women and just needed to be 'tweaked' for a particularly vulnerable minority. The Government accepted 25 of Corston's 43 recommendations for change outright (including the use of holistic support services for women offenders) and a further 14 in principle or in part (Ministry of Justice).²

With some inkling of what the Corston Review of vulnerable women in the criminal justice system might deliver (Corston, 2007), the Fawcett Society commissioned and published a review of community-based provision for women. From a national survey of provision, 120 projects or services for women in the community were identified (Gelsthorpe et al., 2007). Not all of these projects had experience of working with women offenders, but they all thought that they might have something to offer women offenders. Much of this work had evolved intuitively in a way that reflects what research has established as being most likely to work with women. Three particular examples (two from England and Wales and one from Scotland) serve to illustrate the nature of the work at that time.

The Asha Women's Centre (West Mercia) is a practice-based initiative which owes its existence to women-centred work by the local probation service, developed over nine years from 1992 to 2001. It emerged from criticisms of probation services for failing to make appropriate provision for women offenders. The local service then developed a non-residential group programme (in effect an empowerment programme) based centrally in women-only premises (Roberts, 2002). The Centre is now a registered charity which derives its funding from charitable and statutory sources, including the probation service and the Ministry of Justice. Asha serves around 110 women at any time, including some who are supported by a specific worker for ex-offenders. The distinctive ethos of the Asha Centre lies in its generic intake (women only but open to any women); and its aim to link women isolated by disadvantage to resources that will help them improve their social and economic potential. Probationers involved in the Asha Centre have indicated that it has provided them with considerable support, especially since it facilitates multi-faceted, multi-agency provision (Roberts, 2002, 2010; Runggay, 2004). Moreover, an early evaluation showed positive effects in terms of reoffending (compared with a custodial sample) (Roberts, 2002). However, the Asha Centre experiences the advantages and disadvantages of being a voluntary sector provider. It has the freedom to innovate and pursue promising features of practice. At the same time, limited and short-term funding severely limits how far things can be pursued. The Centre received funding from the Ministry of Justice for two years in 2009, but the long term future of the Centre in the future remains in question.

The Camden Probation Women's Centre in London involved specialist provision for women offenders via a standalone offending-related programme (the Women's Programme based on an earlier 'acquisitive crime' programme for women). The programme was based on a Canadian women-specific offending behaviour programme developed by T3 Associates. At the time of the Fawcett research about four programmes were run each year, including an Aggression Replacement Therapy programme (ART) and an Addressing Substance Misuse Related Offending Programme (ASRO), both programmes designed for men, but adapted for women. The Women's Programme involved three phases (delivered in 31 two hour sessions). Phase One was designed to motivate women offenders to think about change by considering the long- and short-term costs and benefits of their behaviour. Phase Two was designed to help offenders prepare for and begin the change process. Phase Three focused on ways of maintaining change and

preventing relapse. At the time of the research, women had to be on a Community Order and to have an Offender Group Reconviction Scale (OGRS) score of 30 and above in order to be eligible for the programme. The Centre was housed in the basement of a London building in Camden (with separate access) and funded by the London Probation Service. The programme was evaluated (Lovbakke and Homes, 2004) during a pilot period (when it was called the Real Women Programme) but it is not clear whether it was subsequently evaluated in terms of its effectiveness. At the time of the Fawcett Society Survey (Gelsthorpe et al., 2007), the key issues appeared to revolve around intermittent referrals, the excessive amount of material used in each session and the guidelines for delivering the material within two-hour sessions. In addition, there was some recognition of a need to make the language and contents of the materials better suited to British (as opposed to Canadian) women; a need to inform women about the nature of the programme prior to commencement; a need for tutors to be given better training and practice in running sessions; and a need to inform others involved in the management of the offenders what the programme entails so that they might better support the women following the programme. These initiatives, and others like them, fuelled a groundswell of opinion that Corston (2007) was right to propose a distinctive and holistic package of responses for women offenders.

