

Breaking the cycle of harm for mothers involved in offending who are survivors of domestic abuse, and their children.

advance

About Advance

Advance, founded in 1998, is an award-winning innovative charity, enabling women and girls to lead safe, violence-free and equal lives, so that they are able to actively engage with society. Advance is led by and for women, supporting those experiencing domestic abuse to be safe and take back control of their lives, and helping those who have committed crime or at risk of offending, to break the cycle of reoffending and keep families together.

Based in London, since its inception Advance has led the way in innovation in the sector with community, "through-the-gate", and whole-system co-located services, for both survivors of domestic abuse and those caught in the criminal justice system. Through its Women's Centres and advocates, Advance delivers holistic, specialist one-to-one support and engaging group interventions tailored to women's needs. Advance evokes change by working within the system, engaging with professionals through advocacy and training to improve outcomes for women and girls: www.advancecharity.org.uk

Credits and acknowledgements

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The report is informed by focus groups and interviews with mothers with lived experience of domestic abuse and the criminal justice system, Advance front-line staff and other voluntary and statutory sector professionals. We would like to thank all these individuals for their time and thoughtful contributions. Where the women's names are mentioned, these have been changed to preserve anonymity. Some details of their stories have also been changed for the same reason.

We are particularly grateful to the women who took part in the research, without whose insights progress could not be made towards a better response to vulnerable mothers and their children.

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The photographs used in this report are library images and posed by models.

For further information see the appendix to this report at:

www.advancecharity.org.uk/resources



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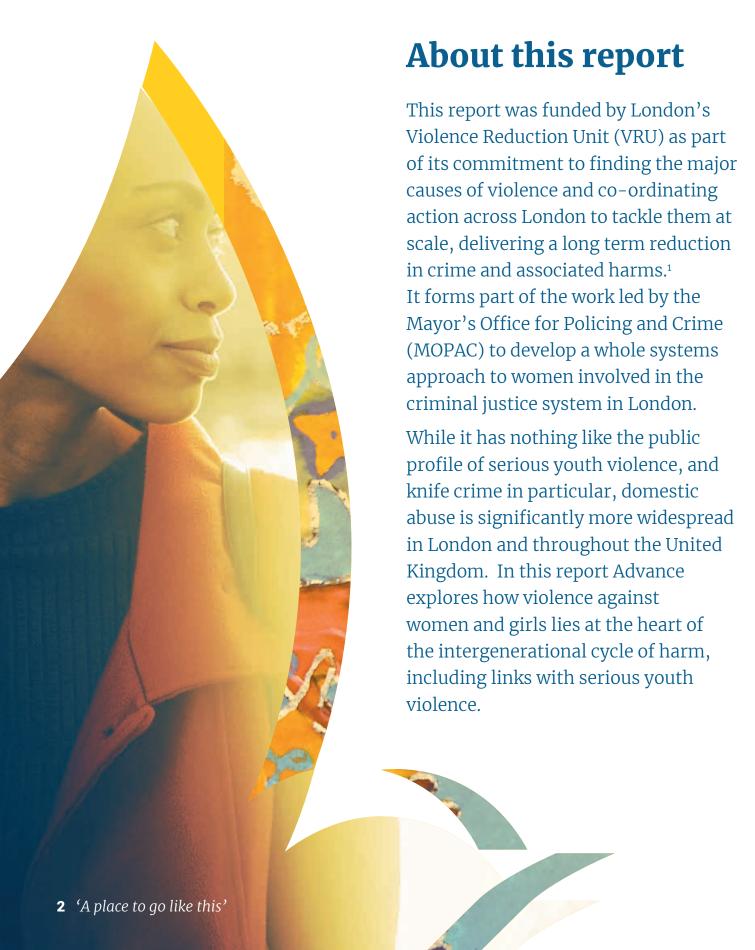
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Introduction



In preparing this report, we have examined our work with mothers and their children through Advance's Minerva WrapAround services, in partnership with statutory and voluntary organisations, and considered what works well and what is the impact. We have considered what we and other agencies could do differently to improve outcomes for mothers and break the cycle of reoffending, ensure that their children's best interests are served and prevent families breaking down, helping to reduce intergenerational harm and serious youth violence.

The London Blueprint for Women in Contact with the Criminal Justice System (the London Blueprint), launched by MOPAC in 2019, sets out the shared aims of its signatories to reduce the use of short prison sentences for women and divert them from the criminal justice system and into support wherever possible, with ambitious commitments to improve outcomes for mothers and their children. We now have 'wrap around' women's services in most London boroughs, including Advance's Minerva WrapAround service and Women's Centres launched in April 2018 thanks to co-commissioning by MOPAC and local authorities, and the services commissioned by the Ministry of Justice/London CRC in September 2016.

44,771 recorded knife offences

Knife crime in England and Wales hit a record high in the year ending September 2019, with the number of police-recorded offences involving a knife or sharp instrument rising to 44,771.2

This is eclipsed by domestic abuse, with an official estimate for the year ending March 2019 finding that 2.1 million people aged 16 to 59 years in England and Wales experienced domestic abuse in the last year.3

domestic abuse incidents

The number of domestic abuse incidents recorded by the Metropolitan Police was 17% higher in the year ending March 2018 than in the year ending March 2011.4

A new Police Diversion pilot was launched in September 2019 with funding from MOPAC - a partnership between the Metropolitan Police Service and Advance - and a Community Sentence Treatment Requirement pilot for women is to begin shortly. Now is a good time to be considering the future direction of multi-agency work in communities, with specialist women's services at its core.

2021 will see the re-organisation of probation services by the Ministry of Justice and the end of the current funding for the London WrapAround and London CRC services for women. As local agencies respond to these changes, we aim to inform the continued development of innovative joint practice to ensure we improve outcomes for this vulnerable group of women and children. We have examined our own extensive evidence base, analysing case files of service-users and holding focus groups and interviews amongst our staff and the women we support, as well as consulting with practitioners in criminal justice, social care and other voluntary sector agencies. We have placed this work in the context of earlier research and policy documents, and recent innovations in criminal justice and social care services.

VRU Parenting Project services

Funding provided for six months from autumn 2019 by London's VRU, has allowed the delivery of additional services for mothers through Advance's Minerva programme and its partners, Women in Prison, Hibiscus Initiatives and Pact including:

- Provision of childcare spaces for children to enable mothers to engage with one-to-one support and group activities
- Wellbeing-focused activities for mothers including movement and mindfulness, visioning and developing powerful narratives
- Talking therapy for mothers
- Access to immigration legal advice (delivered by Hibiscus Initiatives)
- · An IDVA co-located with children's services, focussed on mothers involved in offending
- Training for social workers in the dynamics of domestic abuse, risk assessment and the drivers of women's offending
- Development of resources and materials for mothers in prison and the community (delivered by Pact).

Summary findings

It is important to acknowledge at the outset the profound stigma felt by many children whose mothers have been involved in the criminal justice system and particularly those that have been imprisoned. Every child facing these traumatic circumstances should have their best interests taken into account in decisions affecting their mother (and therefore affecting them), and should receive the support they need to fulfil their potential. Where that support is not provided, children may be more vulnerable to negative outcomes in their own lives, and this is a failure of the system. With this in mind, we have reached the following conclusions:

Early intervention

Greater investment in early intervention is needed to avoid being limited to a crisisdriven approach. Frontline agencies also need to be able to identify vulnerability,

recognising the impact of trauma on women's behaviour and referring women to services like Advance Minerva at an earlier stage. This would enable women to access the support they and their children need, preventing the breakdown of families in a cost-effective way. There would also be benefits in further developing the capacity of the Minerva service to deliver specialist family support.

Social care children's services



Advance's Minerva keyworkers can be a valuable resource to support the work being done by social services. When social services are involved, their expectations of women

need to be communicated clearly both to the woman and her Minerva keyworker.

There is a continuing need for a deeper understanding amongst social care agencies of the complexities of domestic abuse and women's offending, and for that understanding to inform frontline responses to women and their children. This would improve decision making, improve access to services for mothers and children and increase opportunities for diversion of mothers from the criminal justice system and from custody. Women need to be supported rather than judged, for the benefit of both mother and child.

Social workers' understanding and skills would be enhanced by co-locating Minerva keyworkers in social care services, and receiving specific training on how to ask women about offending, as well as understanding what drives it and avoiding a judgemental response.

'Wrap around' woman-centric services and support for children

Both women and children value being listened to, supported and not judged, and having a safe place to go - specifically women's centres where they can address underlying trauma, receive practical and emotional help and access support from peers – 'a place to go like this'. Advance is committed to exploring innovations to develop the effectiveness of its Minerva service further, including the new role of Minerva Family Support Workers.

Women-specific, community services operating in a 'wrap around' model are crucial to achieving better outcomes for mothers and their children and supporting statutory agencies to deliver better outcomes and reduce reoffending. The co-commissioning model in London has worked well over the last two years and should be built upon in 2021, with more statutory agencies at local and central government level, becoming involved as commissioners and seeing the benefits.

Specialist service provision for mothers is crucial and should be maintained, strengthened and extended across London, including practical support and problem solving approaches. This must include the expansion of specialist support for minority groups, including foreign national women and those with no recourse to public funds. Specialist service provision for children affected by their mother's involvement in the criminal justice system is also desperately needed and should be made available to every child in London who is affected.

Police



The London Blueprint commits to improving the treatment of mothers and their children in the criminal justice process. This must include a clear expectation on the police, Crown Prosecution Service and courts to consider children's best interests explicitly as part of their practice, and to do what is in their power to mitigate the trauma that their mother's involvement with the criminal justice system is likely to inflict.

The police need a deeper understanding of the complexities of domestic abuse and women's offending, and for that understanding to inform frontline responses to women. This would improve decision making, improve access to services for mothers and children and increase opportunities for diversion of mothers from the criminal justice system and from custody. Co-location of Advance's diversion keyworkers in police stations would assist with this, with every opportunity being taken to ensure that mothers and pregnant women are diverted away from the criminal justice system and into specialist community support.

Sentencing

their best interests.



Criminal justice agencies would benefit from training to improve their understanding of women's trauma and links to offending, and the impact on children whose mothers are involved in the criminal justice system, making every effort to serve

Better opportunities must be created to ensure women and children are heard in criminal justice proceedings, and that courts have the information they need to make their decisions. Establishing specialist women's courts would help to achieve this. Modelled on London's specialist domestic abuse courts, this model would allow a concentration of expertise about the drivers of women's offending and their specific needs, including the likelihood of being a primary carer of children. It would help to ensure the right information was before the court and improve access to justice.

Allowing enough time for thorough, multi-agency 'systemic assessment' of the woman's situation at an early stage, including hearing her voice and her children's voices, would inform pre-sentence reports and lead to better outcomes.

Children are not sufficiently visible in criminal justice proceedings involving their mothers; trialling the use of child impact assessments would require all agencies to ensure their interests are taken into account. Data about the number of children affected by maternal imprisonment should be accurately recorded and appropriately shared.

Signatories to the London Blueprint agreed that mothers of dependent children and pregnant women should be diverted from custody wherever possible. The women's problem solving court in Manchester has increased judicial confidence in community orders. This model should be trialled in London.

Prisons and resettlement



There needs to be more effective close working between social workers, Advance keyworkers, women and children where a

prison sentence is received, in which both women and children are listened to and are able to participate regardless of any cultural or language barriers. Lord Farmer's recommendations aimed at helping families to be reunited after mothers' release from prison must be implemented without delay.

Community supervision



Practical support such as childcare to allow women to access support and comply with criminal justice proceedings remains ₩₩ scarce but should be a basic requirement.

Service provision for community sentencing and postrelease supervision must include practical childcare arrangements to allow mothers with dependent children at home to comply with criminal justice proceedings and undertake rehabilitative one-to-one and group work. These arrangements must be accurately costed and resourced as part of the Women's Centres' provisions.

Pregnant women and babies



Criminal justice and social care agencies need an improved understanding of the needs of women involved in offending who are pregnant, the best interests of their babies, and how this

should affect women's treatment in the criminal justice and social care process. Priority should be given to implementing the guidance set out by Birth Companions and recommended by the Royal College of Midwives.

More specialist services are needed for pregnant women and new mothers in need of support, including timely access to legal advice if care proceedings are a possibility. Specialist midwives and perinatal mental health services are very valuable and may benefit from a better understanding of the dynamics of abuse and drivers of women's offending.

Responding to girls



All agencies would benefit from an improved understanding of girls' and young women's experience of abuse, exploitation and coercion in order to develop an effective, specialist response.

Funding of prevention services is needed to ensure that girls receive the support they need and expertise must be shared between specialist and mainstream agencies.

