



## Broken Trust

The rising numbers of women recalled to prison

## **About the Prison Reform Trust**

The Prison Reform Trust is an independent UK charity working to create a just, humane and effective prison system. We have a longstanding interest in improving criminal justice outcomes for women and are currently pursuing a strategy, supported by the Big Lottery Fund, to reduce the unnecessary imprisonment of women in the UK. It is a specific objective of this strategy to ensure that the best interests of any children affected are considered when a mother is in contact with the criminal justice system. For further information about the Transforming Lives programme, see [www.prisonreformtrust.org.uk/women](http://www.prisonreformtrust.org.uk/women).

## **Acknowledgements**

This report grew out of the collaborative efforts of a team at the Prison Reform Trust led by our Head of Research Dr Kimmett Edgar, and we relied on the support of a wide range of people and organisations. We would like to record our thanks to them all.

We are indebted to the women who shared their experiences and insights about recall. They patiently answered our detailed questions, reflected on experiences which were often painful, and trusted us to do justice to their diverse views. Similarly, the women who joined our panels on recall made suggestions led by their sense that positive reforms are achievable.

We are very grateful to HM Prison and Probation Service for facilitating our fieldwork. In particular, the governor of HMP Styal, and the directors of HMP Bronzefield and HMP Peterborough generously enabled us to conduct interviews and recall panels. The Ministry of Justice, the National Probation Service, two Community Rehabilitation Companies and NACRO provided expert feedback on our provisional research findings.

We are grateful to colleagues at the Prison Reform Trust: Tony Callaghan prepared the report for publication. Alex Hewson and Dr Tom Guiney provided statistical support. Amy Brownrigg and Ashleigh Murray co-facilitated the recall panels in prison. Peter Dawson and Jenny Earle commented on early drafts and supervised the project.

© 2018 Prison Reform Trust

ISBN: 978-1-908504-34-0

Cover photo credit: Andy Aitchison ([andyaitchison.uk](http://andyaitchison.uk))

Printed by Conquest Litho

# Contents

Foreword	i
Executive Summary	ii
1. Introduction	1
2. Background	5
3. Social circumstances leading to recall decisions	9
4. Cooperation between responsible officers and women under supervision	21
5. Women's panels on recall solutions	33
6. Conclusions and recommendations	35
Endnotes	39



## Foreword

The Prison Reform Trust's Transforming Lives programme has a single aim: to reduce the number of women sent to prison. There are twice as many women in prison now as there were 25 years ago, many on very short sentences for minor offences. Imprisonment has a disproportionate impact on women and the children and families from whom they are separated.

Transforming Lives has a strong emphasis on local practice and engaging with women who have first-hand experience of the criminal justice system. Broken Trust is a thematic report on the impact of recalling women to prison, based primarily on the experiences of women who have been recalled and their assessments of the process.

This research confirms a principle of the Transforming Lives programme: that the solutions to women's offending lie in the community. One of the programme's objectives has been to improve awareness of and support for women's specific needs – for example the links between their experience of abusive and coercive relationships and their offending, unmet mental health needs arising from histories of trauma, and the adverse effects on children due to their mother's imprisonment. The recall of women to prison began to emerge as a serious concern in 2015-2016 and prompted Prison Reform Trust to undertake this research.<sup>1</sup>

Dr Jenny Earle  
Programme Director  
Transforming Lives – Reducing women's imprisonment

## Broken Trust: Executive Summary

This small-scale study of recall gathered the perspectives of 24 women who had been recalled to prison. Our study found:

- Almost a third (7/24) reported needing help with the combination of mental health needs, drug misuse and domestic violence
- 19 women identified housing as the most important thing prisons must do to prepare people for release and 10 had been homeless at some point
- 22 women disclosed being in risky situations while at liberty, including homelessness and domestic abuse; six were assaulted
- 11 said they had been recalled for failing to keep in touch with their probation officer ('responsible officer').

The women said that their responsible (probation) officers were unable to support them in dealing with the social challenges they faced on release, particularly regarding housing. The threat of recall accentuated the fault lines in supervision relationships that were already fragile, inhibiting women from confiding in their supervisors about their difficulties. The serious breakdown in communication and trust contributed to their recall.

The sharp increase in women being recalled to prison is an outcome of the combination of the government's Transforming Rehabilitation programme and the Offender Rehabilitation Act 2014 which, together, have delivered a more coercive response to women serving short sentences. During the same period, social networks of support have collapsed, leaving responsible officers unable to resolve problems of unstable housing, debt, abusive relationships, drug dependency, and mental health needs.

To reduce the harm caused by avoidable recalls, government should:

- Establish a national network of women-specific community services, including multi-agency outreach services, to deliver the Female Offender Strategy and provide the practical support women need.
- Repeal the provisions in the Offender Rehabilitation Act 2014 which extended recall to people serving sentences less than 12 months. The primary duty of probation services should be to protect the public by enabling offenders to live crime-free lives in the community, helping them to find practical solutions to the challenges they face after leaving custody.
- In the absence of legislation, and for all women on licence following a period in prison, set as a policy objective a drastic reduction in the number of women recalled to custody. Decisions to recall should be understood as a failure to support the woman's resettlement, rather than an enforcement success.



# Broken Trust: The rising numbers of women recalled to prison

*Like the disregarded ones we turned against*

*Because we'd failed them by our disregard.*

Seamus Heaney, "Mint"<sup>2</sup>

## 1. Introduction: legal and policy background

### Post-custody supervision

Recall, a process to return people to prison, applies in different ways, depending on the sentence. People can be recalled to custody if they have served a prison sentence of more than one day.

In general terms, a probation officer (a 'responsible officer', either from a Community Rehabilitation Company or the National Probation Service<sup>3</sup>) initiates a recall setting out why it is required. The decision must be endorsed by the officer's manager, the report is sent to the Public Protection Casework Section, who activate a recall. In addition, courts can order a recall following a further offence or while a person is under supervision after their sentence has expired ('post-sentence supervision').

There are three types of recall:

- Fixed term – of 14 or 28 days
- Standard – until the end of the sentence or, if serving an indeterminate sentence, until the Parole Board decides to re-release the person
- Emergency – a standard recall, but activated within two hours of a request being made, due to an imminent risk of serious harm.

The Offender Rehabilitation Act 2014 (ORA) extended post-custody supervision, and possible recall to prison, to anyone serving sentences up to 12 months. Prior to the ORA, release from prison was unconditional for those sentenced to less than 12 months.

The test of whether a recall is necessary is:

*Where the offender's behaviour indicates that they present an increased [risk of serious harm] to the public or an imminent risk of further offences being committed.*

*Recall must also be considered in cases where contact between the offender manager and the offender has broken down.<sup>4</sup>*

The three justifications present a scale of risk to the public: a risk of serious harm posed by someone under supervision is a greater risk than a likelihood of any new offence; and a perceived risk of reoffending poses a greater risk than a failure to keep in contact.

By design, recall is a tool to prevent reoffending by re-imposing custody. Rather like the (discredited) indeterminate sentence for public protection, recalls imprison someone, not for what they have done, but for what they might do in the future.

### **Female Offenders Strategy – policy**

The government's new Female Offenders Strategy, published in June 2018, brought together empirical evidence about women in conflict with the criminal justice system. It summarised the social circumstances they struggled with, and set out a plan to improve responses to women by making them more integrated and gender-specific.

Consistent with the Corston Report of 2007, the Strategy recognises that the majority of female offenders face profound social hardship:

*Female offenders can be amongst the most vulnerable of all, in both the prevalence and complexity of their needs. Many experience chaotic lifestyles involving substance misuse, mental health problems, homelessness, and offending behaviour – these are often the product of a life of abuse and trauma.*

(Para 2)

The strategy promises gender-sensitive and holistic support to prevent women from reoffending:

*We want to ensure a joined-up approach across Government at a national level and between services at a local level, including the third sector, to deliver a holistic response to women. We will set a clear structure to help partners work together effectively to address the drivers of offending and the needs of female offenders.*

(Para 16)

The Strategy presents very strong arguments against the use of prison as a response to the social needs of women. It powerfully advocates a change in criminal justice practice in working with women:

*There is a clear opportunity to take an entirely different approach to this cohort – one that addresses vulnerability, acknowledges the role of gender, treats female offenders as individuals with the potential to make a positive contribution to wider society, and ultimately breaks the cycle of reoffending with all the benefits that brings for families and society as a whole.*

Part of the justification for a different response is that the level of risk and the seriousness of offending are not usually sufficient to justify custody.

*A significant proportion of women who come into contact with the criminal justice system (CJS) commit offences that are low-level. In some cases, their offending could have been prevented by addressing their vulnerabilities at an earlier stage.*

(Para 28)



*In 2017, almost half (47%) of women sentenced to a short custodial sentence had committed shop theft. The majority (94%) of women in custody serving a short sentence of under 12 months are a low or medium public protection risk.*

(Para 55)

Custody is likely to exacerbate the problems women face, sabotaging their attempts to resolve their problems. The Strategy states: “In some cases, short sentences can aggravate vulnerabilities and raise the risk of reoffending.” (Para 54)

It also states:

*Contact with the CJS can often cause these women to go into crisis or prevent them from coming out of it. Conviction can mean a loss of accommodation and employment, disruption to families and children and the beginning of a cycle of intergenerational offending.*

(Para 28)

Section 10 of the ORA requires that the supervision of offenders complies with the Public Sector Equality Duties so that the arrangements meet ‘the particular needs of female offenders’.<sup>5</sup>

From the moment it was announced that post-custody supervision would be extended to people sentenced to less than 12 months, two things were obvious: this would result in the imprisonment of large numbers of people; and the impact would fall disproportionately upon women.