To some extent these developments mirrored initiatives in Scotland and the creation of Centre 218 (sponsored by the Scottish Executive) which was set up following a series of suicides in Scotland's only prison for women, Cornton Vale. The Centre was designed to serve as a diversion from prosecution and as an alternative to custody, and more generally to offer particular support (residential or daily – for detoxification, support and outreach to health, social work or housing services) (Loucks et al., 2006). The ethos was therapeutic in intention and there was much emphasis on providing a safe environment for the women. The work of the Centre has been evaluated and continues to find support although the work has changed focus rather (Malloch et al., 2008). The initial challenges for the Centre lay in establishing links with outside agencies so as to facilitate reintegration into the community. Subsequent challenges have revolved around competing objectives, especially between the criminal justice agencies and the more general aims of the Centre regarding women's well-being. Greater criminal justice involvement appears to have come at a cost of losing some of the original ethos, with more focused work on offending behaviour rather than on the general social and personal problems which make women vulnerable. This has been accompanied by, and is associated with, more social work services led group work and less Centre staff involvement in the design of programmes. Moreover, the drop-in function has been replaced by more restricted follow-up of just twelve weeks (Malloch et al., 2008). Somewhat ironically, the initiative has evolved alongside improvements to prison regimes which may have served to legitimize the continued high use of imprisonment (McIvor and Burman, 2011).

These reservations about the different practice-based initiatives aside, it is clear that there has been momentum in developing gender-informed services for women.

Towards good practice

Ministry of Justice policy frameworks and good practice guides have accompanied lessons from the ground (Ministry of Justice/NOMS, 2008a, 2008b). And the previously mentioned 'Together Women' Programme, funded for three years and operating at five centres in two areas in England has been hugely influential in shaping subsequent developments. In Together Women support was provided by one voluntary sector organization at three centres and by two others at the remaining two centres. All three providers shared the objectives of offering a 'one stop shop' that would provide holistic and individual support packages for women to reduce reoffending and to divert women 'at risk' of offending from becoming offenders. Secondary aims were to divert women from prosecution and custody. Although the exact range of support varied slightly between the five centres according to local demand and partnership arrangements between agencies, provision for women included training on such issues as parenting, managing mental health, life skills, thinking skills, and addressing offending behaviour. Each (women-only) centre held surgeries covering a range of issues (relating to benefits, housing and so on) but also functioned as a drop-in centre where women could access activities such as reading groups and complementary therapies. Recognizing that women are often disempowered by their experiences of victimization (e.g. Hollin and Palmer, 2006b), a key element of the Together Women approach was to involve service users in the design and review of their support plans, enabling them to take a degree of control over their lives. Criminal justice professionals and other practitioners (e.g. drug service providers) welcomed the development of Together Women (Hedderman et al., 2008) and women using the Centre commented on the way key workers treated them respectfully, as people not cases, and on the women-only environment (Hedderman et al., 2011). Perhaps most importantly the way in which Together Women supported them to take control of their lives and to have the confidence to make life-changing decisions was seen as crucial in enabling women to reduce their chances of offending (Hedderman et al., 2011). Although the final impact report contained reconviction results, this was limited to a subsample of women who were known to have offended at, or around, the time their contact with Together Women commenced. These women reoffended at approximately the same rate as a comparable group of women on probation (Jolliffe et al., 2011). This report also noted that the scope of this outcome evaluation had been restricted by a failure to act on earlier warnings about the lack of standardized measures and systems for recording data and the quality of the data which were recorded (Hedderman et al., 2008). As of 2012, four of the original five centres are still operating, one has closed and another has opened in another area. Judging from sentencers' feedback, the aim of diverting women from custody did not appear to be achieved because sentencers, particularly magistrates, were suspicious of the idea of programmes which catered generically for all women being used for women who had offended (Jolliffe et al., 2011). While this could be addressed by making attendance mandatory, some sentencers were concerned that this would conflict with

the idea of empowerment which was central to the ethos of this and many other women's support services (Hedderman and Gunby, forthcoming).