Summary of recommendations

Advance will:

- > Improve and strengthen referral pathways for early intervention, focusing on referral pathways from social care services to the Minerva WrapAround service. (Recommendation 1, page 30)
- Offer training to social care children's services about the drivers of women's offending, including links to domestic abuse, and how to ask women about offending. (Recommendation 3, page 33)
- Pilot the co-location of Minerva keyworkers in social care teams in order to improve joined-up working and early intervention. (Recommendation 4, page 33)
- > Ensure child safeguarding is specifically included in the new Minerva Risk Guidance Tool and facilitate home visits to improve support of women and their children. (Recommendation 9, page 36)
- > Develop specialist peer mentor roles for working with mothers. (Recommendation 10, page 36)

London's VRU should:

- Consult local authorities to find out what specialist support services are available for children whose mothers are experiencing abuse and/or are offending, in order to raise awareness of existing services and identify gaps. (Recommendation 11, page 36)
- Continue to dedicate funding to support mothers who have experienced domestic abuse and the criminal justice system, and their children. (Recommendation 12, page 36). This should include ensuring mothers understand care proceedings; and piloting Minerva Family Support Workers, ensuring mothers and children are supported in a "Whole Family Approach". (Recommendation 8, page 36)
- Support Advance to create more effective referral pathways for girls to the Minerva WrapAround service, including from youth offending services; and invest in further specialist provision for girls including early intervention and diversion from the criminal justice system. (Recommendation 28, page 46)

Social care children's services should:

- Ensure children and family social workers receive regular trauma-informed, gender specific training which covers the drivers of women's offending, as well as the complex dynamics and impact of domestic abuse and risk assessment. (Recommendation 5, page 33)
- Ensure joined-up working with specialist women's services, including co-location of women-specific criminal justice keyworkers within social care services to improve the response to women and their children. (Recommendation 6, page 33)
- Establish data collection and monitoring processes for the number of mothers on their caseloads who are involved in the criminal justice system and the outcomes for their children, including care orders; and develop plans to improve outcomes for this group of women and children. (Recommendation 7, page 33)

The Metropolitan Police should:

- Ensure that all responding officers receive regular trauma-informed, gender specific training including the drivers of women's offending as well as the dynamics of domestic abuse, risk assessment, the impact of abuse on women's circumstances and behaviour. (Recommendation 15, page 39)
- Ensure joined-up working with specialist women's services, including co-location of women specific criminal justice keyworkers within police stations, such as Advance Diversion keyworkers. (Recommendation 16, page 39)

NPS London should:

- Continue its work to increase the use and quality of Pre-Sentence Reports and ensure they are informative about women's backgrounds, including domestic abuse and dependent children, with support from Liaison and Diversion workers in court. (Recommendation 18, page 41)
- Ensure all women are referred to specialist women's services such as Advance Minerva, for support across all needs. (Recommendation 19, page 41)

The Metropolitan Police, NPS London, London CRC and HMPs Send, Downview and Bronzefield should:

- Sensitively gather and appropriately share accurate data on the number of children affected by their mothers' involvement in the criminal justice system. (Recommendation 20, page 41)
- Regularly report to the Blueprint Delivery Group on their progress in implementing relevant recommendations of Lord Farmer's review for women. (Recommendation 21, page 41)
- Undertake and share an audit of the impact of their services on pregnant women and babies and the extent to which they meet the standards of the Birth Companions birth charter and Royal College of Midwives' position statement, based on rag rating, and set a timeline by which they will meet the required standards. This recommendation also applies to London's NHS Trusts. Recommendation 27, page 45)

Central government, and criminal justice and local government commissioners (including Ministry of Justice, Department for Education, MOPAC and London's VRU) should:

- Explore how targeted investment in early interventions for these mothers and their children could reap significant medium and long term benefits. (Recommendation 2, page 30)
- Maintain and increase investment in specialist, 'wrap around' criminal justice support for women and girls delivered through a whole system approach, ensuring access to women-only safe spaces for all women, regardless of postcode. (Recommendation 13, page 36)
- Acknowledge the necessity and associated cost of providing or paying for childcare where it is needed. (Recommendation 14, page 36)
- Ensure that their investment provides for regular training on the impact of maternal imprisonment on children and the requirement to take account of their best interests. (Recommendation 25, page 41)

MOPAC and the London Blueprint Delivery Group, with support from the **VRU**, should:

- Initiate a scoping exercise for the establishment of regional, specialist women's courts. (Recommendation 17, page 39)
- Explore new models of practice that would enable more thorough information gathering about mothers and their children at an early stage of criminal justice proceedings. (Recommendation 22, page 41)
- Develop proposals for ensuring children's interests are considered fully and separately in criminal justice proceedings, learning from the work being undertaken in Merseyside to pilot child impact assessments. (Recommendation 23, page 41)
- Initiate a scoping exercise for the establishment of a women's problem solving court, modelled on the approach in Manchester. (Recommendation 24, page 41)
- Establish a task and finish group to scope different models of childcare provision that could be adopted in London and the cost. (Recommendation 26, page 43)

A place to go like this'

Sometimes you don't want to be judged.

When you hear someone else is going through that stuff, you don't feel alone.

Women need somewhere to go to talk to other women who hear you and understand you.

The title of this report is a quote from a mother with lived experience of domestic abuse and the criminal justice system, reflecting on what women like her need to help turn their lives around. We will call her Rachel. although that is not her real name. Sitting in one of Advance's Women's Centres, she concluded that women need 'a place to go like this'.

Rachel's views and those of other women and practitioners we spoke to reflect the findings of previous research, namely that as well as receiving practical help and protection, a fundamental need of mothers and children facing multiple disadvantage - particularly when in contact with the criminal justice system - is to be listened to, supported and not judged, and to have the opportunity to meet others who have been through the same experience.

On page 15, we describe the key elements of Advance's Minerva service, including:

- Consistent, unconditional, positive regard for the woman being supported
- Persistent communication and support
- Substantial practical help
- **Determined advocacy and communication with** other agencies
- Peer support and mentoring.

The combination of these elements provides a safe, supportive environment to encourage mothers to disclose the challenges they are facing and access help to address their own needs and those of their children arising from present domestic abuse and coercive control, past trauma, poverty and debt, lack of suitable (or any) housing, mental health problems, problematic substance use and immigration concerns.

Statutory social care and criminal justice services can and must deliver elements of this approach, and many are working to develop their practice to become more trauma informed. Examples of successful practice highlighted in this report and the online appendix involve close work between statutory services and external agencies, including voluntary sector services like Advance, whose work is not driven by statutory duties and who can offer consistent specialist support and additional resource to statutory agencies facing financial constraints. This type of joint practice, when it is done well, can genuinely transform lives and is the bedrock of a woman-specific, trauma informed, whole system approach.

Methodology

Interviews and focus groups - 46 interviewees

Focus groups and interviews were held between November 2019 and January 2020 with a total of nine women with experience of domestic abuse and offending. All the women went through an informed consent process before taking part in the research. In the same period, focus groups took place with approximately 19 members of Advance's frontline staff and interviews were held with 18 representatives of statutory and voluntary agencies.

Caseload data analysis - 257 women

Quantitative data was extracted from Advance's case management database relating to any client who engaged with Advance's Minerva service between 1 April 2016 and 15 October 2019, giving a total of 1,724 women. Clients who had only engaged through Advance's service with London CRC were not included in the study, leaving 886 women. This sample was refined to look at clients who (1) reported that they had at least one child, whether or not the child was in their care, and (2) had a domestic violence support plan opened as part of the support they received from the Minerva service. This gave a sample of 257 women in respect of whom quantitative data was analysed (see page 16).

Case notes analysis - 71 women

In order to gain a more in-depth understanding of the journeys of mothers with experience of domestic abuse, the case file notes of a random sample of 71 cases from the total 257 were examined. All case notes recorded for the 71 selected clients were then reviewed in order to draw out anonymised, qualitative information about the women's experiences, the support they received and the outcomes, and to inform discussion amongst case workers about what works well and what could be done differently to achieve better outcomes.

For a full copy of the methodology, see the online appendix at www.advancecharity.org.uk/resources.

Domestic abuse, women's offending and intergenerational harm

of women in prison and under community supervision report being victims of domestic abuse.6 The true figure is likely to be much higher, as many women fear disclosing abuse.7

Of 173 women screened at HMP Drake Hall, 64% reported a history indicative of brain injury and for most this was caused by domestic violence.8

of women. compared to 22% of men, have reported that they offended to support someone else's drug use.9

of women in prison report having experienced emotional, physical or sexual abuse as a child compared to 27% of men.¹⁰

prison sentences In 2018, were given to women¹¹, of which

were for less than 12 months12

and were for nonviolent offences.13

Women in the criminal justice system

Women's offending is often driven by domestic abuse, poverty, mental health needs and associated drug and alcohol problems.5

The single largest category of offence for which women are imprisoned is theft14, predominantly shoplifting¹⁵.

Short prison sentences can be particularly damaging for mothers and their children.¹⁶

Giving any woman a short prison term is likely to compound her problems and disrupt anything good she does have - her income, home, care for her children – causing misery to her and those who depend on her, and creating significant challenges for agencies trying to support her resettlement.17

Domestic abuse and women's offending

The majority of women in prison are survivors of domestic abuse and many have been driven to offend as a direct result of that abuse. 18 Offending driven by abuse can take many forms as the victim attempts to cope or survive. 19

There may be direct coercion to commit the offence, such as holding a weapon, bringing drugs into prison or committing benefits fraud. Offending may result from the victim's attempts to cope or survive within the coercive relationship, such as shoplifting in order to supplement an inadequate allowance from a controlling partner. Victims may turn to drugs or alcohol as a coping mechanism, which may in turn lead them into violent or acquisitive offending. Women who engage in violent resistance against their abuser are particularly vulnerable to prosecution.

... you just get pushed to a point where you are driven crazy. It's not just the physical abuse, it's the mental abuse - it's draining and you just get to a point where you snap and you break yourself...

Examples of recent Minerva cases include a foreign national woman trafficked by her partner to the UK and forced to pickpocket; a woman threatened with revenge porn if she did not smuggle drugs into prison for her partner; fraud related offences where women have been forced to put paperwork in their name; and the arrest and overnight detention of a woman for assault, who had been defending herself against a violent assault by her ex-partner.

Since it was recognised as a criminal offence in the Serious Crime Act 2015, there has been some progress in recognising the nature of coercive control. The relationship between coercive control and women's offending is now better recognised at government policy level,20 but this has not translated into better protection on the ground for women who are driven to offend. Many agencies are working to become 'trauma informed', but there remains insufficient expertise and time within the criminal justice process to ensure that proper account is taken of any coercion and abuse underlying women's offending.

There have been calls for the law to be changed to address this gap in protection for victims who are driven to offend.21 It is equally critical that, with training and guidance from women specific services, criminal justice agencies should continue to build expertise about the impact of coercion, abuse and trauma on women's offending and apply it in practice, in order for criminal justice proceedings to become truly trauma informed. Systemic changes, such as the introduction of specialist women's courts, could also help by allowing the concentration of expertise.

It is estimated that between

of children have been exposed to domestic abuse, mostly in their own homes²²

Estimated number of children are affected each year by their mother's imprisonment.23

of children whose mothers are imprisoned have to leave their homes to be looked after by other relatives or the state.24

Impact on children

How many children are affected by their mother's involvement in the criminal justice system? Unknown. This information is not recorded systematically.

Exposure to domestic abuse can have a long-term impact on children's mental wellbeing that can last into adulthood.²⁵ For children whose mothers become involved with the criminal justice system, there are additional risks of trauma and long-term effects - even more so than when fathers are imprisoned.26 The experience of having a mother in prison can affect every area of a child's life including their education, health, and wellbeing.27

As well as grief, loss and devastation at their mother's imprisonment, children are likely to have new carers, a new home and possibly a new school, as well as possible separation from siblings.28 Stigmatisation of the child may also lead to social isolation and discrimination and many children feel shame at their mother's imprisonment.29 There are significant challenges for grandparents, who often become the child's primary carer, but do not receive any financial support.30

Children feel it's your Mum who makes you who you are. Damning social media and news reports about mothers are devastating for children - they are stripped of their sense of potential. Sarah Beresford, author of 'What About Me?

Children interviewed for the Prison Reform Trust's 'What About Me?' report felt overlooked and unsupported, and felt judged by social workers and teachers because of their mother's imprisonment. Where domestic abuse was involved, they wanted decisions to be made in consultation with them, acknowledging complexities and not making it simplistic. They felt angry at their

mother, the abuser and the authorities who had not given their mother the help she needed.

Children who do not receive the right support may be put at greater risk of offending by their mother's imprisonment.31 Research has shown that the more risk factors, for example, adverse childhood experiences (ACEs) experienced by children, the greater the likelihood of participation in youth offending, and that there are links between specific sub-types of family violence and involvement in youth offending, including violence against women and girls and witnessing, experiencing domestic violence.32 Protective factors against such risks include high self esteem, high quality relationships with supportive adults, good sibling relationships, good peer relationships and a safe school environment.33

Every child deserves to have such protection and support. As Beresford's research has shown, it is essential for children to know that what has happened is not their fault, and that they are not alone. They need healthy channels to let out their natural anger and frustration. They need a care giver who can see their potential and allow them to see it themselves, supporting them to build their own identity and, wherever possible, have a relationship with their mother.

The context – law, policy and practice

The United Nations Bangkok Rules provide a framework for the treatment of women who have experienced abuse and mothers of dependent children, who are involved in the criminal justice system.34 This includes the need for governments to ensure they receive the right support, and that they have their experience of abuse and the fact that they are mothers taken into account in sentencing decisions.

The Human Rights Act and United Nations Convention on the Rights of the Child establish a legal requirement for children's best interests to be considered at all times during criminal justice proceedings involving their parent.35 English caselaw reinforces this by making clear that the best interests of children must be considered when sentencing a primary carer. This was established in the case of R v Petherick and other judgments.³⁶ Recommendations issued by the Council of Europe should also be followed.³⁷ See www.advancecharity.org. uk/resources

Despite this range of law and guidance, the relative invisibility of children in the criminal justice process is clear from the state's present failure to keep any record of the number of children affected by their mother's imprisonment. They also remain insufficiently visible in court proceedings.

In a family court, decisions must be made in the best interests of children. In stark contrast, the decisions made in a criminal court can result in children being separated from their mothers with no assessment of their wellbeina...³⁸

There has been some limited but welcome progress recently, with the government accepting wide-ranging recommendations made by Lord Farmer in his review of the importance of family ties for women in the criminal justice system, published in 2019.39 In London, signatories to the London

Blueprint make specific commitments to avoid imprisoning mothers and pregnant women wherever possible and to improve the treatment of mothers and their children in the criminal justice process.

Lord Farmer's report echoed many of the concerns raised by the Prison Reform Trust.⁴⁰ The Parliamentary Joint Committee on Human Rights has also made strong recommendations for better protection of the right to family life for children affected by maternal imprisonment. 41 These reports reflect some earilier recommendations made by Pact.⁴² See www.advancecharity. org.uk/resources

For pregnant women and babies, the Birth Companions charter for women in prison in England and Wales⁴³ and toolkit⁴⁴ provide clear guidance and are widely endorsed including by the Royal College of Midwives, but significant further work is needed to meet the required standards.



Advance's Minerva Service Model of practice



and outcomes

Working alongside our domestic abuse services, Advance's Minerva programme provides intensive, one-to-one wrap around support to women who have committed an offence, or those who are vulnerable to becoming involved in the criminal justice system as a suspect or defendant.

Our approach

Our approach is holistic and centred on the survivor, working with them to develop a safety and support plan that responds to their needs and empowers them, on the often long journey to recovery from the trauma of their experience. We work in a whole system approach, collaborating with other statutory and non-statutory providers, to deliver a coordinated community and gendered response, improving access to services, enabling consistency and continuity of support throughout her journey. The key elements of the approach are described below.

The service is currently delivered through three commissioned programmes - Minerva Community services, Minerva WrapAround services and the Police Diversion pilot. We work with women involved in the criminal justice system at all stages and in 22 London boroughs.