Prison is inherently more coercive than supervision on licence. Extending supervision to women serving short sentences, combined with the instruction to recall people who lose touch with their responsible officers, was always likely to extend preventative detention disproportionately to women with complex needs.

Social circumstances and criminal justice policy interact in ways that disproportionately affect women. The increased prevalence of recalls of women suggests that the ORA 2014 has exacerbated that disproportion. Its implementation appears to have resulted in further discrimination, making worse the situation which the government has long promised to improve.

### **Prison Reform Trust’s study of the recall of women**

At the time we launched this study, the number of women recalled had already risen rapidly, increasing by 27% in the two years after February 2015, when the ORA was implemented. According to the Independent Monitoring Board in HMP Bronzefield, 518 women were recalled to that prison in 2017/18, a huge increase on the 372 recalled the previous year.<sup>6</sup> Recalled prisoners currently make up around 8% of women in prison custody.<sup>7</sup>

After taking into account the increase due to the extension of post-custody supervision to sentences under 12 months, the numbers of men recalled plateaued, whereas, against expectations, the number of recalled women continued to rise.

One of the aims of our study was to shed light on why this was happening. Our study was not intended to second guess recall decisions. Rather, we designed our study to:

- Learn about why recall happens, from the perspective of women who have been returned to custody
- Consider how social circumstances affected her recall
- Discuss solutions to the problems identified.

Between March and August 2018, we interviewed 24 women who had been recalled to custody. We also conducted three panels of women in custody, most of whom had been recalled, to consult them about the challenges they faced and to ask what they believed was needed to improve support while on supervision, thus reducing the need for recall.<sup>8</sup>

We asked the 24 women we interviewed to describe their experiences between their most recent release and their return to prison. We asked them how well they had been prepared for release, what support they felt they needed, and what they expected to happen next.

The shortest time between release and recall was three days; the longest was 27 months. Over half of the women were under supervision in the community for less than one month and over a fifth had been out for five months or longer when recalled.

The data from the interviews and focus groups have limitations: we only spoke to women who had been recalled to custody and may have been more likely to see the supervision in a negative light. We could not check their accounts against their recall dossiers, or the views of their responsible officers.

However, we have no reason to think that they were untypical of women's experience of recall. Evidence from other sources, including HM Inspectorate of Probation and the Female Offender Strategy, suggests that our findings and recommendations are consistent with what is already known about the problems which result in the recall of women.

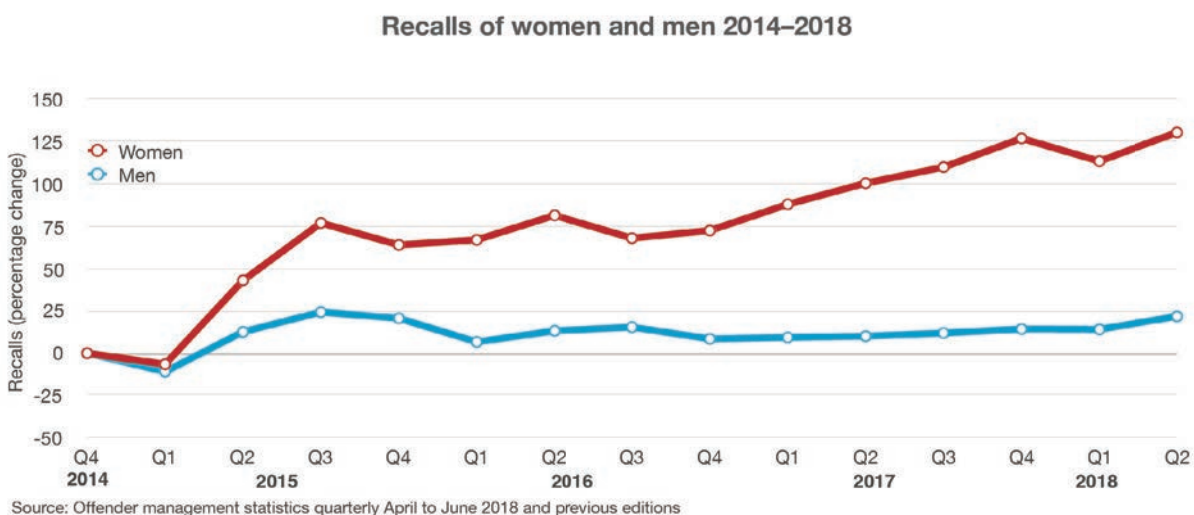
## 2. Background – data

### The Offender Rehabilitation Act 2014

In response to the consultation on the Offender Rehabilitation Bill, the Prison Reform Trust had argued that extending post-custody supervision to those serving short sentences was likely to increase recalls of people who posed a low risk to the public, especially women. Since the end of 2014 (just before the ORA was implemented) the number of women recalled to custody has more than doubled.<sup>9</sup>

The immediate effect of the ORA was to increase the number of people under supervision. From 2014 to 2015 the total number of women under supervision increased by 90%; during the same period, the number of males supervised rose by 44%.<sup>10</sup>

The ORA also extended supervision beyond the end of sentence for those serving less than two years. Courts can recall someone to prison after the person has served their full sentence. Women have been disproportionately affected by the change. In 2017-2018, while 48% of males under supervision were post-sentence, 60% of women under supervision were post-sentence.<sup>11</sup> In the period April to June 2018, almost a quarter of women recalled (23%) were post-sentence.<sup>12</sup>

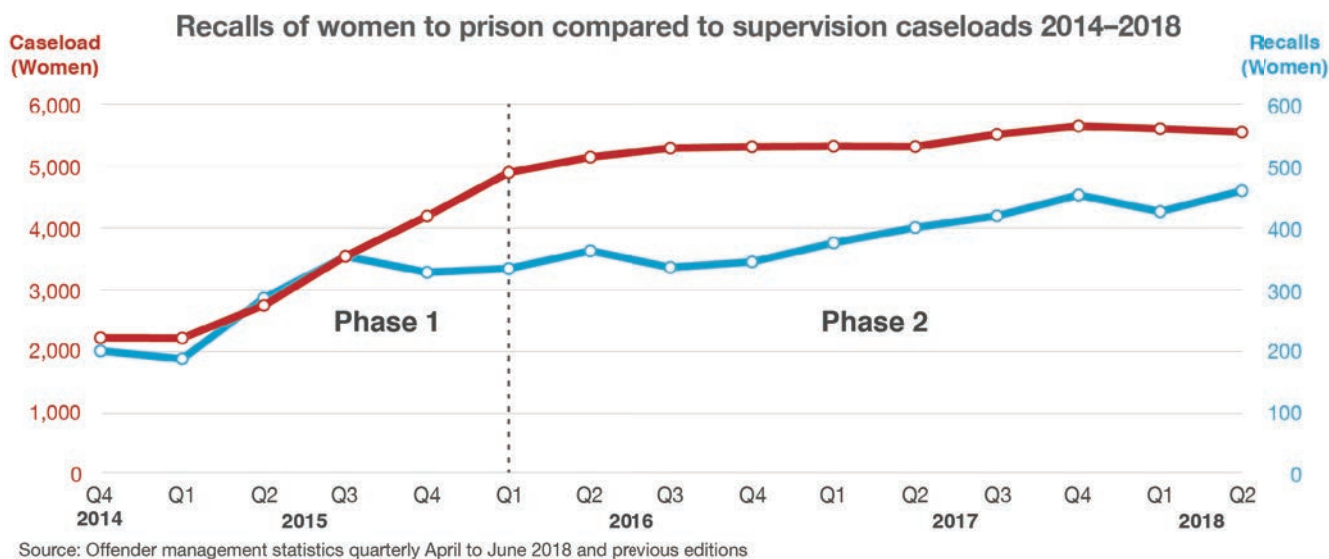


### The disproportionate impact of recall

In August 2017 the Prison Reform Trust submitted a Freedom of Information (FOI) request for data on recall in England and Wales.<sup>13</sup> For the period between the first quarter of 2015 and the same quarter from 2017, we were able to analyse:

- Comparisons by gender in the increased number of recalls
- Recalls by probation services
- The reasons given for recalls to custody.

Dr Tom Guiney, formerly Senior Programme Officer at the Prison Reform Trust, published his analysis of the FOI data in February 2018.<sup>14</sup> Guiney found two phases to the increase in recalls: during the first phase, as predicted, the number of men and women increased, with recalls of women rising faster. In the second phase, during the period April 2016 to September 2017, the number of men recalled reached a plateau, but recalls of women continued to rise.<sup>15</sup>



The chart above shows that while the caseload (the number of women under supervision) has seen a gradual increase since the beginning of 2016, the number of recalls of women has continued to rise at a higher rate, albeit with some variation.

Over the 25 months reflected by the data in the FOI response, the National Probation Service activated at least 1125 recalls of women; and at least 2,200 recalls were activated by CRCs.<sup>16</sup>

### Reasons for recall

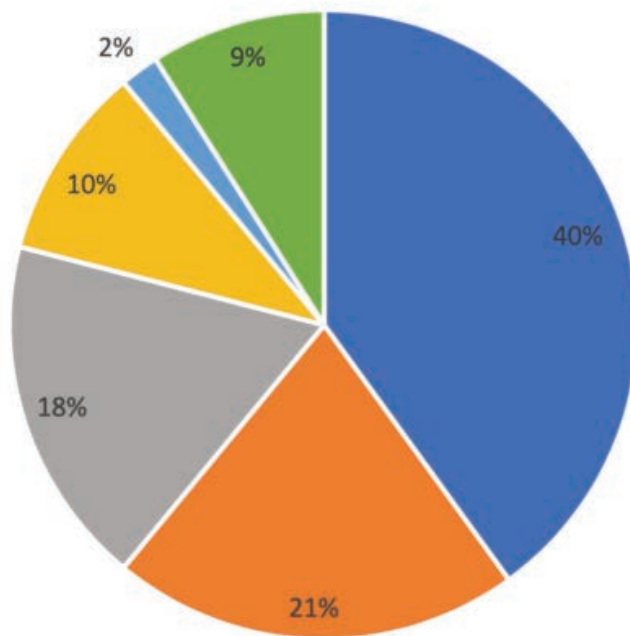
National Probation Service data present six reasons to recall a person to custody:

- Failure to keep in touch (with responsible officer)
- Poor behaviour – drugs or alcohol
- Poor behaviour – non-compliance
- Further charges
- Failure to reside
- Other.