Practice on the ground: Lessons learned

Generally speaking, it is possible to discern nine particular lessons which are relevant to an overall analysis of 'what works' or 'what might work' with women offenders (Gelsthorpe et al., 2007; Gelsthorpe, 2011). The nine lessons are that provision for women offenders should:

1. Be women-only to foster safety and a sense of community and to enable staff to develop expertise in work with women;
2. Integrate offenders with non-offenders so as to normalize women offenders' experiences and facilitate a supportive environment for learning;
3. Foster women's empowerment so they gain sufficient self-esteem to directly engage in problem-solving themselves, and feel motivated to seek appropriate employment;
4. Utilize what is known about the effective learning styles with women;
5. Take a holistic and practical stance to helping women to address social problems which may be linked to their offending;
6. Facilitate links with mainstream agencies, especially health, debt advice and counselling;
7. Have capacity and flexibility to allow women to return for 'top ups' or continued support and development where required;
8. Ensure that women have a supportive milieu or mentor to whom they can turn when they have completed any offender-related programmes, since personal care is likely to be as important as any direct input addressing offending behaviour;
9. Provide women with practical help with transport and childcare so that they can maintain their involvement in the centre or programme.

An overall summary of TW (Jackson, 2009) drew on these nine lessons and on an evaluation of the implementation of the programme (Hedderman et al., 2008; Hedderman and Gunby, forthcoming; Jolliffe et al., 2011). A tenth point may now be added as a result of that work: the presence of high quality alternatives to custody for women may not be enough to secure their diversion (Hedderman, 2011). Sentencers need to be educated into understanding why generic provision is more suitable for women than offender-specific programmes; and conflicts between empowering women while making attendance mandatory in some cases also needs to be worked through.

What works with women offenders? And who are the existing providers?

As the evaluators of Together Women (Hedderman et al., 2008; Hedderman et al., 2011; Jolliffe et al., 2011) have argued, while there has been very positive

feedback about how women feel about the support they receive from Together Women, there is further to go in making explicit exactly how this and other similar initiatives have impact, particularly in relation to outcome measures, whether this be contact which involves outside agencies, or indeed in relation to 'models of change'. In essence work with women is under-theorized. There are over 40 community based centres for women – many of which belong to Women's Breakout (the representative body for a national network of women-centred services offering alternatives to custody; <http://www.womensbreakout.org.uk/>). Precarious funding arrangements have made their future very uncertain, but in January 2012 Crispin Blunt, Minister for Prisons and Probation, announced a £3.5 million funding package for women's centres in 2012–2013. The fund will be shared across 30 centres working with women who have offended and women whose social problems may put them at risk of offending. While this is not additional funding, but will be allocated from the National Offender Management Service budget, the money is a welcome sign of the Coalition Government's recognition that such support services are the right way to deal with women's offending.

Currently, most community support services for women are run by voluntary sector agencies. It is important not to overstate the homogeneity of such organizations, nor to generalize too much from the experiences of individual projects. For example, some involve very small locally-based charities, while others are local branches of large national organizations such as Addaction (Women's Breakout, 2012). Similarly, some organizations became involved in supporting women because their overall focus has always been on women (e.g. Platform 51), whereas others began with concerns about substance misuse (e.g. Addaction) or social exclusion generally (e.g. Stonham). These differences are important in considering how well-placed these organizations are to set up and maintain data collection systems, to pay for the external expertise which might be required to do that, and the focus of such systems. They are also important in considering how far different agencies' aims align with those of the statutory criminal justice system and whether they will be big enough to compete. Nevertheless some general conclusions can be drawn about the evidence base these projects have provided to date.

While the government has shown something of an act of faith in funding the development of women's support services for a further year, work with women which addresses criminogenic needs (in both narrow and broad senses) will ultimately be required to demonstrate how the 'broad' work relating to social and personal needs impacts on women's pathways into crime.³ However, the current level and quality of data recording observed in a number of the projects referred to above is not of a standard which supports the creation of an evidence base from which to extrapolate general conclusions about levels of need or progress made. As Table 1 shows, the data obtained from the three voluntary sector agencies which provided services to women in the Together Women project showed considerable variation in the extent to which those they held referral data on were assessed (from 45% to 89%) and in the extent to which needs were identified (89% to 108%).⁴ Also, in all three areas, only about half of the women recorded as having some sort of need was also recorded as having received some support. There are two possible