The programme provides safe, targeted support and advocacy to help women address their often complex needs in relation to offending behaviour and aims to reduce reoffending, encourage desistance amongst repeat offenders, divert women from criminal justice involvement as early as possible and reduce the number of custodial sentences imposed by courts.

The service includes one-to-one and group work support on a range of issues such as emotional well-being, mental and physical health, domestic abuse and other violence and abuse, benefits and debt advice, housing, problematic substance use and child and family matters, along with advocacy for access to other community services. See www.advancecharity.org.uk/resources

Women's WrapAround services



Advance services

Women in Prison services

Advance and Women in Prison services

Advance's services are currently delivered through three commissioned programmes – Minerva Community services, Minerva WrapAround services and the Police Diversion pilot. We work with women involved in the criminal justice system at all stages and in 22 London boroughs. Women in Prison leads South London Alliance WrapAround services in six boroughs.

The Minerva approach

Consistent, unconditional positive regard for the women we support

The foundation of Advance's Minerva programme is the relationship between keyworkers and the women they support. This in turn is founded on the keyworkers' unconditional positive regard for their clients. Keyworkers' communication with women consistently focuses on their strengths and achievements, aiming to build their self-esteem and encourage them to care for themselves. This may be regarded as the professional equivalent of a close, positive family relationship or friendship. With histories of poverty, trauma and abuse that often go back to early childhood, many women have never experienced such a relationship before and the effect can be transformative.

Persistent communication and support

positive Regard Keyworkers communicate frequently with the women they support and adapt their communication style to suit the woman's circumstances. They will always offer regular, face Accommodation to face contact with women at Advance's Children Advocacy Women's Centres. For & families women who are not Education, managing to attend Training & regular appointments, **Employment** keyworkers will Finance, Benefit keep in close, regular and Debt communication by phone peer Support or text, according to the woman's preferences, in addition to the face-to-face support. Keyworkers will not give up unless the client states that she no longer wants support. Even in that event it will be made clear to the woman that she is welcome to selfrefer in future. If she does so, her case will be re-opened.

Substantial practical help

Minerva keyworkers offer significant, proactive practical help to the women they support. This includes supporting them to complete applications for housing, benefits and grants for household items and chasing these up; copying supporting documents; providing food bank vouchers and donated items for mothers and their

children; making referrals for refuges; linking clients with IDVAs; arranging appointments with GPs or social care professionals as needed, and attending with the client if requested; arranging therapeutic one-to-one support; inviting the client to attend groups at the women's centre; and advocating and following up with agencies on the client's behalf.

Determined advocacy and communication with other agencies

A major part of the keyworker's role is to communicate with other agencies that are already engaged with the client or should be, to seek and chase up support, and to help other agencies understand the client's circumstances. This may include, for example:

· Contacting mental health services who have closed a client's case due to her non-attendance at

> appointments. The keyworker will explain why the client did not attend perhaps due to anxiety which stops her leaving the house

- and ask for the case to be re-opened. If she does not receive a reply, the keyworker will chase it up

 Following up a decision by the local authority that her client is not in priority need of housing. She may write to the housing department asking for the reasons underlying the decision and escalating this if those reasons are not forthcoming.

Practical Held Contacting social services to share information about the support being

provided to her client and help the social worker to reach an informed decision about any intervention with the children.

Peer support

Domestic abuse

Sexual exploitation,

Prostitution

Attitudes, Thinking

& behaviour

Drugs

& Alcohol

Mental &

Physical

health

Through groups at Advance's women's centres and the one-to-one peer mentor service, women can experience the relief of speaking to someone who has been through something similar, realising that they are not alone.

Minerva Outcomes 2018/19

We enable women to break the cycle of offending and develop a better quality of life by supporting them across their needs. In doing this, women achieve increased safety, improved confidence, selfesteem and life skills, and are better able to access the support that they need. The following figures are taken from across the Minerva services in 2018/19.

direct referrals in 2018/19





of women reported an improved quality of life after being supported by our service

100% of women reported improved health and well-being

of women said that they felt safer as a result of support provided

of women using our service reported reduction in drug and alcohol use

of women reported more confident in gaining employment

The mothers and children we support

Caseload data analysis - 257 mothers experiencing domestic abuse

87% age 25-54 yrs

5% aged 18-24 years; 9% aged 55-64 years. 47% White British

Over a fifth 22% Black; 14% of Mixed Heritage: 6% Asian.

11% of the women were foreign nationals.

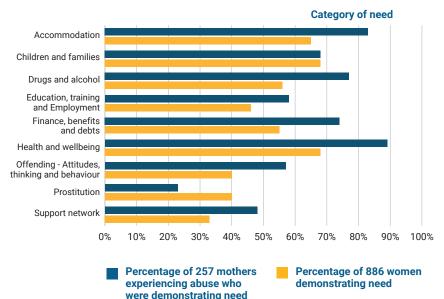
More than half of the mothers (51%) reported problematic use of drugs, and 46% reported problematic use of alcohol.

Nearly a quarter (24%) had children in local authority care.

12% women reported a physical disability, **8%** reported learning difficulties.

well-being needs.

Table 1. Proportion of women demonstrating need for a support plan by category



Of the total sample of 886 women (including women who had no children and/or were not assessed as needing a domestic abuse support plan - see Methodology), 3% (30 women) were pregnant at the time of referral, while information about pregnancy was unavailable for 30% of the women. Of the 257 mothers with a domestic abuse support plan, 12 (1%) were pregnant and this information was unavailable in 15% of cases.

The 257 mothers with a domestic abuse support plan demonstrated higher levels of need across all categories of support plan compared to the total 886 women, except in relation to prostitution (Table 1).

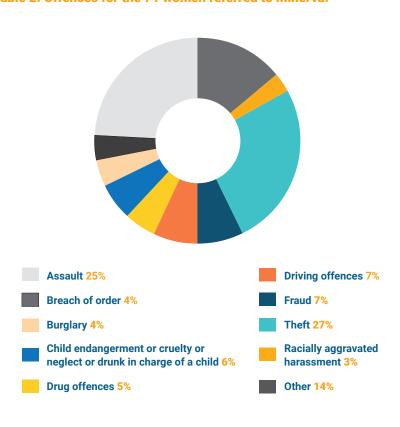
Case notes analysis - 71 mothers experiencing domestic abuse

Of the 71 women whose case notes were examined (see Methodology), 27% had been referred to Minerva in relation to assault offences and 29% for theft offences, of which more than half were shoplifting offences (Table 2). The women had committed a total of 107 offences between them.

The violence perpetrated against these women included strangulation attempts, sexual assaults and threats to kill. Two of the women were victims of non-domestic assaults while engaged with Advance - one of whom was assaulted while rough sleeping.

Of the assault charges against the women, five were for ABH, one for assault and affray, one for assault by beating, six for assault on a police officer, seven for common assault, three for common assault and battery; one for racially aggravated ABH; one for GBH and two for unspecified types of assault. The GBH case was a domestic case in which the client received a caution. Another assault case involved a woman who bit her partner, who wanted to argue self defence but was advised against doing so.

Table 2: Offences for the 71 women referred to Minerva.



In 6 of the 107 cases, the client had suffered one or more family bereavements, including one bereavement of a child. In at least eight cases, one or more of the client's children were involved in offending. In four cases, the client was suffering domestic violence perpetrated by one of her children, having also been the victim of domestic abuse from a partner or ex-partner.

The support received by these women from the Minerva service included:

- Frequent telephone, text and face-to-face contact and emotional support.
- Support and advocacy engaging with social care children services.
- Assistance obtaining legal representation from a family lawyer to challenge care proceedings or to gain or increase their contact with their children

- Support to obtain injunctions against an abuser
- Intervention with other professionals regarding unsafe practice, such as unsafe child contact arrangements
- Funding to attend a college business course
- Intensive advocacy to support applications for housing and refuge placements
- Parenting courses
- Advocacy with the police to challenge failure to enforce a restraining order
- Advocacy with probation regarding unsafe practice, where as part of a community order a client was required to do unpaid work near where her abuser lived.

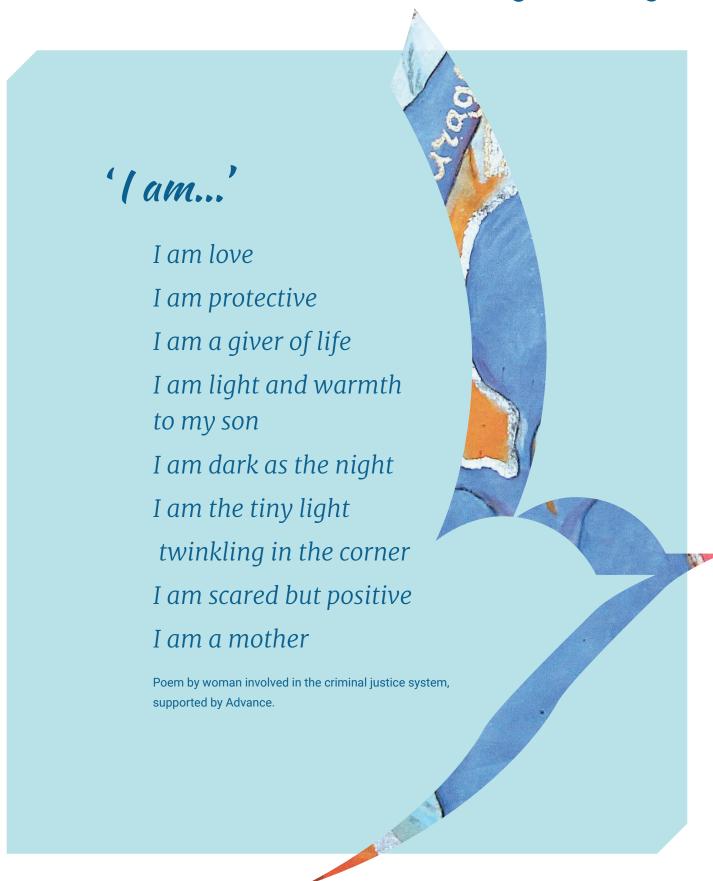
Outcomes

Of the 257 women included in the caseload data analysis, two or more justice outcome stars assessments were completed for about half (128 women) at the time. For those 128 women, improvements were recorded on average across all areas between their first and last outcome star (Table 3).

Table 3 - Average change in outcome star scores for 128 mothers

	Average first score	Average second score	Average change
Accommodation	5.1	6.4	1.4
Living Skills & Self-Care	5.7	6.7	1.0
Mental Health & Well-Being	4.2	5.8	1.7
Family & Community	4.8	5.8	1.0
Relationships & Family	5.1	6.3	1.1
Parenting & Caring	6.0	7.0	1.1
Drugs & Alcohol	6.1	7.1	1.1
Positive Use of Time	5.0	6.1	1.1
Managing Strong Feelings	4.3	5.8	1.5
Crime-Free Life	6.9	8.2	1.3
AVERAGE	5.3	6.5	1.2

'Hear Her': Women's Voices through Poetry



Three mothers' stories

The poems on pages 19, 26 and 47, were composed by women supported by Advance as part of a creative poetry workshop and performed at the "Hear her" event by them. The stories below are taken from interviews with women as part of this research. All names and some details have been changed to preserve anonymity.



Ezinne is a Nigerian national. She came to the United Kingdom as a visitor twenty years ago, married a British national and applied for a visa. When the marriage broke down, her husband withdrew his support for her application. Ezinne had a six year old daughter and a baby boy, who were both born in the UK with a British father. She had no work permit and no access to public funds. She moved in with her sister.

If I had my papers I would have had a council flat. There is no legal aid for immigration... You have the right to appeal [refusal of a visa]...I had no money to pay the lawyer so I went underground.

Ezinne became involved in offending and was convicted for the fraudulent use of store cards.

I fell into the wrong hands...I did it because I didn't have any money.

Ezinne received a suspended sentence and finished her probation but found herself reoffending. She feels that the courts often took account of the fact that she had young children, and she received community sentences, but her involvement with the criminal justice system inevitably had a negative effect on them.

My children were always crying when the police came.

When her sister got married, Ezinne and her children had to find somewhere else to live. Ezinne's son was six years old and her daughter was 12. The family squatted in an abandoned flat. The council gave her three months to move out, but she had nowhere to go. Ezinne was evicted and she was told that her circumstances put her children in danger. They were removed from her care the same day.

I felt like everybody was failing me. I wasn't harming the children. They were happy with me.

After that Ezinne lived with friends and she later became involved in an abusive relationship.

I didn't realise that I could get help but now I do.

Ezinne's children were brought up in a foster family with whom she has a good relationship and she had regular contact with them. They were never returned to her care and are now adults. Ezinne feels that if more help had been available to her she could have raised her children herself. She notes the irony that her children's foster parents received funding to look after her children, whereas her lack of public funds and inability to work legally, prevented her being able to care for them herself.

Ezinne's offending continued over many years. Last year she went to prison and, on her release, was referred to Advance Minerva. Working closely with Hibiscus Initiatives. Ezinne's Advance Minerva keyworker wrote to her MP who contacted the

Ezinne

Home Office, and she supported her in getting legal representation. This resulted in Ezinne getting permission to remain for 2½ years. She also referred Ezinne to Working Chance, who supported her to obtain employment.

If organisations could help people that have immigration problems when they have police and court to assist them so they will feel they belong into the society, not feel they are foreigners and discriminated against.

Ezinne since sustained an injury at work which has left her unable to work while she awaits an operation. Without sick pay and still with no recourse to public funds, this has put further pressure on Ezinne.

Ezinne's Minerva keyworker has approached a number of immigration solicitors for help in applying for the 'no recourse' conditions to be lifted, but due to lack of legal aid these referrals have not gone any further. She approached the Unity Project – a charity that makes change of condition applications for clients for free - but due to a lack of funding the project is not taking any new referrals. She approached social services (adult social care) to ask them to advocate on Ezinne's behalf to the Home Office, but they have deemed her vulnerability does not meet their threshold for support.

When she can manage the pain of her injury, Ezinne has attended groups at Advance's women's centre which have helped her feel less isolated and alone.

Ezinne will need to apply for a further 2½ year visa before then being able to apply for indefinite leave to remain. All these applications are very costly. Ezinne's criminal record may be a barrier to securing indefinite leave to remain.

If Ezinne had been given appropriate support before ... financial support in raising her children, access to mental health interventions, this would be very different. The criminal justice effect on immigration status is hugely disproportionate and unjust. It is a 'black mark' for future applications which perpetuates destitution forcing foreign nationals into desperate situations and exacerbating vulnerability to exploitation and abusive relationships.