The FOI data showed that the recalls of women were activated due to a failure to keep in touch or for non-compliance far more often than for fresh criminal charges. Of the CRC recalls – over 2,200 in the period for which there were data – the stated reasons were:

Failure of the 2,200 CRCs to keep in touch	40%
Poor behaviour	21%
Further charges	18%
Failure to reside	10%
Drugs / alcohol	2%
Other reasons	9%

### Recorded reasons for recalling women by CRCs (FOI)



- Failure of 2,200 CRCs to keep in touch
- Poor behaviour
- Further charges
- Failure to reside
- Drugs/alcohol
- Other reasons





### 3. Social circumstances leading to recall decisions

#### Overview

The government's Female Offender Strategy recognises that the majority of women in contact with criminal justice face profound social hardship, including mental health problems, abuse and unstable housing. The Strategy identifies a lack of support to cope with social circumstances as a factor in the increase in the recall of women:

*For those who are being managed in the community under supervision post-release, lack of access to supportive community services can contribute to recall to custody.*

(Para 64)

To begin to understand the circumstances in which women were recalled, our study asked them about their needs. Presented with our list, the vast majority of the 24 women we interviewed said they needed help with housing, drugs, and benefits. More than half of the 24 needed help with:

Housing	22
Drugs	21
Benefits	18
Jobs	16
Mental health	16
Counselling	15
Banking	13

Over a third also needed help with:

Debt	10
GP	10
Domestic violence	9
Children	8

Four in five said they needed help with both housing and drug or alcohol misuse; and almost a third – 7/24 – reported needing help with the combination of mental health needs, drug misuse and domestic violence.

The next section discusses the impact of social problems for women released from prison: housing, family tensions, drug misuse, and dangerous situations.

## Housing

*We are aware of a woman who had been imprisoned for theft, subsequently released homeless, was recalled for breach of Anti-Social Behaviour Order for sleeping in a park and then later released homeless again. Our prisons are being used in place of social housing, it can't go on.*

Support Worker, Women in Prison<sup>17</sup>

*I was released NFA [No Fixed Abode], so I had already breached my licence conditions.*

Lena

We asked the women what they thought was most important in preparing people for release. Of the 20 who responded, 19 listed housing. (Ten cited other help they would have wanted, including help with benefits, a bank account, mentors, and substance misuse recovery). Imogen<sup>18</sup> spoke for many in explaining:

*Help with accommodation. That's the most important thing. Most of us get released homeless. If you are released homeless, you go back to your old friends and drug use.*

The Female Offender Strategy highlights the link between housing need and recall:

*Lack of safe accommodation and substance misuse were found to be driving the two most common reasons for recall to prison: failure to keep in touch and non-compliance.*  
(Para 64)

Despite the links between housing need and recall, the Strategy observed that: "Community provision of the services that would support women are inconsistent, particularly around homelessness" (Para 63). It reported that 39% of women allocated to the supervision of community rehabilitation companies (CRCs) were released to unsettled accommodation, with 18% released homeless.<sup>19</sup>

A recent article in The Guardian, following an FOI request, cited government figures showing a huge increase in the number of people who were released from prison to unstable or no housing:

*The data, obtained under freedom of information from the Ministry of Justice (MoJ), show a 25-fold increase between October 2016 and June 2018 in rough sleeping among those who have served sentences of less than six months in England and Wales. Overall, a quarter of short-sentenced prisoners were released homeless, almost double the rate in October 2016. This increase has disproportionately affected women, with the number sleeping rough after prison rising more than 50% to 7.7% in the last quarter.<sup>20</sup>*

The Homelessness Reduction Act (2017) requires local authorities to provide housing support to anyone who is homeless or at risk of it, regardless of local connection, priority need, or

'intentions'. Public bodies, including the prison and probation services, have a duty to refer individuals at risk of homelessness to the relevant local authority.<sup>21</sup>

The changes in policy are welcome. But the inability of responsible officers to help women get housing reflects a lack of resources for housing. A Runnymede Trust report summarised the impact of changes in central government funding for local authorities: "Central government funding for local government, which is responsible for a range of local services, fell by over 50% between 2010/11 and 2015/16 and then by a further 30.6% in 2017/18."<sup>22</sup>

Of the 24 women we interviewed:

- 7 went to their own place (e.g. rented flat, family home)
- 5 were released to an approved premises
- 4 were released to no accommodation
- 3 were released to hostels run by the voluntary sector
- 2 took up temporary accommodation
- 2 stayed with 'friends'
- 1 was released to BASS housing (Bail Accommodation and Support Service).

These numbers indicate where the women went after release, but people's housing situations can change:

- 10/24 described a time in the community when they had no fixed abode.
- 9/24 described housing situations that were dangerous.

When a local authority refuses to house a woman, an alternative is a hostel, a term which includes approved premises, run by the National Probation Service, BASS hostels, and others run by the voluntary sector.

The UK Supreme Court found that the inadequate provision of approved premises for women prevented them from re-establishing support links with their home areas and amounted to discrimination under the Equality Act 2010.<sup>23</sup>

A thematic review by HM Inspectorate of Probation pointed out that there was still a serious shortage of places in women-only approved premises. There are only six for women in England (and none in London or Wales).

*Around a half of bed places were provided to the right offender, but in the wrong place. Many out-of-area residents do not meet the criteria for accessing local resources. They are not motivated to make best use of their time at the hostel as they, and the professionals, know they will not be staying in the area.*<sup>24</sup>

One woman described how unstable housing in a voluntary sector-run hostel compounded her substance dependency:

*I got a day placement in a hostel. Every day for a week, the hostel place kept getting extended ... They couldn't find me a place to live. They cancelled the hostel, put me on the street ... I went back on the street. I started taking drugs again.*

While BASS hostels are primarily intended for men and women on remand, or those released on home detention curfews, a new service specification expanded the target group to people released from custody without accommodation, though this presumably may entail a reduction in spaces for the original intended service-users.

## **Families**

The Female Offender Strategy recognises the harm that any period of custody can cause to family relationships, and particularly between a mother and her children:

*Going into custody often causes huge disruption to the lives of offenders and their families, causing crises in employment, housing and contact with dependents.*

(Para 54)

The women we interviewed described a variety of family relationships upon release. For 17/24 women, families played a supportive role (e.g. emotional support, practical help). For example, one was living homeless until her daughter paid for her to stay in a hotel. For some, their support included being critical of the way the woman was behaving post-release: “My mum and I argued about my drug use.”

Seven of the 24 relied on their family for accommodation on release (family home, own home, with family support, or another relative's house). But 11 of the 24 women indicated that they felt socially isolated. For example:

*I haven't seen my family for three years.*

*Prison is like my second home – I've been coming here since 2004.*

*No one understands that I have to do this all on my own.*

Almost half (11) reported abusive relationships with family members or other associates. Six of 24 indicated some criminogenic effect of the family or 'friends' (e.g. shoplifting to pay for a room, associates stealing from her, or family giving her drugs).

The government's strategy to end violence against women and girls refers to evidence that the emotional consequences of abuse can lead to, “substance misuse, homelessness, offending behaviour, gang involvement, prostitution or mental health problems”.<sup>25</sup>

A report by the Prison Reform Trust, “There’s a reason we’re in trouble”, described the links between women’s experience of domestic abuse and their offending. A recent PhD dissertation by Dr Joanna Roberts provided more detail about the impact of abusive relationships on women. Roberts summarised:

*Women’s involvement in crime resulted from their responses to the distinct power imbalance they were subjected to, which was facilitated, created or imposed by the domestic abuse perpetrated against them. In many cases the women’s coping options were significantly limited; firstly by the domestic abuse they experienced, and secondly their options for action were further restricted by societal factors including poverty, lack of education, unemployment, mental health issues etc. which compounded their lack of options/opportunity for action.*<sup>26</sup>

Roberts examined the ways that an abusive partner can sabotage a woman’s conduct under supervision. Not being free to make her own decisions can interfere with her ability to comply with conditions, including attending supervision appointments. Roberts’ research also links domestic abuse to drug misuse (see below).

15 of the women described tensions between their release conditions and allegiance to family. Three described situations in which they said they were forced to choose between fulfilling their conditions and family obligations. A powerful example was Esther, who told us that on release from prison:

*I rushed straight to hospital where I was with my brother while he was being read his last rites. I phoned probation at 3 pm – my appointment was supposed to be at 2 pm. I said, ‘I’ll be there, I’m on my way’. The probation officer just said it was too late, ‘Sorry you’ve been recalled’.*

A few said that their family home was distant from the probation office. One said her family lived in the zone she was restricted from visiting. Another was prohibited from visiting her sister who lived next door to her ex-husband’s house.