Table 1. Differences in data recording across the three agencies providing support under the Together Women demonstration project⁵

	VSO1	VS2	VSO3
Referred	1464	871	1121
Assessed	63%	45%	89%
Needs (of assessed)	89%	99%	108%
Support (of needs)	44%	45%	51%

explanations for this. Either assessment practices varied dramatically from one area to another and all three areas recorded many more needs than they were able to respond to; or their recording practices varied. The latter explanation is the more plausible. Thus, for example, differences in the proportion of referrals which appeared to result in an assessment reflect the fact that two of the organizations tended to record referrals as the referral form arrived, whereas the third agency usually only recorded a referral when the woman turned up for her assessment. While this is understandable from a practitioner's perspective, this makes it impossible to create comparison or control groups based on referrals to this initiative, or to examine how those who do not start are different from those who attend all or some of the work which has been planned. This is important information as we know that non-starters on accredited programmes often reoffend more often than 'completers' (e.g. Hollin et al., 2004).

Looking again at Table 1 shows that missing assessment records at the third agency (VSO3) explain why more women seemed to have needs than had ever been assessed. Site visits, discussions with staff and discussions with women using the centres all lead us to be fairly confident that the level of support received is a dramatic undercount of the help actually provided by all three organizations. In fact, it says very little about the support received but a lot about recording practices.

The same data also showed a significant level of under-recording in relation to any one individual need. For example, at one site records showed that around 800 women had clearly undergone an initial assessment. Of these, 53 assessments mentioned 'depression' under the heading of 'Physical problems' but no mention of this was made under 'Mental health'. These 53 records related to 37 individual women. Searching for the phrase 'depres' (sic, to allow for misspelling) under 'Physical Medication' identified 35 additional service users. This might lead to the conclusion that around 10 per cent of those assessed suffered from depression. However, 60 per cent of women on probation have mental health issues (see Cabinet Office, 2009) and much of that relates to depression, which again suggests that centres were not collecting data consistently across all their clients, as these Together Women clients are likely to be at least as troubled as those on probation.

There are also problems with the way changes in need are recorded as these commonly reflect key worker assessments of change (see for example, Hedderman et al., 2008). This has implications for inter-rater comparability, external validity and measuring progress. In other words, can we be sure that two different workers

would identify the same issues in an initial assessment and weight the severity of a problem in the same way? Can we be sure that those assessments mirror the actual nature and type of a woman's main, or most immediate, difficulties? Can we be sure that change over time reflects genuine progress, or is it a consequence of either wishful thinking or even a change in key worker who assesses the woman differently? The difficulty of measuring change is perhaps compounded by the fact that it is invariably difficult to measure change within 'individually tailored' support plans, especially when aims and targets may change and when 'localized' provision and agendas mean that different factors are monitored in relation to local funders aims and requirements.

The practice-based initiatives so far have also prompted learning anew that it is important to recognize different working cultures, and sort out different working practices from the outset. But there are also questions to be asked about different models of provision. For example, does the extent to which centres offer dispersed provision and outreach, alongside activities within a single building, make a difference?

Some voluntary organizations are also so used to functioning on a crisis intervention basis and 'hand to mouth' existence that the notion of business plans and planned provision has come as a shock. We also know that monitoring and evaluation is important for quality assurance purposes and to help secure continued funding. For example, if the Together Women projects were actually providing twice as much support as they recorded, the cost per case of providing that support halves. Following up women in this regard is challenging and requires particular effort; one has to work at the relationships – and this may become more, rather than less difficult as agencies compete with, rather than complement, statutory organizations such as probation. More than this we know that supporting women in the development of new 'scripts for survival', and new identity, means establishing the right ethos across agencies – including the courts if a woman reoffends – so that they know what efforts the woman has been making and what the team aims are across the agencies involved. In reviewing practical initiatives on the ground in the UK there is much cause for optimism that some things are definitely working for women offenders, but there are also some cautionary lessons and some further evaluations to do in terms of long-term outcomes. What is clear is that a gender sensitive approach is needed, and that this creates the best hope of a reduction in reoffending. A good deal has been learned from policy and practice initiatives in the past ten years in particular, can these lessons be maximized in a changing market of providers or is there risk of losing ground?