Ezinne's Minerva keyworker

"I didn't realise that I could get help but now I do."



Sam started offending as a child. Her mother had drug and alcohol problems and was a victim of domestic abuse which Sam witnessed. Sam spent much of her childhood in local authority care. She has a history of drug use, alcohol addiction and mental health problems. As a child living in care, she started getting involved in fights and petty offending.

I didn't feel wanted and looked after as a child...Over the years I've had so many different social workers and so many different homes and foster carers...They used to stick me in secure units all the time, so from 14 I was basically in jail... It's like instead of helping this girl out, it's like, 'Where can we put her so she's out of our way for a bit, keep her out of our hair for a bit?'

Sam became pregnant at 17. Her son is now six years old and is looked after by her mother under a special guardianship order. Sam has regular contact with him and they have a close relationship. Sam is grateful to her mother but also resents the fact that she was not supported to care for her son herself. Sam feels that she was stigmatised for her mental health needs, and that if she had received the right support she could have been more involved with her son's care.

Every time mental health is mentioned... bad news, because people are not trained enough in it...

'... if her son's away from her then even better because she can't be around children if she's like this with bipolar and violent outbursts and all this sort of stuff,' not, 'Right, maybe she needs anger management, maybe she needs a referral to a mental health place and do all this stuff and start bringing her and her son together.'

Sam was involved in abusive relationships for many years and her offending, drug use and mental health problems continued.

I've just literally followed in my Mum's footsteps, you know going from abusive relationship to abusive relationship, taking as many drugs as I could, constantly getting arrested for fighting and ... in and out of being sectioned and stuff like that.

Sam regrets the trauma her son has experienced when witnessing her being arrested, and feels that the police did not make any effort to protect him.

They don't care...it's your fault for what you're doing...you're pinning me to the ground in front of my screaming child rather than letting me ... calm him down...

And if they're searching the house, they'll break up the stuff in his bedroom, they don't care that he's there screaming or whatever. Previously when I was a child they didn't care if I was screaming...

For about 15 years, Sam did not feel she had a positive experience in court and feels her son's interests were not taken into account:

Sam

'It's your fault, you've done this to your kid,' rather than, 'Hold up, why is this girl acting out the way she is? What's behind all of this? Let's see if we can work towards getting this better for her and bring her and her son...' None of that is looked at.

However about four years ago, Sam received a community order which led her to the Advance Minerva service.

... my solicitor told me the judge had got my pre-sentence report and had actually taken a lot of it into consideration... I was really grateful for that time because then it led me here.

Sam has not offended since then and is working as a peer mentor. She attributes her success to the support she has received from the Advance Minerva service, as well as the judge's decision.

[My keyworker at Advance] was so amazing and so helpful, like it's the first time that I've got to where I've got to today and I do believe it's got a lot to do with Minerva and Advance. And the judge giving me a bit of a break.

"My keyworker at Advance was so amazing and so helpful..."



Tamsin has three children aged 13, 12 and 3 years. She is a survivor of severe domestic abuse with a history of petty offending. Tamsin's mother had mental health problems which took up most of the attention of her father and grandparents; she spent two years in local authority care but kept returning home. Tamsin started shoplifting when she was ten years old.



My parents didn't have money so I clothed myself.

In adulthood, Tamsin began a relationship with an extremely violent partner, who inflicted a brain injury which has left her with a long-term health problem. Tamsin did not trust the police to protect her, and was afraid social services would take her children.

I never called the police on my ex-partner. Once I did and they took 24 hours to come.

Tamsin's shoplifting continued; she also has convictions for fighting her ex-partner's former girlfriend some years ago and, more recently, fighting with a girl who she believed was bullying her niece. Tamsin has been arrested three times since she had her children. They were not present for any of the arrests and she thinks they would be surprised if they found out. Tamsin described a good experience in court some years ago:

I received a community order but the judge took account of the fact that I had a two and a three year old and gave me a tag.

Tamsin takes full responsibility for her actions.

There's no excuse, we make our own choices.

Tamsin felt pressurised to pursue a prosecution against her partner and feels that the fact she did not do so meant she was penalised by social services.

The police tried to get me to have him arrested. It snowballed from there. Social services slammed me for not calling the police.

Tamsin's children were removed by social services a year ago. At the time, Tamsin had decided to leave her ex-partner but there was no refuge space available for her. Tamsin believes her children were removed because the judge did not think she was able to protect the children from her ex-partner, and feels she was unfairly treated.

Everyone should be treated the same. You can't offer most women refuge to get away and then take your children. The judge said she couldn't leave the children with me because 'he could follow you.

Tamsin's children are being cared for by other family members. She has daily contact with her younger child but no contact with her older children, because they are being cared for by relatives with whom she does not get on.

Tamsin was referred to Advance Minerva a year ago, alongside her community order. She was initially not interested in receiving the service, and did not recognise herself as a victim of domestic abuse. Her only priority was to have her children returned to her care, and she did not think the service could

Tamsin

help her with that. She had not seen her children for a year and was deeply distressed and finding it hard to engage with social services. When Tamsin's keyworker explained that she could help with this by mediating with social services, she decided to take up the service.

Tamsin's keyworker developed a strong, supportive relationship with her and helped her to understand that she had been the victim of domestic abuse. She arranged meetings with Tamsin's social workers, accompanied her to the meetings and was able to help calm Tamsin down when she became upset. She explained to the social workers what Tamsin was going through. With this support in place, Tamsin became receptive to other activities and her keyworker successfully referred her to a Young Mums' group and other services, and arranged for her to attend a series of one-to-one counselling sessions to address her underlying trauma. She became Tamsin's support on the other end of the phone when she was finding it hard to cope. Tamsin has since taken up every single referral made by her keyworker.

Tamsin's keyworker encouraged her to instruct a family law solicitor, which she has now done in order to try and get her children returned to her care, and referred Tamsin to an Advance IDVA, who will be able to provide a letter to her solicitor about her experience of domestic abuse to support her application for legal aid.

I have worked with [my keyworker] for a year; she's helped me so much. She's helping me apply to get the children back; she is mediating with social services. I couldn't help shouting at [social services].

Although Tamsin's 12 months of support came to an end some months ago, her keyworker has not closed her case.

Because she is doing so well, I don't want to say we'll end it there.

"Everyone should be treated the same..."

'Hear Her': Women's Voices through Poetry

'He chose me'

He chose me,

and I was so happy.

I wanted to be his one and only.

His companion – his partner in crime.

But then it happened.

insignificantly at first.

Don't wear that, you're too fat.

Vilification of character at its finest.

He was a Pro.

He applied shackles,

At first thinly veiled as his caring nature and as my broken being and flawed perception of love.

Then solidifying into the steel doors and bars at Bronzefield.

Every bang of every door or command from an officer sending a whisper to my soul, that once again, my love was misplaced.

I was indeed serendipitous. I just looked for the wrong treasure.

He chose me because he saw my weakness. He could have kept me at my lowest. He could have.

But somehow from the deepest depths of me. A little voice kept whispering. You can do that, vou're not so fat.

Chose yourself, start believing.

So he chose me because I'm money.

But I choose me, I'm leaving.

Poem by woman involved in the criminal justice system, supported by Advance.



What works well and what needs to change





Early intervention

For me key is early intervention, preventing children from going into care, supporting the parents who are suffering whether it's mental health, trauma, addiction, just to try and keep families and work with them to understand it...rather than thinking, 'This is wrong, that's wrong,' and ticking boxes or neglecting families... but with a good team, a mixture of people, different cultures, different beliefs, different experiences, academic and lived rather than what it usually looks like.

Peer mentor

Support is only available once they think there's a serious risk to the child. Preventative support is not available in my experience. It's all firefighting.

Minerva keyworker

I don't even know what Early Help does because it's just been said in passing – none of my clients have ever worked with them.

Minerva keyworker

Early intervention means taking opportunities to provide support before problems get worse and harder to solve, and before mothers and their children are separated, where this could perhaps have been avoided. Advance's Minerva service would welcome referrals from social care services but receives none at present. If more women like Tamsin, Sam and Ezinne were referred to Advance at an earlier stage, this would provide additional resource focused on them, acting as a gateway to their engagement with social services and other sources of support, with a chance of better outcomes. The quotes below are from Minerva keyworkers.

The level of need

For many of the women supported by Advance, poverty is a major feature underlying their offending. Childcare for pre-school children is expensive, creating a barrier for mothers to work. Particularly for single mothers, welfare benefits are sometimes simply not enough.

Cost barriers make women feel very trapped in what they can and can't do.

Foodbanks can relieve a little pressure, but still this is not enough. Poverty can be made worse for mothers fleeing domestic abuse, who may be faced with refuge fees that

they cannot afford, or high private rents in a new area. For one pregnant client fleeing domestic abuse who was working, the cost for the refuge she was offered was so high that she did not feel she could flee the abuse.

Some are getting all the benefits they're entitled to but it's still not enough.

This in turn affects clients' children:

...one woman is just really struggling financially, and it's affecting her son because it's impacting her mental health. He's picking up on this and it's affecting him at school, he's being excluded at school where normally he'd get 3 meals a day

Housing problems go hand in hand with poverty.

...a lot of people get in arrears, get evicted, and then can't get further support from the council. And then the things the people have to do to prevent further debt and the pressures benefits put on...

Some of the women supported by Minerva are young mothers with children who are sofa surfing or living in inadequate housing. The continual fight for adequate housing affects their mental health.

...they're getting down from the process and it makes it difficult to engage.

Women experiencing abuse may turn to substance use as a coping mechanism and this in turn may affect their parenting. Involvement with social services and the threat (or actual) removal of children can be a source of acute distress to clients who are already struggling.

...perhaps she's had mental health problems which has led to poor coping mechanisms which is the reason why her child was removed from her care in the first place but then the whole engagement with the social services causes so much anxiety and so much stress that it's this kind of endless thing...I have a client who's been fighting to get her child back now she's kind of stabilised her life a little bit more, but every time she comes up against a barrier it knocks her mental health so badly. She has to prove so much because they've become involved – way more than any mother who'd never had social services has to prove...

Many women supported by Minerva experience debilitating anxiety which affects their ability to

engage with services and comply with criminal justice proceedings.

... I've had clients who need to go to the council to get housing and trying to get them there for a day and then potentially another day and another day in order to get a whole assessment finished is just this almost impossible task because their anxiety prevents them from physically getting there.

Foreign national women need immigration advice and support which is often difficult to access. Those with no recourse to public funds and no right to work may find themselves, like Ezinne, with no option but to offend.

Lack of resources and crisis-driven approach

Limited services are available to provide early intervention, and Minerva keyworkers identify a 'postcode lottery' in terms of the services available in different London boroughs.

...actually, things that work should be everywhere...

...the difference between the provision available in a borough like Islington and a borough like Havering is just astounding...

There is a particular challenge with housing, where a crisis driven approach is likely to be taken.

I had a client some years ago who lost her tenancy due to intentional homelessness or something but she had children as well and then she was basically crashing with friends and then when I contact social services for that area they will say, well we can only intervene when she's literally street homeless. It just seems really bizarre.

...It's too late at that point.

... then you're taking her kids.

Adult social services can provide support to those with no recourse to public funds, but clients rarely meet the threshold for support. Minerva keyworkers find that they will only work with extremely vulnerable (usually older) women who cannot make decisions for themselves. Even then, the assessment process can be so slow that other routes of support need to be found.

Where multiple boroughs are involved, there can be a lack of effective communication and shifting of responsibility. This has been seen recently in cases involving mothers who have become homeless as a result of fleeing domestic abuse and are without recourse to public funds. If women in these circumstances cannot prove a connection to one borough, they may be passed back and forth between boroughs and remain without support. In such cases, where it is impossible for women to support their family on child benefit alone, this can easily lead to survival offences like shoplifting and the mother's imprisonment.

Identifying vulnerability

In order for women and girls to receive support to address the needs underlying their offending, or before they offend, they must be recognised as vulnerable. This requires frontline agencies in contact with women and girls to understand the dynamics of domestic abuse and other trauma as well as the potential impact of abuse and trauma on their behaviour. This can include survival offences such as shoplifting, violence against their abuser or others such as police officers, offences related to drug and alcohol use, and child neglect.

Many agencies are working to become 'trauma informed' to improve their response to vulnerable people. In this context, being truly trauma informed includes understanding the negative impact that trauma, abuse and coercion can have on a woman's behaviour and responding with compassion and empathy even where that behaviour is challenging.

...people who've experienced trauma can behave in ways that are really challenging to others... signs of domestic abuse can also be like drinking heavily or using substances and in some cases like attacking your abusive partner – and I think actually recognising those nuances in abuse and *VAWG* – not just seeing a victim of domestic abuse, sexual exploitation as one very palatable image that we have in society [is important]...

The way in which agencies respond to vulnerable women and girls will influence whether they choose to disclose abuse and seek support. The Minerva service builds trust with women by offering non-judgemental, emotional and practical support.

Early intervention: Recommendations

Advance will:

Improve and strengthen referral pathways for early intervention, focusing on referral pathways from social care services to the Minerva WrapAround service. Advance's Minerva WrapAround service currently receives no referrals from social services. We will continue to engage actively with social care services in the 15 Minerva WrapAround boroughs to raise awareness of the programme and what it can offer to women, to understand how many of the mothers engaged with social services are involved in offending, or whether this question is asked, and to explore what more we could be doing together to avoid children going into care where intensive support for the mother could have avoided this outcome. We will explore whether we can expand the WrapAround eligibility criteria with additional funding, so that women would not need to have had a conviction within the last two years.

Central government, and criminal justice and local government commissioners (including Ministry of Justice, Department for Education, MOPAC and London's VRU) should:

Explore how targeted investment in early interventions for these mothers and their children could reap significant medium and long term benefits.



Social care children's services

Social care children's services can and should be an invaluable source of support for vulnerable women and their children. When social care services work well, they can turn around what could have become a spiralling situation and support mothers to keep their family together.

This has been shown in some Minerva cases where women experiencing domestic abuse have been referred to social services because they have committed an offence. Cases may have good outcomes where clients feel able to engage actively with social services, and where their social worker provides emotional support and develops a strong working relationship with the client, working closely with her to help address problems affecting her parenting, such as drug use, and making priority referrals for her to receive essential services, such as mental health support. In such cases, the social worker's involvement can have a tangible impact on the client's life and therefore their child's life, including improvements in school attendance and wellbeing, and cases may be closed to social services because of the progress made.