*I didn’t expect it to be as hard as it was when I was released. I went to the MAPP approved premises. I was so far away from home. My dad is ill with Parkinson’s, and I couldn’t see my family. I spent six months in the AP, but I missed my family so much so I thought ‘f\*\*k it, I’m coming to Fosterleigh<sup>27</sup>’. It was so overwhelming being away from my family, I was so isolated.*

Jane

We asked women how their recall affected their families. 17 of the 24 interviewed described negative consequences for their families – distress, worry for her, loss (including bereavement while she was in custody), and children taken away from her. One said simply, “Everyone is broken.”<sup>28</sup>

Two themes that emerged were the emotional impact of separation and being absent when the family needed their help. Other effects, mentioned less often, included family members blaming her for being recalled.

*Me dad's pissed off. He worries about me safety.*

*A lot of my family's respect for me is gone. They don't understand it was probation at fault. They think, 'She did one year and went downhill'.*

Nine women said that separation, due to recall, was hard for parents, children, and partners to deal with. "My mum is worried about my brother. I could be there to comfort her. It has ripped us apart."

Another woman described distress caused to children in her extended family.

*It's hard when those kids ask me when I'm coming out. My sister said my niece went really quiet. She asked her what's wrong. She said, 'I miss my auntie'.*

Esther said that the unexpected recall was harder for her family than her. She said it had affected them . . . "horribly – I was away for three months and that was hard, but this is worse on them. I was there and then I was gone."

Eight women (a third) described difficult circumstances their families were facing without them:

*I've lost six close family members while I've been inside. My sister has lost her husband. My nephew has been in hospital. I'm not there for them now. My brother had surgery. As a family, you need each other. These are emotional things that you should be with your family. ...*

*My mum has mobility problems. When I was out, I helped her a lot.*

*My mum's poorly. That's the only person I'm close to. She can't get here.*

We did not ask women directly if they had a child, but 15/24 made some reference to their children. Eight said that they needed help with children. The interview content did not allow us to distinguish between problems caused by the initial separation through imprisonment and those which were specifically due to the recall.

Three women described being pregnant at the time of their recall. One woman explained that the reasons for her recall were directly linked to her pregnancy: 1) when she disclosed her pregnancy she was warned for not declaring a new relationship; 2) she missed a probation appointment because she was in hospital, getting a scan; and 3) she stated that her responsible officer assumed that she had gone out of area because she chose to go to the hospital near her mother's. She added that she was recalled shortly after giving birth:



*I've lost my daughter. I had my baby and within five hours I was back in prison. It was disgusting. If I wasn't strong-minded, I would have mental health issues.*

Other women described problems that imprisonment or recall created for relationships with their children:

*My daughter is devastated. She knows some of it. I texted to tell her I'd left for a good reason.*

*My children have been moved out because I have no home to give them. Rent arrears, caused by me being in prison. My partner is struggling with my children and my partner thinks it is my fault. He can't believe probation could do that to me. My children are worried sick. They have to live with my sister. It has knocked my family sideways.*

One said that she was working with support to re-establish custody of her young son. But she added that he: “. . . lives with his aunt. We talk on the phone. but that has dwindled as I have no money to ring.”

### **Substance dependency**

As the government's Female Offenders Strategy recognises, drug and alcohol misuse also contributes to recall. 21 of the 24 women interviewed said that they needed help with drugs and/or alcohol misuse. Their accounts of their experiences in the community indicate that drug or alcohol misuse was a common factor in their recall to prison.

Of the women interviewed, 17/24 referred to drugs and/or alcohol when describing their experiences in the community. 14 said they sought out drugs and almost half described being in environments where drug misuse was prevalent.

Joanna Roberts' study found that women turned to drugs to suppress or avoid feelings they experienced as a result of domestic abuse.<sup>29</sup>

Maggie described how alcohol misuse in a hostel run by the voluntary sector contributed to a series of events, resulting in her recall:

*The hostel was full of alcoholics and men, and one of the men attacked me because I wouldn't buy him any beer. The hostel had 24-hour security however I was screaming and they wouldn't leave their desks. I left the hostel on my own accord. I was scared. I was street homeless.*

Shortly afterwards, Maggie met her probation officer:

*I went to my probation appointment with black eyes from being attacked – they didn't do anything, they didn't see I needed help or they just didn't want to know. I began using again and thieving from shops, I needed to eat. My mental health was deteriorating. I stopped going to probation appointments.*

Six of the women in our study said that the misuse of drugs and alcohol by others in a hostel increased pressure on them as they tried to stay out of trouble. Anna, who was released to an approved premises under MAPPA supervision, said that when she arrived, she found needles and empty bottles. Although she reported this, she said no action was taken.

Lucinda said she had turned down maintenance treatment but where she was living made her vulnerable to drug dealers.

*I refused Subutex as I didn't want to be re-toxed back onto it. However, the first day I relapsed, the drug dealers knew what place we were at and so were waiting around to offer us drugs.*

Peer pressure was identified by a number of the women. One said that when she arrived at a women-only approved premises, a group came together to smoke crack. Another said that older women had greeted her at a hostel with the offer of drugs. Others described getting into relationships with men who were using drugs heavily.

Four drew an explicit link between drug misuse and becoming homeless. Elaine was released from prison to a temporary hostel. She had to reapply to stay there one day at a time. At the end of a week, she was sent away. She returned to sofa surfing among drug misusers and began using again.

Two other women explained that drug misuse had led them back into reoffending. One said:

*I was back with all the other drug users, and I was shoplifting to pay for keep and to pay for drugs. I was funding everyone's habits so I could keep a roof over my head.*

Three specifically referred to a negative impact of their own alcohol misuse. Anna explained that she was extremely anxious because she had never been in the town in which she was required to live on release. Returning to the approved premises from her probation appointment, she had a drink and then stayed away all night, drinking.

Others explained:

*I had no money in the bank. I bumped into old friends/acquaintances – I started using in two hours. I was also homeless as I had no money for a B&B.*

*[I was released.] I got on the train. I did some drugs. I thought I had to get it out of my system, but it was stupid. . . . Next day I went out and got drunk, did some more drugs.*

### **Dangerous situations**

Women frequently reported having found themselves in dangerous situations. For some it appeared that they accepted the risk in order to meet their licence conditions, to meet practical needs, or for both reasons. By our analysis, 22/24 women interviewed described at

least one situation where they were in danger. In response to a direct question, 13 of 23 said that in some ways, they preferred being in jail.

The main types of personal risk were unstable housing, abusive relationships, and drug misuse. These clearly overlapped. Crisis, the national charity for homeless people, has defined transient or dangerous housing to include:

- Tents, cars, public transport
- Sofa-surfing
- Squatting, non-residential, 'beds in sheds'<sup>30</sup>

The women described accommodation arrangements that put them at risk. Cerys explained:

*I went to my cousin's house who had a spare room, I stayed there for a while. I started fighting with my cousin's boyfriend, he got handsy with me, I'm not that kinda girl... do not enter where I'm sleeping.*

Linda believed that unstable housing was the main factor in her recall:

*Being a woman homeless is so degrading. They will send me out to no housing. It's a big 'recall me' sign on my forehead. I have no excitement about going out. I got no place to go and an ex-partner who is very violent.*

Six women explicitly described how problems with housing led them back into drug misuse.

Maggie said:

*By the third night of my release, I was street homeless. My using got worse, I fell off my script even quicker this time. My life was just chaotic. I was doing whatever I could to survive.*

Elaine explained that she was placed in temporary accommodation, but when that ended, she was made homeless and she quickly relapsed. She commented:

*Prison helps me stop using, but then you are back to square one. It happens every time. You come out of prison and you're thrown back on the streets. If you got no money, no place to live, how are you supposed to stay clean?*

Nina had been promised a through the gate service to take her to her first appointments. When no one came for her, she went into town:

*I went onto the streets. I know the homeless people. I ended up sleeping in a doorway, smoking drugs. I was working on the streets.*

Four of the 24 women said that during their release period they had resorted to street sex work.

A combination of homelessness, lack of benefits, and drug misuse combined to increase the risk of re-offending. Six women described turning to shoplifting, to pay for drugs and/or to eat. Cerys said she avoided going to her CRC responsible officer, so she had no money:

*I have to shoplift to put food in my belly. . . . I couldn't claim as my benefits hadn't been sorted. I'd stop shoplifting if my benefits were sorted.*

Fiona commented: "Being released with no place to live and £47 – it forces you back into crime."

Six women – a quarter – described having been assaulted while on licence.

*It's awful for people going out with no place to live or a hostel. I had nowhere to live. I was in a punter's car. I got attacked.*

*Nina*

*I breached my tag because there was a domestic in the house I was staying at and I got dragged out of it and the police saw my bruises etc but still got breached.*

*Tina*

Some release conditions appeared to lead women into more risky situations. Delia could neither obtain benefits nor get help from her family, due to her conditions:

*I had to go through the restriction zone to reach probation. I couldn't go to the Job Centre [to set up benefits] because it was in the restriction zone. . . . The benefits situation got me in trouble. I started shoplifting – to get money for drugs. My family and my sister were also in the restriction zone.*

In their accounts, nine women (9/24) spoke about abusive relationships.

Greta was released to a house with a man who became very controlling. She asked her responsible officer to move house, and told us that her request was refused:

*I said to probation, 'Can we find another place? I don't think this is working out.' He would try to get me drunk. Probation knew. I asked probation if there was an alternative [housing]. Probation officer said no. . . . I got really depressed and over-dosed. I got rushed to hospital. . . .*

One woman explained that after being homeless she was allowed to stay at the house of a man who coerced her:

*I was staying at a 'friend's' house, he was not great and we would do a lot of drugs together. I knew if I had [money] . . . my 'friend' would slap me around until I gave it and it would be blown in a few hours on drugs. My ex-friend made me a junkie, put me on the game to give him money, he was controlling, he would control my drug use. He used to get me caught shoplifting.*

### **Brief summary**

10 of the 24 women described a time in the community when they had no fixed abode. Others described risky housing arrangements, including hostels where women were susceptible to peer pressure to misuse drugs or exploitation from male residents.