Where next? Payment by results

Under a payment by results approach, the government pays a service provider according to the outcomes their service achieves rather than for the inputs (e.g. number of staff) or outputs delivered (e.g. referrals to drug services or in-house counselling). In the criminal justice context, where the content and process of working with offenders have become increasingly prescribed through a regimen

of central government dictates (e.g. National Standards and the Accreditation process) and inspection and performance frameworks focusing on process and outputs (Ministry of Justice, 2011), payment by results is being seen as a tool to reform the delivery of supervision of offenders in the community (Ministry of Justice, 2010).

As Fox and Albertson (2011) note, a payment by results approach is claimed to have four main potential benefits: greater efficiency, as resources are focused on where they can do most good; greater innovation, as suppliers are freed up from micro management of process; reduced cost and a broader range of services as new suppliers are attracted in to the 'market' by the prospect of profit and the scope to innovate. However, they also identify a number of important challenges which may stand in the way of such benefits being realized in practice. These include: defining, estimating and measuring impact; a level of change which is sufficient to attract suppliers; and the ability to value outcomes and to identify and allocate benefits. The foregoing discussion suggests that all of these are likely to be problems in promoting and sustaining community based services for women.

Defining, estimating and measuring impact

While there is good and improving evidence of the harm imprisoning women does (see, for example, Corston, 2007; Prison Reform Trust, 2011), we are only just beginning to investigate the reconviction benefits of community-based support programmes for women in a manner which leads to robust findings. One of the few peer-reviewed reconviction studies available in the UK suggests that community-based support programmes are about as effective as probation in dealing with the sort of women who would otherwise have received probation (Jolliffe et al., 2011). As the authors make clear, that analysis was based on only some of the project's clients and it ignored the non-reconviction benefits. Unfortunately, because there is no consistency between projects in the way other outcomes are measured there is currently no scope to argue that other existing measures should be used in place of, or alongside, reconviction. It is also important to remember that where women are being supported because their social problems may put them at risk of offending, but they have no history of offending, it simply is not possible to estimate the impact this might have on future offending because there is no 'counterfactual'. In other words, there is no way of estimating what reoffending would have taken place in the absence of an intervention. These problems raise serious questions about how feasible it will be to set outcome targets for a payment by results scheme.

The necessary level of change

As Fox and Albertson (2011: 401) point out 'even successful criminal justice interventions bring about small levels of change in outcomes'. This may deter potential suppliers who will want to be sure that their hard work generates financial rewards. It also leaves commissioners with two problems. They will have to offer very high rates of return in order to attract potential suppliers to take such risks; and, because the change in reconviction may be so small it could have occurred by

chance, they may end up paying for work which has not really led to the apparent change.

In the case of community-based services for women, the absence of reliable estimates of impact is particularly stark. Not only is the evidence on reconviction absent, but the numbers involved in any local scheme are likely to be small, which makes proving impact to a statistically significant level that much harder. It follows that new suppliers are unlikely to rush to market. Moreover, many of the (mainly) small-scale, existing suppliers may fall by the wayside because they do not have the financial resources to wait several years in the hope of an uncertain financial return based on dubious estimates of likely impact and crude measures of actual change.

It could, of course, be argued that the Social Impact Bond variant of payment by results would deal with this, as private financial backers would be prepared to support high risk, high return projects. However, this seems a faint hope, given the flagship criminal justice social impact bond at Peterborough prison, does not seem to have attracted significant levels of private finance, but to have siphoned off money mainly from organizations which would previously have been given as grants to the charitable sector (although Social Finance (2011) are rather coy about this).

Valuing outcomes and allocating benefits

Finally, for payment by results schemes to work in the longer term, the savings made by reducing reoffending must be cashable and must accrue to the commissioner. While supporting women in the community brings a whole range of social benefits including a reduction in the numbers living on benefits, fewer children in care and so on, and these have financial as well as values, any savings made do not affect criminal justice budgets. If women's programmes can be used more effectively to divert women from custody, that would yield criminal justice savings. However, whether those savings were notional or actual depends on the scale of the effect. Unless it results in the closure of an entire prison wing or an entire prison, the financial savings will be too marginal to free up money for reinvestment.