This work requires a nuanced understanding of the complex dynamics of domestic abuse and the impact of trauma on behaviour, as well as the ability to empathise with and support the mother and avoid taking a judgemental approach, particularly where women are overwhelmed and finding it hard to engage constructively.

Not every social worker will have this level of understanding and skill to work with mothers and, with large caseloads and weighty statutory responsibilities, the right decisions and approaches will not always be made. Innovative models of social care like Safe and Together (see appendix) are becoming more widespread in an effort to improve practice, and the co-location of IDVAs within many social care departments provides additional expertise. For women involved in offending, close joint working between social care services and Minerva keyworkers can be a valuable, and relatively low cost, way to enhance the support to the whole family and keep families together where possible.

Overcoming mothers' fear of social care children's services

For many of the women Minerva supports, social services are not perceived as a source of support but on the contrary are deeply feared because of their perceived power to remove children.

...there's so much fear around involvement of social services. It's not seen as a support, it's you know, people are terrified of it. Minerva keyworker

For care experienced women and girls, these negative perceptions may stem from childhood; others may have previous experience of a child's removal. Fear of social services is such that it prevents mothers seeking support from other agencies, whether to disclose abuse or to seek mental health support.

This fear presents a clear barrier for both mothers and children to access often much needed support. In order to encourage mothers to engage with services and overcome their fear, they need to be confident that they will receive the support they need in order to do their best for their children.

In some cases, demonstrating the limitations on resources, women who do ask for help from social services may not be found to meet the threshold to receive it. In other cases, keyworkers report that the scrutiny of clients' parenting creates an overwhelming pressure that compounds existing problems. In one case where a keyworker was concerned about the impact on her client's mental health of her ex-partner's increasingly controlling behaviour, she made a referral to adult social care for support for her client, which led instead to children's services becoming involved and the outcome was that the client relapsed in her substance use and stopped engaging with the service:

They treated the whole thing as to do with child contact with the daughter but not really looking into what the impact was on the supportive parent...the mishandling and the pressure of the situation has been too much for her.

As Tamsin's story shows, Advance's Minerva programme can play a crucial role here. The client's trusting and supportive relationship with her keyworker can be an effective gateway to encourage and improve her engagement with other services, including social services. In this way, the keyworker provides a resource to the social worker, helping her to understand the complex challenges faced by her client, as well as supporting the client and helping to change her perceptions of other services.

Support not judgement

Where social services are involved they can be very supportive, but in many cases women feel judged rather than supported. A particular area of concern is the judgements that may be made when mothers do not choose to leave an abusive relationship.

... I don't think they take into consideration the conflict in your mind, so you're being beaten up, but you really don't want to break your family up right? So there's this other frustration going on inside along with the panic that you've just been beaten, you're sweating, it's embarrassing, your house is in a mess, your neighbours are outside, they're judging you...

Woman with lived experience

There is also concern that mothers are held to a much higher standard than fathers and that perpetrators of abuse are not sufficiently held to account.

One client approached social services for help because of domestic abuse and has a baby. There were concerns about her mental health. Advance was advocating for her to be heard and supported instead of taking her children into the perpetrator's care. But this was nonetheless being considered because of her presentation. Social care IDVA

Professionals in other agencies reflected on the need for support specifically for the parents, in addition to a focus on the children, and the value of an empathetic approach.

I have seen good practice with supportive, well resourced social work teams. This means ensuring the woman is in a position where she is able to safequard her children, in other words with the right housing and the right support.

We all have weaknesses and some of us have a support network around us to help us. Some don't have that...What social workers need when working with children is to better understand parents' position and where they are, and to validate that.

When Advance's Minerva keyworkers support mothers in their engagement with social services, they are able to advocate on their behalf and help social workers to understand the complexities faced by the mother. Innovative social care models such as Safe and Together and the Family Support service in Hammersmith & Fulham also help to address some of these difficulties. (see appendix).

Stigma of criminal justice involvement

Women who are accused of domestic abuse offences, where they have lashed out against their abuser, are likely to come under scrutiny for their parenting ability.

I had a client who, the Dad was very ... coercive, controlling... One day the Mum exploded and that's why the police were called, so she's the perpetrator, straight on to social services and actually now social services are involved and they're judging her parenting as opposed to looking at the dynamics of it...

Minerva keyworker

Both Minerva keyworkers and women with lived experience perceived that being involved in the criminal justice system often automatically counted against mothers in the eyes of social services, regardless of the circumstances of the offence.

... you can see it even from referral forms, like the language it's written in. And actually that's really not trauma informed, the way you're writing this. Minerva keyworker

This apparent stigma can affect pregnant clients. In one case, a decision was made to seek to remove a child at birth even though the mother had been engaging well and had the support of a safeguarding midwife. In such cases, advocacy by the Minerva keyworker and other professionals to challenge stigma and highlight the client's strengths can be crucial. In this case, this meant that, instead of the child being removed, the mother was referred with her child to a mother and baby unit and ultimately returned home with her child unattended. The Minerva keyworker reflected:

I think [my client] was really stigmatised for her offence ...

Need for clear communication

Minerva keyworkers report that one of the biggest factors in success or failure is the level of communication between the social worker and both the client and keyworker about expectations.

I've been in social services meetings where a woman has specifically asked, 'What are my rights? Am I allowed to have this child in my home at this time' and the social worker has dodged it, like not been really clear. And then the woman is left thinking, 'I want to have this child in my care, say at the weekends, but are social services going to kick up a fuss or am I going to lose everything that I've worked for up until this point because of that.'

Minerva keyworker

This can make it hard for the keyworker to support the client to engage and do what is required.

Risk averse approach

In some cases, keyworkers report that social workers may take a risk averse approach at the expense of offering effective support. It is understandable that social services will prioritise their statutory duties to protect children; with support from specialist agencies like Advance, they can be supported to make a proportionate assessment of risk.

...sometimes...I've felt that the social services is less supportive and is more practising a very defensive practice and just basically covering their own profession in order, just in case anything does happen, we need to go down these procedures, whereas I think myself and the probation officers I've worked with might question actually really is the most effective way to support the family.

Unsafe child contact arrangements

In some cases, social services can inadvertently enable the woman's abuser to continue the abuse through contact arrangements. In one Minerva case, the client has never seen any documentation that suggests her ex-partner has rights that she does not have, but her keyworker perceives that because she is particularly vulnerable it is easy for services to dismiss her based on how she presents. Minerva keyworkers can help to mitigate this by advocating on behalf of their vulnerable client and supporting social services to recognise the dynamics at play.

Social care referrals to Advance Minerva and co-location

Advance Minerva currently receives no referrals from social care children's services, yet it offers invaluable additional resource in cases involving mothers who are offending. Some social care managers report that very few of the mothers they work with are involved in offending, but this may be because they do not ask the question.

Is it rare because we don't identify it? Social care children's services manager

Advance's Minerva team delivers training to Advance IDVAs on how to ask women sensitively about offending, to understand the drivers of offending and to record this information systematically. The same training would benefit social care children's services. Co-locating Minerva keyworkers within social care services would help to share expertise.

WHAT WORKS WELL AND WHAT NEEDS TO CHANGE

Advance's co-located social care IDVAs perform a similar function, offering crucial advocacy for women, as well as training and support for social workers in making decisions.

There are still cases where there is an immediate jump to remove children. But social workers don't want to remove children. Part of Advance's role is to help them manage and bridge the gap, or step the process down when they do engage. Social care IDVA

The impact on children has also been positive:

Children are likely to be living in safer environments as a result of our intervention and support for the mother. This can lead to a step down from child protection, or a step down from Child in Need... Outcomes also include the child's wellbeing improving, based on the social worker or IDVA's perception. Children may be accessing specialist support services or engaging with social workers regarding the domestic abuse.

Co-location of Minerva keyworkers, with expertise in women's offending would further enhance social workers' awareness of the underlying issues and their ability to support women to care for their children, as well as offering invaluable support to mothers. Cases can often involve multiple social workers, while Advance can provide a level of consistency for the mother.

One woman with experience of abuse and offending, whose children were removed and have since been returned following her legal challenge, reflected on whether it would have helped her to have a co-located Minerva keyworker advocating for her at the time:

Yes it probably would have helped me and I think that's a great thing to do because honestly things are not so black and white ... there is a grey area here. And sometimes as well, you've got this bad learned behaviour, a lot of trauma, and it's making people make bad decisions. [If they were] more self aware, had some counselling, understood what they've gone through, learned to change their patterns, then we could break the cycle and do what's needed to be better.

Social Care: Recommendations

Advance will:

- Offer training to social care children's services about the drivers of women's offending, including links to domestic abuse, and how to ask women about offending. Our Minerva team has trained our IDVAs how to ask sensitively whether the women they support are involved in offending and to record that information systematically. We would offer the same training to other domestic abuse services and social care services to help identify the need for specialist support.
- Pilot the co-location of Minerva keyworkers in social care teams in order to improve **joined-up working and early intervention;** to share expertise, raise awareness of the drivers and implications of women's offending and facilitate effective joint working. We will approach a local authority to trial this with us.

Social care children's services should:

- Ensure children and family social workers receive regular trauma-informed, gender **specific training** which covers the drivers of women's offending, as well as the complex dynamics and impact of domestic abuse and risk assessment.
- **Ensure joined-up working with specialist women's services**, including co-location of women-specific criminal justice keyworkers within social care services to improve the response to women and their children.
- **Establish data collection and monitoring processes** for the number of mothers on their caseloads who are involved in the criminal justice system and the outcomes for their children, including care orders; and develop plans to improve outcomes for this group of women and children.



Woman-centric specialist support and advocacy, and support for children

The value of women specific services -'a place to go like this'

Women need somewhere to go to talk to other women who hear you and understand you.

Specialist, non-judgemental, 'wrap around' services like the Minerva programme allow women to build positive relationships in a safe, nurturing environment, to address underlying trauma, receive practical help and access peer support. In this setting, a trauma informed approach means understanding the impact of trauma on women's behaviour and not judging them but supporting them.

I've been very foul mouthed in my past and I do know that I've been read wrong because I'm really not a bad person, I've just been through so much...the words don't come out properly.

The opportunity for women to address their underlying trauma comes through their relationship with their keyworker, in which trust and support are central components. This relationship, and the safe space provided by the women's centre, are the foundation for the woman's progress. Without this, all the practical help that can be provided may not achieve the desired outcomes.

An unresolved trauma can mean the mother keeps making the same mistakes again and again because of the need to be loved... This is critical... addressing trauma and believing in yourself and that it is not your fault, and beginning to love yourself. This can't be done through an appointment, it has to be a relationship based approach, which is what women's centres deliver. Trusting relationships in a nurturing environment.

Martin Nugent, Greater Manchester Combined Authority

With this foundation in place, and with support from their keyworker, women are enabled to access practical help and structured therapeutic support. Greater investment is required in women's centres to make this model available everywhere at the scale needed.

Where mothers receive these services, their children are likely to benefit. This can include increased contact where children are not in their mother's care; children to be stepped down from child protection or child in need status because of improvements in their care and wellbeing, or children returning to their mother's care.

Developing our model of practice

Through this research we have identified barriers faced by the Advance Minerva service in supporting women who have children, including the following:

- Discussing serious issues in front of children can be inappropriate. Lack of childcare leads women to cancel appointments, including at Advance's women's centres, where there is no childcare provision. Solutions have been found in some probation services but for some there is a blanket ban on children attending. Providing childcare is one solution. Another solution is facilitating home visits.
- The primary focus of the Advance Minerva keyworker is on the mother rather than her children. If social services are not already involved, Minerva keyworkers may not identify the need to work proactively to support children's wellbeing, although their work to support the mother is likely to benefit her children. A clear focus on the mother is critical to the keyworker role. However there is scope for the Minerva service to provide more of a focus on children. This would be assisted if keyworkers could do more home visits, as these are currently rarely feasible.
- There is a lack of specialist support available in London for children of mothers who offend.
- No recourse to public funds makes support very difficult, as seen in Ezinne's case. These women need additional support.

We concluded that there is a need for Advance to:

- Ensure there is a clear focus on child safeguarding in the new Minerva risk guidance tool.
- Understand what services are available in each borough to provide non-judgemental family support and youth services such as mentoring.
- Develop a new role Minerva family support workers who would have the same expertise in relation to women's offending as Minerva keyworkers, but with a specific focus on supporting children and young people. The Minerva family support workers would work closely alongside the Minerva keyworkers supporting mothers.
- Develop a specialist peer mentor role for mothers to offer further emotional support.

We further identified that the funding provided by London's VRU during this project to provide enhanced support to mothers and their children has had tangible benefits even in this short space of time. This has included access to one-to-one talking therapy for mothers to address underlying trauma; paying for childcare to allow mothers to attend appointments and groups; and paying for a child not attending school to receive a learning needs assessment. Given the lack of resource available for early intervention and meeting women's basic needs, continuing such funding would provide tangible benefits to thousands of families.

Specialist provision for mothers

Women with an offending history are ineligible for most refuges and face barriers to housing in general. For those services that do exist, demand outstrips supply.

And when there is specialist refuge, there's never a space.

There is a particular lack of specialist support for women in minority groups who may be particularly vulnerable and who may not be accessing mainstream services.

...we had a couple of clients who find it hard to address particular substance misuse because it's so shameful in their faith, so it's been kept as a real secret.

...I know of [a client] who suffered really bad 'honour' based violence, so it was really hard ... because her family were minimising what was happening to her in her marriage. They were like, 'This is not happening.' And also...the kind of shield it creates around someone...

Women with disabilities may face particular barriers:

...when clients are differently abled as well, the support that is available to them immediately decreases but their needs and their reliance for example on perpetrators increases generally, so they're kind of in this double bind.

Foreign national women are particularly vulnerable and in need of expert help and support. 45 As shown in Ezinne's story, having no recourse to public funds can be a direct driver to offending, with devastating consequences for women and their children. These women need access to legal advice and representation. Hibiscus Initiatives provides essential services to foreign national women in prison and in the community in London, but its resources are very limited with only one pan-London worker funded through the Minerva WrapAround service. It is essential that these specialist services should be made more widely available.

Specialist support for children

There is a continuing lack of specialist support for children whose mothers are involved in the criminal justice system. One mother commented:

...Having some sort of support network out there for children When the police start dragging your mummy out of the house then who do you trust?