Unstable housing made it more difficult for women to receive benefits, restore relationships with their children, or access other services.

Problems with housing prevented women from maintaining regular contact with their responsible officer, increasing their risk of being recalled.

11 of the 24 women indicated that they felt socially isolated; and 13 of 23 said that, in some ways, they preferred being in jail.

A quarter, 6/24, described relationships that led them into reoffending.

17 of 24 described receiving support (both practical and emotional) from families.

Many of the women said that their recall had hit their family members hard.

Almost all of the women interviewed said that they needed help to overcome substance dependency. Their vulnerability was increased by homelessness, abusive relationships, peer pressure, and emotional stress.

Almost all of the women had experienced personal danger while under supervision. "You come out of prison and you're thrown back onto the streets. If you got no money, no place to live, how are you supposed to stay clean?"

Nine of the women returned to abusive relationships and six reported having been victims of violence.





## 4. Cooperation between responsible officers and women under supervision<sup>31</sup>

### Introduction

The quality of supervision is vital to prevent reoffending and to provide access to the support that can help women to resettle successfully. A report on recall by HM Inspectorate of Probation (HMIP) describes the balance that should be set, providing both encouragement for behavioural change and support with social needs:

*The quality of the working relationship between the probation worker and the individual and the continuity of contact are key. Likewise, engagement with local partner agencies, including housing services, health services and specialist services often provided by the voluntary sector, is likely to be most effective in rehabilitating people in this group.*<sup>32</sup>

In their report on recall, HMIP<sup>33</sup> judged that most recall decisions were appropriate. However, the report sets this within a wider context:

- There was a lack of engagement, getting to know service users personally (failure to keep in contact being one of the reasons for recall)
- CRCs were unable to build links to the range of services necessary to support people after prison; the inspectorate report found that both the CRCs and NPS had ‘limited access to women-only provision’
- CRCs were ‘stretched beyond their capacity’; a lack of resources seriously impinged on their delivery of support for people with complex needs.

In many ways, the findings of this research by the Prison Reform Trust complement the concerns expressed in a series of HMIP inspections of the implementation of the government’s Transforming Rehabilitation reforms.

The HMIP report suggests that, for many people under supervision, CRC and NPS performance is accurate in assessing risk, but much less effective in engaging the person to promote their compliance. For example, HMIP judged the risk of harm to be accurate in 84% of cases, whereas only 29% took ‘sufficient account of enabling and protective factors’.<sup>34</sup>

Our interviews gathered two types of data: first, responses to direct questions about their supervision; and second, narratives about how they experienced supervision. The latter provides more concrete detail and personal perspectives that help to explain the responses to the direct questions. We cannot claim that they are fully representative of the views of all women who have been recalled.

A few of the women interviewed explained that they deliberately avoided speaking to their responsible officer. For example: “I have problems with my probation... so I don’t go.” (Maggie)

*Probation did not help. But then, I didn’t turn up. But probation never helps. That is why I don’t go to them. They just set up girls to fail.*

Nina

A complete unwillingness to engage with one's responsible officer is quite rare, but it illustrates that the relationships between responsible officers and service users are reciprocal. Responsibility for a healthy working partnership is shared. Doing everything possible to promote engagement goes beyond responsible officers and women under supervision: it encompasses the resources made available, the definition of the responsible officer role, training, and management.

As one woman asked: "How can probation work with you when you get five minutes with them at the end of the day?"

While 'five minutes' is anecdotal, her question implies that high demands on CRCs undermine responsible officers' efforts to make a significant impact on the complex social needs the service user presents.

In response to a Freedom of Information Request, PRT learned that 40% of recalls of women were for 'failure to maintain contact'. But that is not the whole story. The recalled women interviewed by PRT explained their recall in terms of multiple and complex needs. Of the 24 women, 22 said they needed help with housing; 21 needed drug or alcohol treatment; 18 needed help with their benefits; and 16 said they needed support with their mental health.

The HMIP report reached a similar conclusion:

*We found that CRCs were struggling to provide adequate services for the range of complex needs of this group of individuals. In particular, responsible officers struggled to find ways to engage with them. Enforcement had the effect of compounding rather than lessening the sense of a revolving door between prison and the community.<sup>35</sup>*

Our study found that many women expressed a reluctance to discuss problems with their responsible officer, strongly suggesting a loss of trust. This partial disengagement could seriously undermine the responsible officer relationship and purpose, as responsible officers would be unaware of changes in a person's risk. For example, a woman might not disclose housing problems if she believed that her responsible officer would view homelessness as a valid reason to recall her.

In assessing the women's experience of supervision, we needed a guide to suggest the kind of relationship which would promote desistance. The groundwork for this framework was laid in thorough work on 'offender engagement'. Drawing on Hazel Kemshall<sup>36</sup> and Joanna Shapland *et al.*,<sup>37</sup> the discussion to follow will examine, first, the quality of the supervision relationship and second, the perceived legitimacy of the recall decision.

Kemshall highlighted the importance of motivating the person under supervision and 'a collaborative approach from which they can benefit.' While the woman should accept that her responsible officer has a legitimate duty to protect the public, she should also sense that her

responsible officer believes that she can change in positive ways. To summarise, the principles of effective engagement require that supervision is:

- Fully explained
- Collaborative
- To their benefit
- Legitimate.

The partnership between the responsible officer and the women must:

- Address legitimate needs
- Convey concern, understanding and empathy
- Reward positives
- Be fair, accurate and clearly explained
- Motivate change.

Joanna Shapland *et al.* described the ways supervision can promote desistance, by building relationships that:

- Demonstrate a caring attitude
- Involve clients in setting goals
- Motivate people towards positive roles
- Appreciate the impact of obstacles that lead to relapses
- And provide links to local services tailored to the individual's social needs.

Both studies emphasised the role of responsible officers to motivate service users in positive ways.

In the discussion to follow, for the quality of the responsible officer relationship, we will consider:

- Was the woman encouraged to think that she could look to her responsible officer for support in tackling practical problems?
- Did she believe the responsible officer's role redefined her needs as risk factors?

For the women's view on the legitimacy of the recall decisions, we will discuss the extent to which she believed her responsible officer:

- Appreciated the effects of practical obstacles on relapses
- Looked at recall as a quick solution
- Clearly explained the reasons for her recall.

First, we will discuss the women's perspectives on communication: was she kept informed of her status by her responsible officer? Did her responsible officer actively listen to her point of view?

## Communication

Communication is a reciprocal relationship, and there were a few women who avoided contacting their responsible officers.

We asked if they had been informed of the conditions on which they would be released, and 19 of 21 said they had. This suggests that communication prior to release about the supervision expectations was consistent. But although most said they understood the conditions (the restrictive part of supervision) at least one felt that more should have been done in preparation:

*I wanted sufficient and proper honest advice from prison and probation. Nothing was ever set-up... no appointments for me to come out to... I would have liked to have appointments to help me. I would have liked an appointment with St Mungo's before leaving prison.*

Maggie

Reports by HMIP on the implementation of Transforming Rehabilitation also cite a failure, pre-release, to help or inform people about housing, benefits, employment, and other needs<sup>38</sup>.

The women provided a few examples of breakdowns of communication, where it was unclear who was at fault:

*It was very confusing. I got a letter off my probation, which is just down the road. 'We look forward to meeting you.' Four days later, I got another letter from a different probation area. I got recalled for not going to them.*

Linda

Another said that after release: "I was not really clear about what I could and could not do. My probation officer is new, so he moves the goalposts." (Helena)

We asked if their responsible officers listened to their point of view: 14 out of 16 who responded said no. One woman said:

*I needed a probation officer who listened to me. We had no relationship. My probation officer just wanted to stick me back in prison.*

A few women commented that they had tried to tell their supervision officer about their situation and were ignored.

## Supervision relationships

Women in contact with criminal justice are often more vulnerable, due to personal experiences of abuse and violence (physical, sexual and emotional). They have higher levels of mental health needs. They are more likely to be primary carers of children, separation from whom can add to their grief.

The supervision of women on licence must take full account of gender differences. Awareness of how trauma can affect someone's self-esteem and behaviour is essential. But further, the responsible officer relationship needs to be nurturing, encouraging, and holistic. In contrast, styles of working with women based on coercion and punishment are likely to exacerbate her lack of confidence in her ability to manage.

*Many girls and young women have experienced subordination, exploitation and abuse in their relationships. Resettlement interventions that mirror such power dynamics will make women fearful that they are at risk of further victimisation. Coercive, challenging or punitive approaches tend to be particularly counter-productive . . .* <sup>39</sup>

The need for personal safety applies equally to the quality of supervision. A woman under supervision must feel she is safe to discuss her problems openly with her probation responsible officer. It is difficult to see how this is possible if she perceives that the purpose of the relationship is coercive.

Four women said that their responsible officer helped them: "The day I got out, they walked me to probation, took me to the GP. They were supportive." (Bethany)

*Amazing. They did great for me. I did ROTL [release on temporary licence]. I had work and home ROTL. They helped me build relationships with my family. And a job. My case worker and ROTL worker were everything to me. Ultimately, it is up to us as independent women, but they'll help you.*

Helena

A few women described a good balance of practical support with risk management. These women seemed to agree that responsible officers have a legitimate purpose of managing their risky behaviour.

*I would have wanted more interaction with probation; a few more boundaries; and me being a MAPPA as well. They never put me on a course – which would have helped as well.*

Fiona

However, 17 of 23 said they did not get help from their responsible officer. A common theme from the interviews was that women under supervision could not rely on their responsible officer for practical support to resolve the urgent social and practical problems they were facing.