Conclusions

The Government has announced its commissioning intentions in relation to the National Offender Management Service (Ministry of Justice, 2012). In a foreword, the Director (Commissioning and Commercial) indicates that difficult choices have to be made in terms of how best to invest finite resources, how to prioritize, and what to disinvest in. Our message is simple, notwithstanding important policy and practice developments regarding gender informed work with women offenders, we are still in learning mode in terms of how to best measure the impact of the initiatives in regard to women's lives. There is a very long way to go before we can talk confidently of the likely reconviction impact a community-based support programme will have in relation to any given group of women. Indeed, there are still discussions to be had about whether this is even desirable. Nevertheless without that sort of information, it is not possible to set and agree targets for a payment by results

scheme or be confident that payments will be related to performance in the way such schemes require.

Even if we could estimate and measure the reconviction benefits of community-based support services for women in the community with some accuracy, it is highly doubtful that new suppliers would be attracted into the marketplace. The level of demand in terms of sheer numbers is too small, and the complexity of women's needs is too great, to make this an area for easy or quick profits. Existing suppliers are operating from a sense of moral purpose, not financial reward. Perhaps they could be more efficient and more effective in the way they work with women, but until we know more about what works with which women in what circumstances, this approach is likely to stifle innovation. Investing now in toolkits to enable self-assessment and coordinating agreements about common measurement tools might well facilitate the development of a payment by results approach some years hence. But taking such a payment by results approach now on the basis of arbitrary targets will drive some existing suppliers out, risk the financial ruin of those who remain, and undermine the moral legitimacy of much that has been achieved to date.

Notes

1. The Offender Assessment System (OASys) is a risk assessment and management system used by both the prison and probation services in England and Wales. It assesses risk of reoffending and risk of harm through a consideration of static factors (current offence, criminal and sentencing history, age, sex) and dynamic factors (e.g. employment and accommodation status) completed by a Probation Officer and a self-assessment questionnaire completed by the probationer.
2. The Gender Equality Duty, which took effect in April 2007, added support to Baroness Corston's notion that women should be treated differently from men in order to achieve 'equality'.
3. By June 2012 it was clear that no similar ring-fencing would occur in 2013–2014.
4. The data were cleaned to ensure that no women appeared more than once in this analysis.
5. Derived from information presented in Jolliffe et al. (2011).

References

- Ashley O, Marsden M and Brady T (2003) Effectiveness of substance abuse treatment programming for women: A review. *American Journal of Drug and Alcohol Abuse* 29: 19–53.
- Belenky M, Clinchy B, Goldberger N and Tarule J (1986) *Women's Ways of Knowing*. New York: Basic Books.
- Blanchette K (2002) Classifying female offenders for effective intervention: Application of the case-based principles of risk and need. *Forum on Corrections Research* 14: 31–35.
- Blanchette K and Brown S (2006) *The Assessment and Treatment of Women Offenders*. Chichester: Wiley.
- Blanchette K and Taylor K (2009) Reintegration of female offenders: Perspectives on 'what works'. *Corrections Today* 71: Issue 6.