All agencies should receive training about the impact on children when their mother is imprisoned, to ensure they receive the right support and that information about them informs decisions and interventions. 46

Such training is provided in Scotland by Action for Prisoners' and Offenders' Families (APOF), now part of Family Lives, through their Hidden Sentence programme for all professionals who come into contact with prisoners' families; and Families Outside offers Out of the Shadows training and in-prison continuing professional development sessions for teachers and other professionals in Scotland.

One of the key themes emerging from Sarah Beresford's research was many children's strong feelings of shame about their mother's imprisonment, feelings of being judged by friends, teachers, social workers and prison staff, 'forced secrecy' when the family kept the imprisonment a secret in order to avoid being judged, and consequently an even greater feeling of stigma and shame. Overcoming this requires awareness raising amongst all agencies and training to enable teachers and other professionals to support children and protect, rather than stigmatise them. It is essential to challenge the unfair stigmatisation of children whose mothers offend, and to ensure children the opportunity to see and believe in their own potential.

Peer support groups like the My Time project in Merseyside give children of imprisoned parents the chance to express their grief and anger, and to be heard and supported.⁴⁷ The My Time project includes a group specifically for children whose mothers have been imprisoned, whose experience may be very different. It is essential to ensure that this kind of support is available for very child in London whose mother is involved in the criminal justice system.

Women's and children's services: Recommendations Advance will:

- 8 **Develop a new role – Minerva Family Support Workers**. We will explore the feasibility and benefits of developing a new role as part of the Minerva service, operating alongside Minerva keyworkers and co-located with social care. Mothers involved in offending, or at risk of offending, would be allocated a Minerva keyworker as well as a Minerva Family Support worker. This would allow the Minerva keyworker to continue having their primary focus on the mother, which is key to that model of practice. The Family Support worker would have the children as her primary focus and her specialism would be in child safeguarding, social care proceedings and specialist support for children whose mothers are involved in, or at risk of, offending. They would work closely alongside each other, doing home visits together, and would enhance the support provided to families by the social worker.
- 9 Ensure child safeguarding is specifically included in the new Minerva Risk Guidance Tool and facilitate home visits to improve support of women and their children. We have identified a need for Minerva keyworkers to ensure they are considering any issues that might cause concern for children, by being able to do home visits. This could be enabled by funding security equipment for keyworkers doing lone visits. If the Minerva family support worker model is implemented, this worker would do visits jointly with the Minerva keyworker for women with children. The Minerva team is developing a new risk guidance tool which will include a specific focus on child safeguarding.
- 10 Develop specialist peer mentor roles for working with mothers. We have an informal system in place for Advance's peer mentors to be matched with mothers where they are themselves mothers, just as some might work with gang affected young women. We propose to formalise this so that some peer mentors can become specialists in working with mothers.

London's VRU should:

- 11 Consult local authorities to find out what specialist support services are available for **children** whose mothers are experiencing abuse and/or are offending in order to raise awareness of existing services and identify gaps.
- 12 Continue to dedicate funding to support mothers who have experienced domestic abuse and the criminal justice system, and their children. This should include ensuring mothers understand care proceedings; and piloting Minerva Family Support Workers, ensuring mothers and children are supported in a "Whole Family Approach". (Recommendation 8, above).

Central government, and criminal justice and local government commissioners (including MoJ, DfE, MOPAC and London's VRU) should:

- Maintain and increase investment in specialist, 'wrap around' criminal justice support for women and girls delivered through a whole system approach, ensuring access to womenonly safe spaces for all women and girls, regardless of postcode. This would allow women and girls to benefit from woman-centric specialist support and advocacy, and encourage the engagement of further commissioners. This must include dedicated provision for minority groups, including foreign national women with no recourse to public funds.
- 14 Acknowledge the necessity and associated cost of providing or paying for childcare where it is needed for mothers to comply with orders and supervision requirements and have the opportunity to access support. This should be a required part of service provision.



Protecting victims/survivors of abuse

The level of women's confidence in the police response to domestic abuse will influence how likely they are to seek help. Training and guidance on the offence of coercive control has led to some improvements in the police's ability to identify and evidence domestic abuse, but the response remains inconsistent and much more progress is needed. Victims who are involved in offending may be particularly unlikely to receive support.

A more detailed understanding is needed of what coercive control is and what its wider impact is. We are seeing charges but not enough... [It is] very dependent on individual police officers.... If the victim is also involved in offending, they may be less credible.

IDVA service manager

When the response is inadequate to protect women from abuse, this inevitably contributes to a lack of faith in the police, as Sam reflected:

Police have been called by neighbours, I've been told to say everything's OK so I say everything's OK and that's it, they're gone. They can visibly see that everything's not OK because I'm an absolute wreck, the house is in disarray behind me, but if I'm saying everything's OK that's all they can deal with.

As one woman noted, for those who have an offending history, the police may sometimes be inclined to take abuse less seriously:

I think they pick up on any previous, or if you have mental health, or if your house aint done up nice ... I think if it was somebody who got their s*** together, got a nice home, got a job, then it's going to be taken seriously, but if it's 'Well you're from that world, you stay in that world.' That's the thing.

Arresting victims/survivors of abuse

Improvements in recognition of the links between domestic abuse and offending have not yet translated to a change on the ground in terms of prosecutions of women. As well as violent resistance against their abuser, women's offending driven by abuse may range from holding a weapon for an abusive partner to shoplifting, committing benefit fraud, driving without insurance or bringing drugs into prison.

For all criminal justice agencies, it is essential that the 'trauma informed' approach translates into a true understanding of what lies behind women's offending and that this is taken into account in a meaningful way.

... a lot of clients, their coping mechanism, if it's substance misuse or if they have mental health issues... you can trace them back to a trauma that's some kind of gender based violence. But a lot of the time, even when you're talking to the offender managers, that's not really how it's described. It's described as offending behaviour linked to substance misuse. And there's no real consideration of where the substance misuse is coming from.

Minerva keyworker'

A more expert approach by police, prosecutors and courts would help to ensure more families are diverted into the support they need. All criminal justice agencies are now rolling out trauma-informed training and this is to be welcomed, but to be truly trauma informed an expert approach is needed. Where women's specialist services like Advance are co-located in police stations and courts, their onsite expertise can enhance the approach of criminal justice agencies. Women specific Liaison and Diversion workers can also assist here.

For women who undertake violent resistance against their abuser, it is critical that the police response should be informed by an understanding of the dynamics of domestic abuse and the ability to identify the primary aggressor. However, consistent with earlier research, women in these circumstances continue to report that they are more likely to be arrested than their partner:

...in any situation where I've been hurt and I've tried to retaliate, I've been the one that's been persecuted.

This may be particularly likely for women who have been drinking or have mental health needs, or where they have a history of offending. One woman explained:

I always feel it is because I have a lengthy record and he didn't have one. I've got mental health and he's just sat there all prim and proper and I'm just there in a mental state. And then you just get pushed to a point where you are driven crazy. It's not just the physical abuse, it's the mental abuse – it's draining and you just get to a point where you snap and you break yourself and that's when they take it seriously.

Recent Advance cases include women being subject to a violent assault by their partner or ex-partner and being arrested themselves when he calls the police and alleges she has assaulted him. In one such case recently, a woman was separated from her young child and detained overnight before being able to explain the correct version of events. At that point she was released and attended hospital due to her extensive injuries, and the police attached a GBH charge to her ex-partner.

Advance IDVAs are co-located in some police stations and, with Standing Together, deliver training as well as offering ad hoc expert support in individual cases. They have seen improvements in the police's understanding of the dynamics of domestic abuse and their ability to give a nuanced response. However, as this disturbing case illustrates, the response remains dependent on individual police officers. Increased use of co-located IDVAs and Minerva keyworkers in police stations and the prioritising of training would help to turn good practice into standard practice.

The Metropolitan Police diversion pilot provides a valuable chance to develop police practice in relation to women whose offending is driven by their experience of abuse, including lower level violent offending. Women accused of domestic abuse-related offences are currently ineligible for the scheme, due to the Director of Public Prosecutions' (DPP) policy on non-use of conditional cautions for domestic abuse offences.⁴⁸ This means that women engaged in violent resistance cannot presently benefit from diversion, which is a missed opportunity given the high proportion of Advance's sample caseload which involved violent offences, at least some of which were recorded as being domestic abuse-related.

Impact on children

As has been recommended by Lord Farmer and others, the police must begin recording information about women's dependants for monitoring purposes as well as for the benefit of individual cases. It has also been recommended that criminal justice agencies should routinely enquire whether women have experienced abuse.49

Research by Pact has concluded that the impact on children whose family members are involved in the criminal justice system is 'direct and devastating':50

They are significantly more likely to suffer from poverty and homelessness. Rates of emotional distress and behavioural problems can increase, affecting their education and increasing their risk of suspension and expulsion. They are two to three times more likely to suffer from mental health issues, like depression and post-traumatic stress disorder compared to their peers.

Pact's research on the impact of police home raids on the children and siblings of offenders concluded that there was low awareness amongst police, judges, magistrates and schools about the experience of these children and the impact on them, translating into low levels of action.⁵¹ This was echoed in our research for this report. One woman supported by Advance commented:

They don't care [about the impact on children witnessing their mother's arrest]...it's your fault for what you're doing...you're pinning me to the ground in front of my screaming child rather than letting me ... calm him down...

And if they're searching the house, they'll break up the stuff in his bedroom, they don't care that he's there screaming or whatever. Previously when I was a child they didn't care if I was screaming...

Pact found a scarcity of training and guidance for police, magistrates and teachers on the impact on children of suspects and defendants, and a lack of any consistent practice. They concluded that even small, cost-neutral changes would make a big difference and made recommendations for police, magistrates and schools to find out more about the extent of need and undertake training.52 See www.advancecharity.org.uk/resources

Examples of 'child-centred policing' do exist, including training published in 2019 by Hampshire Constabulary about the effect on children when they witness domestic abuse, intended to enable police officers to reassure and safeguard children who are present when they attend a domestic abuse incident.53 The National Police Chiefs' Council's strategy for child-centred policing was published in 2014 but does not include a focus on children witnessing their parent's arrest.54

Systemic change – specialist women's courts

The establishment of regional, specialist women's courts, as proposed in the London Blueprint, would enable the expertise of all agencies to be concentrated - including the Crown Prosecution Service and the judiciary, as well as the police. Lessons could be learned here from London's specialist domestic abuse courts based in Westminster (see appendix), which have seen success as a result of developing an expert approach which starts at the point of arrest, with domestic abuse services offering expert support to the police and CPS. This approach could be adapted for use in a specialist women's court, in which all criminal justice agencies would receive enhanced training about the drivers of women's offending; all women arrested would receive an automatic referral to women specific criminal justice services like Minerva; keyworkers would be available to help ensure the criminal justice proceedings were well informed and all agencies, including Liaison and Diversion services, would be enabled and encouraged to concentrate expertise.

Police: Recommendations

The Metropolitan Police should:

- 15 Ensure that all responding officers receive regular trauma-informed, gender **specific training** including the drivers of women's offending as well as the dynamics of domestic abuse, risk assessment, the impact of abuse on women's circumstances and behaviour.
- 16 **Ensure joined-up working with specialist women's services**, including co-location of women specific criminal justice keyworkers within police stations, such as Advance Diversion keyworkers.

MOPAC and the London Blueprint Delivery Group, with support from the VRU, should:

17 Initiate a scoping exercise for the establishment of regional, specialist women's courts through which expertise could be concentrated and early referrals could be made to women's services, based on the Westminster specialist domestic violence court and dedicated domestic abuse court models. This would strengthen close working arrangements between specialist women's services and statutory agencies and improve information gathering, and could have particular benefits for mothers and their children, and survivors of abuse.



Asking the question

Significant efforts are already being made by the National Probation Service to ensure written pre-sentence reports are provided for as many women as possible, but the emphasis on swift justice makes this difficult and practice remains inconsistent. Liaison and Diversion workers and keyworkers in court can help to ensure as much information is available as possible, but their resources are limited.

Sentences should be trauma-informed because a lot of the time they don't understand trauma and how it can inform every part of a client's life. Minerva keyworker

Because men and women's cases are heard in the same court, there is a risk that vulnerable women may lose out on attention from Liaison and Diversion services to vulnerable males who may be presenting more immediate challenges to staff. Establishing specialist courts would help to overcome this problem. Most referrals currently come to Minerva after sentencing, but where a woman being supported by Minerva is sentenced for a further offence while receiving support, Minerva keyworkers can be an important source of information for pre-sentence reports.

Ensuring the right information is before the court

The fear of social services removing their child is an understandable barrier to mothers disclosing domestic abuse and other needs, as well as the existence of dependants, during criminal justice proceedings. Advance provides a safe, non-judgemental space and the offer of support, which can encourage disclosure. Programmes like Family Support and the Safe and Together social care approach (see appendix) also aim to provide a supportive environment which may encourage mothers to disclose needs and seek support, building confidence that they will themselves be supported, as well as their child. These approaches must be prioritised in an effort to break down this barrier and ensure families have access to the support they need.

Developing a more structured model of joint working could lead to more effective sharing of information. Models worth exploring include the development of a multi-agency forum designed to consider the needs of vulnerable women involved in offending, modelled on the MARAC (Multi-Agency Risk Assessment Conference) but focused on needs rather than risk. Lessons could also be learned from the approach to information gathering taken in the specialist domestic abuse courts' processes in Westminster, and from the systemic assessment model that has been adopted in some youth offending services (see appendix).

In order to comply with the legal requirement to consider children's best interests when sentencing their mother, courts should require that pre-sentence reports include information about what that impact could be. In Merseyside, local agencies are developing a pilot of separate child impact assessments, to ensure that children's interests are fully considered when their mother is sentenced (see appendix). This model should be explored in London. It is also essential for all professionals involved to understand the impact on children of maternal imprisonment.

Women's problem solving court – an innovative, multi-agency approach

The women's problem solving court in Manchester provides a supportive environment for women's progress through a community sentence to be reviewed regularly by a single judge with wrap around support. Since this was introduced, the number of women receiving short prison sentences has reduced as judicial confidence in community orders has increased and women have welcomed being listened to and having their progress acknowledged. This model could bring particular benefits for mothers experiencing abuse who are involved in offending and should be considered for adoption in London.