Doubts about the capacity to provide support – and, for some, feeling that their supervisor did not genuinely want to help – seriously undermined trust in the responsible officer.

*They've never helped me with anything – never. They just want to stop re-offending, but no help with moving house, benefits, or children. . . Obviously, if they helped me with housing, drugs, and benefits, I wouldn't be shoplifting or using drugs.*

Melissa

One woman, who was mostly complimentary about supervision added:

*You get promises: somewhere to live, support outside. All these things which you aren't getting. Vulnerable girls are going to get in trouble.*

Penny

In more extreme cases, women suggested that their responsible officers had ignored serious levels of need. Fiona said:

*Every week I was seeing probation. Probation would see me begging in the street. I was losing weight. They knew what was going on.*

She added: "Probation . . . could have referred me to mental health. They put it up to me to get my own housing. I have been failed really badly."

Some clearly felt that their social needs were treated by responsible officers as an increased risk of reoffending.

*I asked probation for some help. . . . They put me in touch with a housing officer. Housing officer said they could not find me a place. . . . I had done what I could. I felt let down by probation. If they had been able to help me, I would not have been breached.*

Helena

*For someone like me, it's drugs. I come in, I get clean, get a roof over my head, and then I get released back onto the streets. I hang around the same people (on drugs), miss my appointments and then I get recalled. How do you expect to keep appointments when you're homeless?*

Melissa

### **The legitimacy of recall**

Direct interview questions yielded mixed views on whether the woman thought it was right that she was recalled:

- Over half (13/22) agreed with the statement, "It was my fault I got recalled."
- But slightly more (15/22) felt: "It was unfair to recall me."
- A majority (14/19) said that their responsible officers did not understand their circumstances when they recalled her.

Most women (19 of 23) described their relationship with a CRC as being 'set up to fail':

*No support. No housing. Released homeless. I had nowhere else to go. I had to go back to my ex's. That was against my licence conditions. They recalled me because of that. It makes me mad: what was I supposed to do?*

Imogen

One reason many women we interviewed felt that it was unfair to recall them was that they had received no support to address the problems they faced.

*I think it was unfair to recall me towards the end. They knew I needed help and they let it go.*

Fiona

*I was recalled because I asked them for help and they didn't know how to help. So, they felt they could no longer manage me in the community.*

Helena

*They seem to think it is better for me to be in prison. It's less stress for them. . . . I can imagine them saying, 'It's better for her.' That is really upsetting for me. The foundations they put in place weren't stable and then they just stepped back. I was overwhelmed.*

Elaine

To repeat, our interviews were not intended to second-guess recall decisions. The problem we identify here is different. As the inspectorate states:

*Those who have a poor relationship with their responsible officer are more likely to breach, and the fairness of enforcement decisions may affect this relationship.*<sup>40</sup>

These 24 interviews back up the HMIP's conclusion that while the recall decision may have been appropriate in the light of increasing risks, a factor in those risks was the lack of support the woman had received, which not only made it harder for her to comply but also seriously undermined her trust in her responsible officer. As another report by the inspectorate quoted a service user: "If you've got the power to send me to prison you should also have the power to help me find a house."<sup>41</sup>

A prison service study of how people experience the process of recall also found that, though women did not dispute the decision to recall them, they felt that it was unfair: "Anger and mistrust led them to feeling 'let down' by, and disengaging from, OMs [offender managers]."<sup>42</sup>

A second factor in the women's view that their recalls were unfair were practical conflicts between her conditions (or supervision requirements) and the realities she was facing. Ten women explained that they were caught up in such contradictions. Two problems arose more than once: the distance to the probation / CRC office; and responsible officers rejecting solutions proposed by the women. Bethany explained:

[My responsible officer] *came from Exeter and I was being released to Plymouth.*

*When you do a two-week recall, you don't get a discharge grant. I live in Bath. My probation is in Bristol. It's £5.40 for the bus fare. The day I got out, I had £3.00, so I couldn't make it. I made phone contact and explained I was getting the money to come see them. . . . I went to probation, two days late. I got recalled.*

Ola



The women's evidence about responsible officers rejecting their proposed solutions is more controversial. We lack the responsible officer's perspective on why the woman's idea was turned down. But these women felt that it was unfair to recall them after refusing to allow them to decide how to resolve a problem.

*Probation told me to move to a hostel, but it was full of drug users – I knew I didn't want to be there. I was told I was being non-compliant as I wouldn't move to the hostel, even though I knew how bad it was for me.*

Tina

A report in the Beyond Youth Custody programme recognises that the resettlement of women and girls must be shaped by their feelings about near relationships. Supervision should include:

*Providing women with access to supported accommodation that is either near their social support networks or located in another area away from abusive networks.<sup>43</sup>*

Greta explained that a problem arose in the house where she was to serve out her home detention curfew, as a man there became 'very controlling'. She asked to move away:

*The first couple of days I said to probation, 'Can we find another place? I don't think this is working out.' I wanted out. I asked probation if there was an alternative [housing]. Probation officer said no... I sent a text that I was told I could move my voluntary job to "Lancaster" ... Probation said do not leave [this county].*

Greta

In a change of policy, the Ministry of Justice published advice to probation officers about alternatives to recall. This advice suggests, for example, that if the problem is unstable housing with no strong evidence of reoffending, the responsible officer's focus should be on trying to find appropriate accommodation. The effort to prevent unnecessary recalls by resolving underlying social problems had not yet been implemented in the CRCs for the women we interviewed. One woman commented:

*I think they use recall far too early. It's just convenient when they don't want to deal with you any more. Like a missed appointment. They should work with you on why that happened ... If she has re-offended, then ok. But you should not be able to recall a woman just because she needs your help.*

Helena

### **Clear explanations**

In her briefing on quality engagement, Hazel Kemshall wrote: "Offenders value assessments that are fair, accurate and clearly explained."<sup>44</sup> A fully explained decision to recall, based on agreed facts, would promote desistance in many ways: it would help build trust between the

responsible officer and the service user; it would indicate changes they need to make to reduce her level of risk; the explanation could guide future dialogue between the responsible officer and the woman.

We asked three direct questions to inform our assessment of whether the women felt their recall was legitimate:

*What did they say was the reason you were recalled?*

*Why do you think you were recalled?*

*Agree or disagree: It was unfair to recall me.*

From the first question, we were able to establish how many women understood why they had been recalled. Comparing the first response with the second one, we could determine the extent to which they agreed that the decision was valid. This held true even if, for other reasons, they felt it had been unfair. For example, Lucinda understood and agreed that her behaviour had 'slipped'. However, she thought her responsible officer had given her a deadline to sort herself out and then recalled her before that time.

The reasons these 24 women were given for being recalled were:

Failure to contact	11
Poor behaviour	4
Breach of conditions	4
New charges	3
Mix of reasons	2
Failure to reside	0

At least three were appealing against a recall decision (there may have been more who did not tell us in the interview). One argued that she had been recalled for missing an appointment, before the appointment took place:

*My probation officer told me I had to go back to probation in (Newfield), even though I was 50 minutes away. She said she would leave me a travel warrant at the station on the Friday. My probation appointment was on the Monday. I didn't pick up the travel warrant on Friday. I was planning to get my gran to come and take me to probation . . . My probation officer rang to tell me she was breaching me for being non-compliant as she said I wasn't going to attend the appointment on Monday.*

Tina

Most women (18/24), however, knew why they had been recalled. Over half – 13/24 – suggested that they agreed with the decision. Exactly half of the 24 both understood and agreed with the reason for her recall. Communication of the reasons for recall appears to have been fairly consistent. However, the perceived legitimacy of the decision relies on far more than an explanation of why she was recalled. For a start, it remains the case that the impact

of recall on women is disproportionate. And 15/22 said that their recall was unfair. As we have explained, the quality of the supervisory relationship fueled a sense of unfairness. And perceptions of unfairness were magnified by a sense that the punishment went beyond what their circumstances merited.

### Fair recalls

Of the 24 women, four said that it was fair to recall her and that it was her fault. The narratives of Delia and Lena describe situations in which women believed the recall decision was clearly appropriate. But they also demonstrate the impact of social needs which had not been addressed earlier:

#### Delia

Delia had met a CRC responsible officer in prison prior to release, but described that meeting as ‘useless,’ because she got no help.

Initially, Delia reported regularly to her responsible officer, even though the probation office lay within her restriction zone. She explained that when a drug treatment programme refused to put her on maintenance, she relapsed. Then her family argued with her about her drug misuse. As a result, she lost her accommodation and missed a supervision appointment. For this, she was given a first warning. Having nowhere to live, she left the area. Although she kept in contact with her responsible officer, she did not tell her that she had lost her accommodation.

Delia said her responsible officer understood her and was prepared to be flexible about keeping in contact.

*My probation officer was fine. I should have been recalled well before that for being late to appointments. But my probation officer understood me. But she was off one day so it was her manager.*

After three months, she said she was ready to turn herself in, but the police stopped her and took her into custody.

#### Lena

Lena met her CRC responsible officer prior to release and was told someone would be in touch about her housing needs. After release, however, she was told that she did not qualify for help with housing. As she stated, “I was released NFA, so I had already breached my licence conditions.”

She went straight to her supervision appointment after release and told them about her housing predicament. She felt they could have done more to help her with this. “Probation could have fought a little more to help me.”