- Cabinet Office (2009) *Short Study on Women Offenders*. London: Cabinet Office. Available at: http://webarchive.nationalarchives.gov.uk/+http://www.cabinetoffice.gov.uk/media/209663/seif_shortstudy_womenoffenders.pdf
- Cann J (2006) *Cognitive Skills Programmes: Impact on Reducing Reconviction Among a Sample of Female Prisoners*, Research Findings 276. London: Home Office
- Carlen P (1989) Feminist jurisprudence or women-wise penology. *Probation Journal* 36(3): 110–114.
- Corston J (2007) *The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System*. London: Home Office.
- Covington S (1998) The relational theory of women's psychological development: Implications for the criminal justice system. In: Zaplin R (ed.) *Female Offenders: Critical Perspectives and Effective Interventions*, Gaithersburg, Maryland: Aspen Publishers.
- Fox C and Albertson K (2011) Payment by results and social impact bonds in the criminal justice sector: New challenges for the concept of evidence-based policy? *Criminology and Criminal Justice* 11(5): 395–413.
- Gelsthorpe L (2011) Working with women offenders in the community: A view from England and Wales. In: Sheehan R, Mclvor G and Trotter C (eds) *Working With Women In The Community*. Cullompton: Willan Publishing.
- Gelsthorpe L, Sharpe G and Roberts J (2007) *Provision for Women Offenders in the Community*. London: The Fawcett Society. Available at: www.fawcettsociety.org.uk
- Gillham J and Seligman M (1999) Footsteps on the road to a positive psychology. *Behaviour Research and Therapy* 37 (Supplement 1): 163–173.
- Hedderman C (2011) Policy developments in England and Wales. In: Sheehan R, Mclvor G and Trotter C (eds) *Working With Women In The Community*. Cullompton: Willan Publishing.
- Hedderman C and Gunby C (forthcoming) Diverting women from custody: The importance of understanding sentencers' perspectives. *Probation Journal*.
- Hedderman C, Gunby C and Shelton N (2011) What women want: The importance of qualitative approaches in evaluating work with women offenders. *Criminology and Criminal Justice* 11 (1): 3–19.
- Hedderman C, Palmer E and Hollin C with the assistance of Gunby C, Shelton N and Askari M (2008) *Implementing services for women offenders and those 'at risk' of offending: Action research with Together Women*, Ministry of Justice Research Series 12/08. London: Ministry of Justice.
- Hollin C and Palmer E (eds) (2006a) *Offending Behaviour Programmes: Development, application, and controversies*. Chichester: Wiley.
- Hollin C and Palmer E (2006b) Criminogenic need and women offenders: A critique of the literature. *Legal and Criminological Psychology*, 11: 179–195.
- Hollin C, Palmer E, McGuire J, Hounscome J, Hatcher R, Bilby C and Clark C (2004) *Pathfinder Programmes in the Probation Service: A retrospective analysis*, Home Office Online Report 66/04. London: Home Office.
- Hollis V (2007) *Reconviction Analysis IAPS*. London: RDS/NOMS.
- Home Office (2004) *Women's Offending Reduction Programme Action Plan*. London: Home Office.
- Howden-Windell J and Clark D (1999) *Criminogenic Needs of Female Offenders: A Literature Review*. London: HM Prison Service.

- Jackson M (2009) *Together Women Project. Key lessons Learned to Date*. London: Ministry of Justice.
- Jolliffe D, Hedderman C, Palmer E and Hollin C (2011) *Re-offending Analysis of Women Offenders Referred to Together Women (TW) and the Scope to Divert from Custody*, Ministry of Justice Research Series 11/11. London: Ministry of Justice.
- Kaschak E (1992) *Engendered Lives: A New Psychology of Women's Experience*. New York: Basic Books.
- Lewis S, Maguire M, Raynor P, Vanstone M and Vennard J (2007) What works in resettlement? Findings from seven pathfinders for short-term prisoners in England and Wales. *Criminology and Criminal Justice: An International Journal* 7: 33–53.
- Loucks N, Malloch M, Mclvor G and Gelsthorpe L (2006) *Evaluation of the 218 Centre*. Edinburgh: Scottish Executive Social Research.
- Lovbakke J and Homes A (2004) *Focus on Female Offenders: The Real Women Programme – Probation Service Pilot*, Home Office Development and Practice Report 18. London: Home Office.
- McGuire J (1995) *What Works. Reducing Reoffending*. Chichester: John Wiley.
- Mclvor G and Burman M (2011) *Understanding the Drivers of Female Imprisonment in Scotland*, Report 02/2011. Glasgow: The Scottish Centre for Crime and Justice Research.
- Malloch M, Mclvor G and Loucks N (2008) 'Time Out' for women: Innovation in Scotland in a context of change. *Howard Journal of Criminal Justice* 47(4): 383–399.
- Martin J, Kautt P and Gelsthorpe L (2009) What works for women?: A comparison of community-based general offending programme completion. *British Journal of Criminology* 49(6): 879–899.
- Messina N, Grella C, Burdon W and Prendergast M (2007) Childhood adverse events and current traumatic distress: A comparison of men and women drug-dependent prisoners. *Criminal Justice and Behavior* 34(11): 1385–1401.
- Miller J (1986) 'What do we mean by relationships?' *Work in Progress No 33*, Working Paper Series. Wellesley, MA: Stone Center.
- Ministry of Justice (2007) *The Government's Response to the Report by Baroness Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System*, Cmnd 7261. London: The Stationery Office.
- Ministry of Justice/NOMS (2008a) *National Service Framework. Improving Services to Women Offenders*. London: Ministry of Justice.
- Ministry of Justice/NOMS (2008b) *Offender Management Guide to Working with Women*. London: Ministry of Justice.
- Ministry of Justice (2010) *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*. London: The Stationery Office.
- Ministry of Justice (2011) *National Offender Management Service Annual Report 2009/10: Management Information Addendum*. London: Ministry of Justice.
- Ministry of Justice (2012) Discussion Document *NOMS Commissioning Intentions 2012–13*. London: Ministry of Justice/NOMS.
- Ogloff J (2002) Offender rehabilitation: From 'nothing works' to what next? *Australian Psychologist* 37: 245–252.