Sentencing: Recommendations

The National Probation Service should:

- 18 **Continue its work to increase the use and quality of Pre-Sentence Reports** and ensure they are informative about women's backgrounds, including domestic abuse and dependent children, with support from Liaison and Diversion workers in court.
- 19 Ensure all women are referred to specialist women's services such as Advance Minerva, for support across all needs.

The Metropolitan Police, NPS London, London CRC and HMPs Send, **Downview and Bronzefield should:**

- 20 Sensitively gather and appropriately share accurate data on the number of children affected by their mothers' involvement in the criminal justice system.
- 2.1 **Regularly report to the Blueprint Delivery Group** on their progress in implementing relevant recommendations of Lord Farmer's review for women.

MOPAC and the London Blueprint Delivery Group, with support from the VRU, should:

- 22. Explore new models of practice that would enable more thorough information **gathering** about mothers and their children at an early stage to inform the criminal justice process and achieve a more trauma informed approach, including consideration of the youth justice systemic assessment model.
- 23 Develop proposals for ensuring children's interests are fully and separately considered **in criminal justice proceedings**, learning from the work being undertaken in Merseyside to pilot child impact assessments.
- 24 Initiate a scoping exercise for the establishment of a women's problem solving court, modelled on the approach in Manchester.

Central government, and criminal justice and local government commissioners (including MoJ, DfE, MOPAC and London's VRU) should:

25 Ensure that their investment provides for regular training on the impact on the impact of maternal imprisonment on children and the requirement to take account of their best interests for all professionals who engage with women and/or their children throughout the criminal justice process - including the police, prosecutor, defence lawyers, pre-sentence report writers, sentencers, court clerks and legal advisers, making use of existing resources and with co-located support from women specific agencies.



Prisons and resettlement

Impact on children

The imprisonment of women is likely to have an immediate and profound impact on their children. As one woman explained:

...it's the not knowing for the kids – like, 'Where has she gone, what's going on?' "There's nothing in place for [children of prisoners]... explain things in a child way, build them up to dealing with the situation. The family members can't do it – they're all wrapped up ...

We're in there just getting our heads down... we've got support in there...Our kids are out there struggling with different family members... routines messed up for them. It's something that really frustrates me.

As well as experiencing trauma, disruption, stigma and lack of support for themselves, children of imprisoned mothers have spoken of their anger and frustration at the lack of support for their mother when she needed it most, their feelings of powerlessness that they did not know how to get help for her themselves, and sometimes their wish to have a relationship with their mother even where this was very complicated. However in some cases this opportunity was taken away for them, with social workers sometimes assuming this would not be a good relationship for the children.

There is a need to get alongside each child and listen. The approach is too simplistic.

There may be anger but they may also want to build a relationship. Sarah Beresford

Care arrangements upon imprisonment and release

Minerva keyworkers comment on the difference it makes where clients have family who can take care of their children while they are imprisoned.

...as opposed to people who don't have families in the community, and actually then it's...borderline like fast track to adoption and fostering and things like that.

One keyworker cited a case in which adoption was being considered for her client in prison although her parents wanted to take care of their grandchild. Language barriers were perceived to be an issue here.

... the parents were there, they were willing, and there was all this confusion about why they weren't eligible – was it because they saw her as manipulating her parents. It turned out they had never been given a copy of the report in their language and they don't read English and that was why they hadn't had the opportunity to be like, 'We want to look after our grandchild.' That I think is also institutional racism because they are not white and they don't read English...

Where family members do take care of children, they receive no financial support and there can be difficulties upon the client's release if social services are not happy for her to be at the same address as her children. The client may well be released to homelessness, but housing may say that she actually has somewhere to stay.

...it's not like a joined up approach in any way. Minerva keyworker

For some clients, the involvement of social services can be positive. However in many cases there are significant challenges. In one case, a woman's children were placed in care during her imprisonment with her understanding that they would be returned to her care upon her release; however several months following her release 'she's still fighting for care'. In another case, the client's children were placed with her ex-partner during her imprisonment and were immediately returned to her care upon her release. In some cases there will be good reasons for these disparities, but keyworkers perceive an inconsistent approach.

Challenges of resettlement

Minerva's Through the Gate services provide essential support to help meet women's basic needs, starting with accommodation.

...all the through the gate referrals, the first thing I think we all look for is if they're homeless or if they have housing...because actually, if you don't have housing, how are you going to get to your probation appointments, your social services appointments, get your script – that's the first step, that's your foundation and actually poverty then links in to that as well, whether it's benefits, no recourse to public funds.

In order to achieve better outcomes, much more effective close working is needed between social workers, keyworkers, local authority housing departments and women and children where a prison sentence is received. It must be ensured that

both women and children are listened to and that all parties are able to participate regardless of any cultural or language barriers. Lord Farmer's recommendations aimed at helping families to be reunited after mothers' release from prison must be implemented without delay.

Prisons and resettlement: Recommendations

We welcome the recommendations made by Lord Farmer for a review of cases where children go into care as a result of their mother's imprisonment, for increased social work and family support provision in prison and related matters. We refer to our Recommendations 20, 21 and 27 which are relevant here.



Where women are subject to a community order, on licence or under post-release supervision, they can face challenges in complying with requirements due to conflicts with their parenting responsibilities, as seen in one case, where it was the flexibility of the woman's offender manager that allowed her to comply with her community order:

... I feel like even when they gave me the order, they didn't take into account that I'm a mother... Luckily I can go to Minerva and I can bring my baby to go see the probation, but what if...if they'd done something that was a bit more child friendly almost.

... the probation officer was nice. She made it easier for me and I was able to bring my baby but you're not really technically meant to have babies there...and they gave me a £810 fine on top of it as well – I mean come on, why would you do that?

The lack of childcare is a significant barrier to compliance which London CRC and other agencies are trying to address with limited resources. Minerva keyworkers described one recent case involving a single mother with young children who was unable to go to her probation office with her children. In this case, the probation officer was able to meet her at the Advance offices where she was able to bring her children. However another client is in breach of her community order because her new probation worker will not meet with her at a child-safe centre.

One woman has just been breached this week and has a new probation officer. With the old one it was made clear she couldn't come with her baby, but the new one said that wasn't acceptable and so now she's been breached by failing to show up, but she doesn't have suitable childcare...it's definitely a barrier.

Lack of childcare also prevents women from being able to come to groups or other therapeutic services. Flexibility is also needed for breastfeeding mothers who may find it particularly difficult to undertake unpaid work.

...one of my cases gave birth a few months after release and luckily we're able to see her here at the women's centre 'cause she can't go to probation with the children.

There are challenges for all agencies in providing a safe space for mothers to leave their children while they attend appointments. This provision needs to be costed and resourced.

In Croydon, apparently you can bring your child in probation, but it's not a suitable place for a child to go. Having a centre makes it safer and easier.

Minerva keyworkers identify a need for a change in sentencers' perceptions because 'having a community order and being a mother and victim is hard to balance the positive opportunities with appointments and childcare'. Some feel that women can be set up to fail.

A lot of probation officers will say if you go to this group we'll use it positively for you, but they can't go.

These kinds of barriers, post-release from prison, can also increase the risk of recall.56

Community supervision: Recommendations

MOPAC and the London Blueprint Delivery Group, with support from the VRU, should:

26 Establish a task and finish group to scope different models of childcare provision that could be adopted in London and the cost, to inform future commissioning of probation services and wrap around support for women.



Pregnant women and babies

Specialist midwives and perinatal mental health services

Minerva keyworkers recalled cases in which midwives had been supportive for clients with complex needs, but noted that support was limited after the baby was born and there was little attempt to support clients who found it hard to engage.

... I think they referred her to perinatal mental health but then she didn't attend the appointments because of her anxiety and staying in the house and things like that and there's zero follow up.

This is something keyworkers see with mental health services in general:

If they don't attend, they close the cases and so you get these women who are super anxious, locking themselves in their houses and are somehow slipping through the net of the mental health services because they're seen as – 'Well they don't really want the support because they're not attending'.

Failures to communicate appropriately with clients can lead to cases being mishandled. In one case, a pregnant client who was working with perinatal mental health services and specialist midwives received an unexpected visit from social services. The keyworker suspected the referral had been made by the midwife but the client had not been told.

I think that's probably the person that made a referral to social services, which I wouldn't personally have deemed appropriate, but what was even more inappropriate was the fact that none of this was communicated with the client beforehand, so even though the support is there in both cases and I think clients do want that support, it is mismanaged...If there's a missed appointment...they're getting ready to close the case and it's only because there are other professionals advocating for her that they haven't done that yet.

Mother and Baby Units (MBUs)

MBUs are seen by both clients and keyworkers as a valuable resource, although one woman described how she was too afraid to accept a place in a MBU as a young mother without specialist support from a women specific agency, as she did not trust social

services. In other cases described by keyworkers, they can be invaluable. Some Mother and Baby Units are however perceived by keyworkers as overly risk averse to the extent of being detrimental to mothers and babies or setting them up to fail. One client was placed in a Mother and Baby Unit which was run by a Christian organisation, which was not the client's religion, and she was very closely monitored.

... she had to have a walkie talkie on her and check in with them every hour and they had to physically see her and her child, I think it was every half an hour or every hour, even through the night. So you're disturbing a new mother and her baby all the time to be able to report back to social services and actually is that beneficial for mother or baby?

Limited specialist support

In general keyworkers felt there were not enough services available to support pregnant women and new mothers who need support or have social services involvement, with Birth Companions and Maternity Mates working in some boroughs but with limited resources. Services run by volunteers may be unable to work with Minerva clients who may be perceived as high risk.

Timely access to legal advice

Another challenge is the fact that legal aid can only be obtained at a late stage when care proceedings begin, rather than receiving expert advice in advance where this is a possibility.

...I guess if you had money and you could afford a private solicitor, you would be able to start working on the legal aspect prior to ...when they're going to tell you that they're beginning court proceedings. But ... for those people that are expecting children and know that they're going to have this involvement, everything's left until very much the last minute and it's almost very difficult to know where you stand. (Minerva keyworker)

Similar problems arise with housing, where help may only be available at a late stage of pregnancy.

I had a woman who was 24 weeks pregnant and she went to housing and they said, 'You're not priority need, we have lots of people who are pregnant.'

Support in prison

Pregnant women in prison may have a relatively positive experience where they are able to access a Mother and Baby unit, but lawyers assisting women in prison report that a lack of co-operation by some women's personal officers in prison, and lack of support from social services, can be a barrier to accessing a MBU, and that practice is inconsistent and dependent on the individual officer involved. As the Royal College of Midwives has pointed out, successive studies show poor outcomes for pregnant women in prison.

We conclude that both criminal justice and social care agencies need an improved understanding of the needs of women involved in offending who are pregnant,

and the best interests of their babies, and how this should affect women's treatment in the criminal justice and social care process. Priority should be given to implementing the guidance set out by Birth Companions and recommended by the Royal College of Midwives. and the recommendations of Lord Farmer and the JCHR in this area.

More specialist services are needed for pregnant women and new mothers in need of support. This should include timely access to legal advice if care proceedings are a possibility. Specialist midwives and perinatal mental health services are very valuable and may benefit from a better understanding of the dynamics of abuse and drivers of women's offending.

Pregnant women and babies: Recommendations

The Metropolitan Police, NPS London, London CRC, London's NHS Trusts and HMPs Send, Downview and Bronzefield should:

Undertake and share an audit of the impact of their services on pregnant women and **babies** and the extent to which they meet the standards of the Birth Companions birth charter and Royal College of Midwives' position statement, based on rag rating, and set a timeline by which they will meet the required standards.



Responding to girls

A number of the women interviewed for this research had experience of local authority care as children and a number started offending when they were children. Some described their childhood experiences of domestic abuse and sexual assaults. Consistent among these women was their perception that they were alone and unsupported through these experiences, with little or no protection or support from their families, the police or social care services. For some women, their offending as girls was directly linked to their exploitation. One woman explained:

...when I was younger I was raped so many times it's ... I know it's going to sound crazy but it's almost like you lose your self worth and by losing your self worth you're then open to more risky behaviour. Like you're ... expecting the worst, so then you just start to take more risks...

... sexually I would take risks and then I would take risks in a criminal sense, you know, go out with my friends, take whatever I want..., you know, so it was like it's all connected...

Me and my friends, we hung around with drug dealers, we hung around with guys who had guns...we would run away from home, go to the country to meet guys... literally, at 12 years old, 13 years old, doing this. It spiralled.

Youth offending services report that a large proportion of children involved in offending have witnessed or experienced domestic abuse, and services are trying to shift into more trauma informed practice:

One of the threat factors we look for is trauma that hasn't been addressed earlier and especially if it happened between 0-5 years.

One youth offending service reported that there is a very small number of girls on their caseload and these were all involved in offending through their partners, had experience of domestic abuse in the family home and school exclusions due to behavioural issues escalating into violence against other pupils and teachers. Some of these girls are involved in serious offending and have no recognition that they are being exploited.

What resource can we use with young women to talk about domestic abuse in the household and assist in recognising signs of domestic abuse in relationships?

Where can girls and young women go where there is a safe space in the borough and meet without boys and talk about those issues? Youth offending service manager

With very few girls in the system, there is a risk that they become lost and that there is a lack of expertise and services available to offer the right support. Minerva's young persons' keyworker can work with girls and young women aged 15 to 24 years, and Advance's young persons' IDVA can work with girls and young women aged 13 to 25 years. However referrals tend to be young adults rather than under 18 year olds, unless keyworkers attend the youth offending service and go through their lists to obtain referrals themselves. Abianda is another specialist service that works with young women affected by gangs and offers training to professionals on working with this client group. More work is needed to ensure youth offending services are aware of specialist services like Advance Minerva and Abianda, to build expertise and ensure referrals are made at the earliest possible stage.

Responding to girls: Recommendations

London's VRU should:

2.8

Support Advance to create more effective referral pathways for girls to the Advance Minerva WrapAround service, including from youth offending services; and invest **in further specialist provision for girls** including early intervention and diversion from the criminal justice system.

Conclusion



The findings of this report are a call for action by government and all agencies concerned with women and girls in the criminal justice system. Systemic change and investment is urgently needed to improve the response to mothers involved in offending, often survivors of domestic abuse themselves, and break the cycle of violence and harm to them and their children.