Homeless, she sought out a place where she could get drugs. From there, she relied on friends for very temporary lodging. She stopped attending her supervision appointments. Her housing needs and drug misuse combined to expose her to a dangerous, criminogenic environment:

*I was back with all the other drug users, and I was shoplifting to pay for keep and to pay for drugs. I was funding everyone's habits so I could keep a roof over my head.*

Lena made clear in her interview that, initially, she benefited from her relationship with her responsible officer. However, she linked her recall to her unmet housing needs: "If I had housing I wouldn't have used. When I had housing before, I went seven months with no medication and I was completely clean."

She said the reason she was recalled was missed appointments. Combined with being of no fixed abode, she assumed that a recall was an automatic result – as though her responsible officer had no option.

Although she agreed it was her own fault she was recalled, she also believed that it was more convenient for her responsible officer to recall her than to work with her to resolve her difficulties.

*I went once to see probation, and one time on the phone. My probation officer's attitude had changed, she was abrupt. They found it easier that I'm in here, I'm less of a problem now.*

Lena was not looking forward to release:

*If there is no accommodation in place, it'll be exactly the same. I'll be back here. I'd rather not leave. If I get a house, I'll be so happy, it'll make such a huge difference for my life.*

### **Summary of supervision**

High demands on CRCs and the NPS and a lack of women's services undermined responsible officers' efforts to make a significant impact on the complex social needs the clients present. 19 of 23 women felt that they had been set up to fail.

The women acknowledged that there were things they could have done differently that might have prevented their recall. Nonetheless, most (15/22) felt that being recalled was unfair, because of:

- The complexity and scale of the problems they faced
- The lack of support to manage those problems

- The lack of understanding from responsible officers about the efforts they were making
- Their powerlessness to do anything to resolve their social circumstances or persuade their responsible officer to use alternatives to recall.

The power to recall must be exercised within relationships in which women feel that their responsible officer motivates them toward positive change, appreciates the obstacles they are facing, and demonstrates care in helping to resolve her urgent social problems. Lacking that supportive relationship, women who have been recalled are unlikely to consider it fair or legitimate.

## 5. Women's panels on recall solutions

As part of the study, we conducted three recall panels in women's prisons, comprising 18 women in total, most of whom had been recalled. These groups discussed the problems that lead to recall. They were then asked to make suggestions for improvements that could reduce the need for recall. We present the main recommendations relevant to the relationship between responsible officers and service users:

### Preparation for release

#### Prisons should:

- Start on housing problems earlier – not in the last week of custody.
- Arrange benefits prior to release and establish a Job Centre worker inside.
- Improve communication with women about their resettlement needs.
- Set up outside appointments well before release.

#### Probation and CRCs should:

- Provide housing support from agencies independent of the CRC or probation.
- Improve communication between CRC or probation and the woman and between them and the prison.
- Provide for longer, more supportive appointments with women who want support.
- Set realistic and transparent targets and conditions. 'Appropriate behaviour' is not a clear standard to require people to comply with.
- Make effective referrals to agencies who can help.
- Improve liaison and communication with mental health treatment providers.
- Put in place a better framework for working with women who have mental health problems, with the emphasis on support, not sanctions.
- Provide mental health training for everyone who works with people released from prison.

#### Recall decisions need to:

- Strike a better balance between conditions (enforcement) and support.
- Follow a clear structure of warnings.
- Be a last resort, after probation / CRC have explored every alternative fully.
- Use other sanctions where failure to contact arises.

## **Support**

- More mental health support in the community.
- Transport to appointments could be resolved with a monthly bus pass.
- Women should be able to access support, by her choice, after her criminal justice supervision ends.
- Drugs/alcohol rehabilitation should be available for anyone who wants it.

## **Policy**

- Only courts should have the power to take away a person's liberty. Recall to prison should be at the discretion of a judge, not a probation officer.
- Stop the 12-month mandatory 'top-up' supervision.
- Stop recalls for indeterminate sentence for public protection (IPP) as the sentence has been abolished.
- Scrap the recall of people for 14 day periods.
- After a standard recall, the woman's progress should be regularly reviewed with a view to earlier release.
- Provide approved premises in more sensible locations e.g. nearer to women's homes.

## 6. Conclusion and recommendations

### Findings

The sharp increase in women being recalled to prison can be partly explained by the fact that the government's Transforming Rehabilitation programme and the Offender Rehabilitation Act 2014 combined to deliver a more coercive response to women serving short sentences. The result has been the opposite of what was promised - which was more support for women leaving prison. A second factor, equally important, was the collapse of social networks of support, so that CRCs and NPS were unable to resolve (or even help with) problems of unstable housing, debt, abusive relationships, and mental health need. These developments were contrary to the steps to reduce reoffending that have since been set out in the government's Female Offending Strategy.

This small-scale study of recall gathered the perspectives of 24 women who had been recalled to prison, and a total of 18 women in problem-solving panels. Our study found:

- Almost a third (7/24) reported needing help with the combination of mental health needs, drug misuse and domestic violence
- 19 identified housing as the most important thing prisons must do to prepare people for release
- 10 had been homeless during their time in the community
- 11 discussed being socially isolated
- 22 disclosed situations of personal risk during their time at liberty
- 6 were assaulted
- 9 found themselves (back) in abusive relationships
- 11 said they had been recalled for failing to keep in touch with their responsible officer.

Recall affected the women's families. For some, there was increased anxiety about the woman, especially if it was unclear how long she would be back in custody. Women also expressed concern about the emotional harm to their children or those within their extended families, echoing concerns that were raised in the Prison Reform Trust's report, "What about Me?"<sup>45</sup>

A majority of the women we interviewed disclosed involvement in drug misuse in the community. A quarter drew an explicit link between their housing problems and drug misuse, as homelessness often led to relapse. Many of the women who had been in hostels claimed that drugs were widespread in those settings.

Four women agreed that their recall had been fair and justified. But over half (15/24) felt it was unfair to recall them. This deficit in legitimacy seemed to reflect the women's experience: that responsible officers did not help or sympathise with the practical obstacles women faced upon release from prison.



Official figures suggest that two-fifths of recalls of women are due to a failure to keep in contact with their responsible officer. The prevalence of this reason implies a very serious breakdown in communication and trust between responsible officers and the women they supervise. Our evidence suggests that the breakdown of trust begins with the inability of responsible officers to support women in dealing with the social challenges they face on release, particularly regarding housing. The threat of recall accentuates the fault lines in relationships that are already fragile, inhibiting women from confiding in their responsible officers about difficulties that, eventually, lead to their recall. Responsibility for rebuilding relationships must lie principally with the agencies – NPS and CRCs – who have a duty to help people with their resettlement needs and, under section 10 of the ORA, a specific duty to identify and address women’s needs.

## **Solutions and Aims**

### **Government should:**

- Repeal the provisions in the Offender Rehabilitation Act 2014 which extended recall to people serving under 12 months. Supervision of this group should be on a voluntary basis, and NPS and CRCs should provide services that women leaving prison see as beneficial to their resettlement.
- Re-define the task of CRC and NPS responsible officers so that it is clear that their primary duty is to protect the public by supporting offenders to live crime-free lives in the community, helping them to find practical solutions to the challenges they face after leaving custody.
- Set as a policy objective a drastic reduction in the number of women recalled to custody. Decisions to recall should be understood as a failure to support the woman’s resettlement, rather than an enforcement success, and each recall should be analysed for systemic factors that can be remedied.
- Follow the Scottish government’s initiative in legislating for a presumption against custody for offences where courts would otherwise impose a sentence of 12 months or less.
- Establish a national network of women-specific community services, including multi-agency outreach services.
- Set a shared performance target for prisons and probation services for the number of people in settled accommodation three months after release from prison.
- Work with local authorities to ensure funding of suitable accommodation for women leaving prison.

- Extend the time limit for housing benefit eligibility for sentenced prisoners from 13 weeks to six months to prevent short-sentenced women from losing their homes; and extend the scope for payment of arrears.
- Undertake an annual audit and evaluation of probation services provided in accordance with Section 10 of the Offender Rehabilitation Act 2014 to meet the particular needs of female offenders.

**Community Rehabilitation Companies should:**

- Develop directories of local services for women offenders and ensure access to them.

**Prisons, the NPS and CRCs should:**

- Review the training and supervision of responsible officers to emphasise and build skills in building trust within relationships dedicated to promoting desistance.
- Ensure that women receive basic housing information at the point of induction and throughout their sentence, including information about housing benefit.
- Mitigate as many practical barriers as possible, e.g. enabling access to phones and internet, and ensuring information is accessible in prison as well as after release.
- Expand peer advice services, properly equipped to meet the levels of need, to provide timely advice on housing, benefits, accessing healthcare, and family ties on release.
- Provide housing services as a core element of a woman's rehabilitation programme, including liaison with housing services in a woman's place of residence, and support to enable women to sustain a tenancy or apply for housing. These services should be expedited for women on short sentences, and for women with children.
- Implement the Homelessness Reduction Act by ensuring that housing officers based in prisons share their housing assessment promptly with the local authority to which a woman is returning, where she is at risk of homelessness.