- Porporino F (2010) Bringing sense and sensitivity to corrections: from programmes to 'fix' offenders to services to support desistance. In: Brayford J, Cowe F and Deering J (eds) *What Else Works? Creative Work with Offenders*. Cullompton: Willan Publishing.
- Prison Reform Trust (2000) *Justice for Women: The Need for Reform. The Report of the Commission on Women's Imprisonment*. London: Prison Reform Trust.
- Prison Reform Trust (2011) *Reforming Women's Justice: Final Report of the Women's Justice Taskforce*. London: Prison Reform Trust.
- Roberts J (2002) Women-centred: The West Mercia community-based programme for women offenders. In: Carlen P (ed.) *Women and Punishment: The Struggle for Justice*. Cullompton: Willan Publishing.
- Roberts J (2010) Women offenders: more troubled than troublesome? In: Brayford J, Cowe F and Deering J (eds) *What Else Works? Creative Work with Offenders*. Cullompton: Willan Publishing.
- Ross R and Fabiano E (1986) *Female Offenders: Correctional Afterthoughts*. Jefferson, NC: McFarland.
- Rumgay J (2004) *The Asha Centre: Report of an Evaluation*. Worcester: Asha Centre.
- Salisbury E and van Voorhis P (2009) Gendered pathways: A quantitative investigation of women probationers' paths to incarceration. *Criminal Justice and Behavior* 36(6): 541–566.
- Social Exclusion Unit (2002) *Reducing Re-offending by Ex-prisoners*. London: Office of the Deputy Prime Minister.
- Social Finance (2011) *Social Impact Bonds: The One Service. One year On*. London: Social Finance.
- Van Wormer K (2001) *Counseling Female Offenders and Victims: A Strengths-based Approach*. New York: Springer.
- Ward T and Brown M (2004) The good lives model and conceptual issues in offender rehabilitation. *Psychology, Crime & Law* 10(3): 243–257.
- Women's Breakout (2012) *Women's Breakout's Member Projects*. Available at: <http://www.womensbreakout.org.uk> (accessed 27 March 2012).
- Worrall A (2002) Rendering women punishable: The making of a penal crisis. In: Carlen P (ed.) *Women and Punishment: The Struggle for Justice*. Cullompton: Willan Publishing.
- Worrall A and Gelsthorpe L (2009) 'What works' with women offenders: The past 30 years. *Probation Journal* 56(4): 329–345.
- Worell J and Remer P (2003) *Feminist Perspectives in Therapy: Empowering Diverse Women*, 2nd Edition. Hoboken, NJ: Wiley.
- Zaplin R (ed.) (1998) *Female Offenders. Critical Perspectives and Effective Interventions*. Gaithersburg, MD: Aspen Publishers.