## Endnotes

- <sup>1</sup> For further information about the PRT Transforming Lives programme and a range of publications and resources about women in the criminal justice system see <http://www.prisonreformtrust.org.uk/WhatWeDo/ProjectsResearch/Women>
- <sup>2</sup> <http://kuny.ca/blogs/2010/362/poems/seamus-heaney-mint/comment-page-1/> accessed 13 Sept 2018
- <sup>3</sup> In this report, we use the term ‘responsible officer’ to refer to the person supervising the woman on licence. Probation services refer to both the National Probation Service and Community Rehabilitation Companies, except where a distinction is explicitly made.
- <sup>4</sup> National Offender Management Service (2014 – revised 2017) Recall Review and Re-release of Recall Offenders, PSI 30/2014; PI 27/2014) online:<https://www.justice.gov.uk/downloads/offenders/psipso/psi-2014/psi-30-2014-pi-27-2014-recall-review-re-release-recall-offenders.pdf>
- <sup>5</sup> HM Government (2014) Offender Rehabilitation Act, Section 10; quoted online: <http://www.legislation.gov.uk/ukpga/2014/11/section/10/enacted>
- <sup>6</sup> Independent Monitoring Board, HMP & YOI Bronzefield (2018) Annual Report 2017-2018, page 12; online:<https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2018/11/Bronzefield-2017-18.pdf>
- <sup>7</sup> Ministry of Justice (2018) Prison Population: 30 September, 2018, Table 1.1, online: <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2018>
- <sup>8</sup> 20 of the women declared white ethnicity; one woman was black; one had dual heritage; and one came from a gypsy, traveller, Roma background. (One did not say). Over half (14) were 31 to 39 years old; one was under 25; and five were over 40.
- <sup>9</sup> Ministry of Justice (2018) Offender management statistics quarterly: April to June 2018, Table 5.2, London: Ministry of Justice and earlier editions
- <sup>10</sup> Ministry of Justice (2018) Statistics on Women in the Criminal Justice System 2017, London: Ministry of Justice, page 87.
- <sup>11</sup> Ministry of Justice (2018) Offender Management statistics, Probation Statistics January to March 2018, Table 4.6, online: <https://assets.publishing.service.gov.uk/government/.../probation-tables-Q12018.ods>
- <sup>12</sup> Ibid., Table 4.1. Between April and June 2018, 600 women were recalled. Of these, 461 were on licence and 139 were recalled for breach of post-sentence supervision.
- <sup>13</sup> FOIA Request 113548.
- <sup>14</sup> The following charts were produced by Alex Hewson.
- <sup>15</sup> Dr Tom Guiney (13 February, 2018) Why are more women being returned to prison than ever before? HuffPost, online:[https://www.huffingtonpost.co.uk/entry/why-are-more-women-are-being-returned-to-prison-than\\_uk\\_5a81bca5e4b033149e401d62](https://www.huffingtonpost.co.uk/entry/why-are-more-women-are-being-returned-to-prison-than_uk_5a81bca5e4b033149e401d62); accessed 17 December 2018
- <sup>16</sup> These data represented values of one or two recalls per quarter with an asterisk: our calculations assumed that \* = 1 to reach a minimum figure for that quarter. The numbers represent recall decisions, not the number of women recalled, as – particularly with the CRC service users – a woman could be recalled several times during her supervision period. Probation/ CRC caseload sizes do not reflect how long individuals were subject to supervision, making it difficult to compare rates across regions.
- <sup>17</sup> Cited in Prison Reform Trust (2018) “Home truths: housing for women in the criminal justice system” online: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Home%20Truths.pdf>
- <sup>18</sup> All the women’s names are pseudonyms.
- <sup>19</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/719819/female-offender-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719819/female-offender-strategy.pdf)
- <sup>20</sup> Goddard, Emily (2018) The scandal of ex-prisoners released to a new life - on the streets, The Guardian, 28 November, 2018, online:<https://www.theguardian.com/society/2018/nov/28/ex-prisoners-streets-rough-sleeping-short-sentences>
- <sup>21</sup> See: Homeless Link (2018) Five key changes in the Homelessness Reduction Act; online:<https://www.homeless.org.uk/sites/default/files/site-attachments/Homelessness%20Reduction%20Act%20Briefing%20Nov%202017.pdf> accessed 5 December 2018
- <sup>22</sup> Runnymede Trust (2017) Intersecting inequalities: The impact of austerity on Black and Minority Ethnic Women in the UK, online: [https://www.runnymedetrust.org/uploads/PressReleases/1%20bme\\_executive\\_summary-A3-01.pdf](https://www.runnymedetrust.org/uploads/PressReleases/1%20bme_executive_summary-A3-01.pdf) accessed 5 December 2018.

- 
- <sup>23</sup> Garden Court Chambers (2017) ‘Supreme Court finds unlawful sex discrimination in provision of approved premises for women’: R(Coll) v Secretary of State for Justice, online:<https://www.gardencourtchambers.co.uk/supreme-court-finds-unlawful-sex-discrimination-in-provision-of-approved-premises-for-women/>
- <sup>24</sup> HM Inspectorate of Probation (2017) Probation hostels’ (approved premises) contribution to public protection, rehabilitation and resettlement, page 9.
- <sup>25</sup> HM Government (2016). Ending Violence Against Women and Girls Strategy 2016-2020, p.8. Available at:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522166/VAWG\\_Strategy\\_FINAL\\_PUBLICATION\\_MASTER\\_vRB.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF)
- <sup>26</sup> Roberts, Joanna (2018) “How a woman’s experience of domestic abuse can influence her involvement in crime”, Leicester: University of Leicester PhD Research Findings Summary Report.
- <sup>27</sup> Throughout the discussion of narratives, town names are fictitious, to preserve anonymity.
- <sup>28</sup> The impact of a mother’s imprisonment on her children is more fully explored in Prison Reform Trust (2018) What about me?, by Sarah Beresford, online:  
<http://www.prisonreformtrust.org.uk/portals/0/documents/what%20about%20me.pdf>
- <sup>29</sup> Roberts (2018) Op. cit.
- <sup>30</sup> Crisis (2018) Assessing the costs and benefits of Crisis’ plan to end homelessness, online:  
[https://www.crisis.org.uk/media/238957/assessing\\_the\\_costs\\_and\\_benefits\\_of\\_crisis-plan\\_to\\_end\\_homelessness\\_2018.pdf](https://www.crisis.org.uk/media/238957/assessing_the_costs_and_benefits_of_crisis-plan_to_end_homelessness_2018.pdf), page 35; accessed 3 December 2018
- <sup>31</sup> We use the term ‘responsible officer’ to cover the responsible officer from the Community Rehabilitation Company (CRC) as well as probation officers (National Probation Service).
- <sup>32</sup> HM Inspectorate of Probation (2018) Enforcement and recall. page 6; online:  
<https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2018/02/Enforcement-and-Recall-report.pdf>; accessed 17 December 2018.
- <sup>33</sup> The HMIP analysis examined the supervision of men and women; 15% of the sample were female, and they analysed the supervision of only six women. The HMIP’s assessments of the recall decision were not, therefore, gender specific.
- <sup>34</sup> HM Inspectorate of Probation (2018) Table 3.1A.
- <sup>35</sup> HM Inspectorate of Probation (2018) page 9.
- <sup>36</sup> Kemshall, Hazel Offender Engagement Research Bulletin: Making Offender Assessment Meaningful, online: <http://nomsintranet.org.uk/roh/official-documents/Making%20offender%20assessment%20meaningful.pdf>
- <sup>37</sup> Ministry of Justice (2012) The quality of probation supervision, by Joanna Shapland, *et al.* online:  
[https://www.cep-probation.org/uploaded\\_files/quality-of-probation-supervision.pdf](https://www.cep-probation.org/uploaded_files/quality-of-probation-supervision.pdf)
- <sup>38</sup> “Over two-thirds of offenders released from prison had not received enough help pre-release in relation to accommodation, employment or finances . . .” (HM Inspectorate of Probation, HM Inspectorate of Probation (2016) Transforming Rehabilitation Early Implementation 5, London: HM Inspectorate of Probation, page 5.
- <sup>39</sup> Beyond Youth Custody (2014) “Resettlement of girls and young women: A practitioner’s guide”, by Tim Bateman and Neal Hazel, London: Nacro, page 5.
- <sup>40</sup> HM Inspectorate of Probation (2018)
- <sup>41</sup> HM Inspectorate of Probation (2015) Transforming Rehabilitation: Early Implementation 3, page 37, online: <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2015/11/TransformingRehabilitation3.pdf>
- <sup>42</sup> HMPPS (2018) Understanding the process and experience of recall to prison, by Flora Fitzhalan Howard, *et al.* online:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/723265/Understanding\\_the\\_process\\_and\\_experience\\_of\\_recall\\_to\\_prison.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/723265/Understanding_the_process_and_experience_of_recall_to_prison.pdf)
- <sup>43</sup> Beyond Youth Custody (2014) “Resettlement of girls and young women: A practitioner’s guide”, by Tim Bateman and Neal Hazel, London: Nacro, page 5.
- <sup>44</sup> Kemshall, Hazel (undated) Offender Engagement Research Bulletin: Making Offender Assessment Meaningful, online: <http://nomsintranet.org.uk/roh/official-documents/Making%20offender%20assessment%20meaningful.pdf>
- <sup>45</sup> Prison Reform Trust (2018) What about me? The impact on children when mothers are involved in the criminal justice system, by Sarah Beresford, online:  
<http://www.prisonreformtrust.org.uk/portals/0/documents/what%20about%20me.pdf>





Prison Reform Trust  
15 Northburgh Street  
London EC1V 0JR  
020 7251 5070  
020 7251 5076  
[www.prisonreformtrust.org.uk](http://www.prisonreformtrust.org.uk)

This report captures the experiences of women recalled to prison after release. It illustrates that many feel they are being 'set up to fail'.

*I think they use recall far too early. It's just convenient when they don't want to deal with you any more. Like a missed appointment. They should work with you on why that happened.*

The sharp increase in women being recalled to prison since 2015 is a direct result of the government's Transforming Rehabilitation programme and the Offender Rehabilitation Act 2014. The voices of the women here make an eloquent case for change and are supported by a wider body of evidence.

To download this report and other briefings from the Prison Reform Trust's Transforming Lives programme to reduce women's imprisonment go to [www.prisonreformtrust.org.uk/women](http://www.prisonreformtrust.org.uk/women)