Advance aims for this report to act as a catalyst for change and inform next steps, including:

- Adopting a joined-up whole-system approach and providing the investment needed by all agencies involved with mothers who offend or are at risk of offending, to break the cycle of harm to them and their children, including youth violence and exploitation.
- Investment in women's centres, safe places to go in the community where women can access the support they need, to address underlying trauma and rebuild their lives - everyone needs 'A place to go like this' as Rachel, a woman with experience of abuse and offending, said.
- A requirement for a gender-specific criminal justice response, including specialist women's courts where all professionals understand the specific drivers of women's offending and the devastating impact custodial sentences have on children, as a result of their primary carer's imprisonment.

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This main report which this appendix accompanies can be downloaded at: www.advancecharity.org.uk/resources

Research methodology

Interviews and focus groups

Focus groups and interviews were held between November 2019 and January 2020 with a total of nine women with experience of domestic abuse and offending. All the women went through an informed consent process before taking part in the research. In the same period, focus groups took place with approximately 19 members of Advance's frontline staff and interviews were held with 18 representatives of statutory and voluntary agencies.

Caseload data analysis - 257 women

Quantitative data was extracted from Advance's caseload database relating to any client who engaged with Advance's Minerva service between 1 April 2016 and 15 October 2019, giving a total of 1,724 women. Clients who had only engaged through Advance's service with London CRC were not included in the study, leaving 886 women. This sample was refined to look at clients who (1) reported that they had at least one child, whether or not the child was in their care, and (2) had a domestic violence support plan opened as part of the support they received from the Minerva service. This gave a sample of 257 women in respect of whom quantitative data was analysed.

Case notes analysis – 71 women

In order to gain a more in-depth understanding of the journeys of mothers with experience of domestic violence, the case file notes of a random sample of 71 cases from the total 257 were examined to draw out anonymised, qualitative insights into these women's backgrounds and experiences. This represented a sample with a 95% confidence level and 10% margin of error. To ensure a representative range of women was included, this smaller sample was developed to be proportional to the overall 257 on the basis of how many months of Advance support (including both Minerva support and, where relevant, domestic violence support) they had received between 1 April 2016 and 15 October 2019. Within a range of support length categories from 0-3 months to >24 months, cases were chosen using a random number generator.

All case notes recorded for the 71 selected clients were then reviewed. Case notes are recorded as part of Advance's case management process. They include records of keyworker correspondence with clients' offender managers and other professionals supporting the client. Case notes also include a record of background information and developments relevant to the client's case. For example, any information disclosed about experiences of domestic violence or details pertaining to housing, mental health or substance use. This information was used to draw out anonymised, qualitative information about the women's experiences, the support they received and the outcomes, and to inform discussion amongst case workers about what works well and what could be done differently to achieve better outcomes.

Advance's Minerva services

The Minerva Community service operates in partnership with London CRC to deliver one-to-one support to sentenced women across 21 London boroughs up to June 2021. Operating with referrals from the CRC and NPS via the rate card, the service includes ten keyworkers working with up to 50 women each, with an expectation of 950 referrals each year. Women receiving this service are expected to have 'standard practical needs' and see their keyworker once a month for up to a year following the initial engagement. Through The Gate support is provided to help manage risk up release as well as building relationships quickly. Additional in-reach support is provided via a weekly drop in at HMP & YOI Bronzefield, through the charity's core charitable funding.

The Minerva WrapAround service is funded by MOPAC's co-commissioning grant to deliver wrap around support services for women and girls in contact with the criminal justice system aged 15 years and above from July 2018 to March 2021 across 15 boroughs. Operating through a diverse referral process, the service provides women in contact with the criminal justice system with wrap around support services including keyworker support, group-work, mentoring, and other specialist support. It is delivered by a consortium led by Advance, receiving referrals from London CRC and the National Probation Service and others, and working with all the London boroughs receiving the service and Turning Point (funded by Public Health England), Hibiscus Initiatives, Clean Break, Working Chance, Housing for Women, Airnetwork, Heart & Mind, Young Mums Support Network, SafeGround, Inspirit and Prison Reform Trust. Some of the partners' services are provided as an 'added value' service. All others paid for by the co-commissioned funding.

The women and girls receiving this service have multiple complex needs including mental health needs, experience of VAWG and problematic substance use, in addition to a conviction in the previous two years. The women receive the service for up to 18 months. There are 13 keyworkers, including one young persons' keyworker, with an expected caseload of up to 30 clients each and a total expectation of 700 women per year. The expectation is for weekly or fortnightly engagement for the first six months and regular engagement for the remaining 12 months. One specialist keyworker for foreign national women is provided by Hibiscus Initiatives and shared with the South London Alliance¹. There is also a peer mentoring service, with approximately 15 peer mentors with lived experiences supporting at least 30 current service users.

Turning Point provides a drop-in clinic with keyworkers for drug treatment at Advance's women's centre in Hammersmith, funded by Public Health England. Domestic abuse services are provided as an 'added value' service by Advance paid for through its own charitable funding, including Survivor Phoenix workshops.

The Metropolitan Police Service women's diversion pilot began in autumn 2019 to divert women who have committed low-level offences and are eligible for a conditional caution. The women are referred to support services delivered by the Minerva programme

¹ The South London Alliance is a collaborative project currently funded from 1 July 2018 to 31 March 2021, overseen by Lambeth Borough Council and with Women in Prison as the delivery lead, for a whole system approach for women across six South London local authorities. The partners are National Probation Service (London), London CRC, Women in Prison, Advance, Pecan, Housing for Women, Clean Break, Hibiscus Initiatives, Birth Companions and Working Chance.

and the South London Alliance, commissioned through MOPAC. By making their referral a condition of their caution, a failure to engage with the support services may render women liable to prosecution for the original offence. The programme is being piloted over a two-year period in two borough command units in Camden/Islington and Lambeth/Southwark with an aspiration to embed it throughout the MPS subsequently.

The pilot supports the whole system approach to support women in keys areas and prevent reoffending. The MPS is also expected to raise awareness of the wrap around services provided by Advance and the South London Alliance so that all women who come in to contact with the criminal justice sector are aware of the support available to them.

In order to be eligible, women need to have been arrested in one of the Borough Command Units where the pilot is located, must be resident in one of the surrounding boroughs and must have been arrested for a summary only or either way offence. If eligible, the police will issue a conditional caution instead of a charge. The condition is that the woman attends two appointments with Advance (North London), Pecan (Southwark) or Women in Prison (Lambeth). The officer makes her an appointment through an online calendar system and Advance reports back to the police on a monthly basis as to who has completed their two appointments, at which point the matter is closed to the police. Advance, Pecan and Women in Prison continue to work with the woman if she wishes, on a short term basis.

The length of support depends on the woman's need level. High need level means the woman will receive three to five face to face appointments over a six month period with phone contact; for medium need level, women receive three to five appointments over three months; and women with low needs receive two to three appointments over a month. The service currently has about eight clients that are mothers with experience of domestic abuse. The service supports the women with their engagement with social services, advocating for them and accompanying them to meetings if needed. They have also been able to encourage contact with children who are not in their mothers' care, as well as supporting them with benefits, housing and problematic substance misuse.

Women accused of domestic abuse-related offences are not eligible for the scheme. However Advance has taken on a number of such cases in order to provide the woman with support.

Specialist peer mentors

A number of clients or their keyworkers have requested support from a peer mentor who is a mother. If a referral is made, a discussion will then take place with the peer mentor to see if they are a suitable and feel comfortable working with the client, with the knowledge that some of the support will be specifically related to discussions around children. One recent referral requested a peer mentor with experience of engaging with social services, to work with her client who is pregnant and working with social services. The peer mentor and client have met multiple times in one of Advance's women's centres, to have a debrief after social services meetings. The peer mentor has been able to support the client and encourage her to attend the social services meetings, reflecting on her own past experiences.

Advance's domestic abuse services

Advance's domestic abuse services are delivered by Independent Domestic Violence Advocates (IDVAs) in a number of London boroughs, some of whom are co-located in children's services, local authority housing departments, at the police station and in the

specialist domestic violence court and dedicated domestic abuse court, both operating out of Westminster Magistrates' Court. The IDVAs provide practical and emotional support, advocacy and safety planning advice to women at high risk of domestic abuse. The colocated IDVAs perform an additional role in delivering regular training and inhouse support on domestic abuse to the professionals with whom they are co-located, being available for consultation in individual cases and supporting survivors.

In 2018/19 Advance's domestic abuse services received 3,784 direct referrals of survivors suffering domestic abuse, and 1,782 children benefited from their mother receiving support. 97% of women said that they felt safer as a result of support provided. 96% of women were at reduced risk following the support provided by the service. 95% of women said that they felt their quality of life and well-being had improved as a result of support received by the service. 96% of women reported a reduction in abuse due to support and advice received from our Domestic Abuse service.

For more information, see our Annual Review 2018/19.

The context - law, policy and practice

Law

The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), to which the United Kingdom is a signatory, set out a range of requirements for the government to ensure that women in the criminal justice system who have experienced violence are identified, treated appropriately and receive the right support, and that they have their experience taken into account in sentencing decisions.¹ The Rules require sufficient resources to be available for suitable community alternatives to custody and the UN Special Rapporteur on Violence Against Women recommended in 2015 that the UK government should "ensure that women's histories of victimization and abuse are taken into consideration when making decisions about incarceration, especially for non-violent crimes".²

It is also a legal requirement for children's best interests to be considered at all times during criminal justice proceedings involving their parent.³ Decisions to imprison mothers also engage children's right to family life under the Human Rights Act 1998. Recommendations issued by the Council of Europe should be followed, which require a rigorous assessment of the needs and rights of the child to ensure that these are respected, including their rights to non-discrimination, non-separation from their parents, expression of their views and consideration of those views, for their best interests to be at the heart of sentencing decisions, for special care and protection if they cannot live with their parents and the right to private and family life.⁴

The Bangkok Rules also state that non-custodial sentences are preferable for women with dependent children and that prison sentences should only be given after considering the child's best interests and ensuring appropriate provision has been made for the child.⁵ UK caselaw reinforces this by making clear that the best interests of children must be considered when sentencing a primary carer. This was established in the case of *R v Petherick* and other judgments.⁶

Policy and practice

Despite this range of law and guidance, it remains common practice for limited, if any, consideration to be given to women's experiences of abuse in criminal justice proceedings, and to the interests of their children.

There has been some limited but welcome progress recently, with the government accepting wide-ranging recommendations made by Lord Farmer in his review of the importance of family ties for women in the criminal justice system, published in 2019. These recommendations include:

- Strategic oversight by Local Criminal Justice Boards and Police and Crime
 Commissioners to encourage a joined up approach to women's offending, including
 co-located domestic abuse services and close working relationships with women's
 centres, with sustainable funding for those services provided by those referring
 women and those benefiting from the outcomes, including health and social care
 agencies.
- Better information gathering on the existence of dependent children, including by Liaison and Diversion services and through an amended Manual Guidance form for completion by the police; this information to be included in a Personal Circumstances File for use throughout the woman's journey through the criminal justice process.
- Bail decisions to include consideration of the impact on children and written Pre-Sentence reports to be mandatory in all cases where women may face a custodial sentence.
- HM Prisons and Probation Service to ensure the new probation model ensures family support services are available; clarifies responsibility for securing women's postrelease accommodation; and ensures women have resettlement support and that post-release accommodation can be planned for at an early stage.
- Funding for additional family engagement workers in women's prisons, and for a social worker to be employed in each women's prison.
- Allocation of accommodation guidance to be given to local authorities regarding
 women coming out of prison who would otherwise be able to resume care of their
 children, to ensure this can be the basis for the assessment of their housing needs.
- Improvements to visits, virtual visits, telephone and email contact for women in prison
 with their children; more creative and ambitious use of Release on Temporary
 Licence and broadened eligibility for Child Resettlement Leave to include all primary
 carers, not only sole carers as previously.
- Chief Social Worker for England (Children and Families) to undertake a review of cases in which children have been removed from their primary carer when they entered prison, to ensure such decisions have been made in their best interests. This should include examining social work practice, including the role of support services in keeping families together.

Lord Farmer's report echoed many of the concerns raised by the Prison Reform Trust (PRT) in recent research with children affected by maternal imprisonment, which calls for a transformation in the response to children affected by their mother's involvement in the criminal justice system and makes detailed recommendations, including:⁸

- Women with dependent children should be diverted from custody wherever possible;
- Child impact assessments should be introduced to ensure that children are listened to, and considered in their own right, at all stages of the criminal justice process;
- Accurate data on the number of children affected by maternal imprisonment should be sensitively gathered and appropriately shared; and
- Training to improve awareness and understanding of the impact of maternal imprisonment on children should be delivered to all who engage with women and/or their children throughout the criminal justice process.

Also in 2019, the Parliamentary Joint Committee on Human Rights made strong recommendations for better protection of the right to family life for children affected by maternal imprisonment, including improvements in data collection, ensuring sentencing of mothers takes full account of the impact on dependent children, providing effective support to children whose mothers are imprisoned, and not separating babies from their mothers wherever possible.⁹

As has been reflected in research by Pact¹⁰ and reinforced in PRT's report, the impact on children must be considered throughout the criminal justice process, including by the police when conducting arrests and home raids, and recommendations have been made for police to undergo training on how they can mitigate the distress caused to children and safeguard them.¹¹

Pregnant women and babies

The Birth Charter for women in prison in England and Wales was developed by Birth Companions in consultation with service users and published in 2017, with the aim of informing policy and practice relating to the care and treatment of these women and their babies. The Charter covers a range of issues from antenatal care and birth partners to breastfeeding, family visits and counselling and is now accompanied by a toolkit to aid its implementation. 13

The Charter has been widely supported by organisations including Her Majesty's Prison and Probation Service, the Ministry of Justice and Public Health England.¹⁴ Yet significant progress is still needed to improve the treatment of these women and their children:

Since we wrote the Birth Charter there have been a number of important developments in knowledge, policy and practice... However, despite this, and the best efforts of many professionals working in the system, we know a great deal remains to be done if these women are to be able to receive the level of care they are entitled to.

Birth Companions

In November 2019, the Royal College of Midwives published a position statement on perinatal women in the criminal justice system. This notes the 'unacceptable frequency' with which pregnant women and new mothers are imprisoned, primarily for non-violent offences, and successive studies which show poor outcomes for pregnant women in prison. The Royal College calls for all UK women's prisons to implement the Birth Companions' Birth Charter in full and without delay, and calls for:

- A specific Prison Service Instruction to be developed for perinatal women, which covers every women's prison in the UK, taking a First 1001 days approach.
- NHS Trusts and Boards local to women's prisons to work in partnership to facilitate a specialist midwife to care for pregnant women.
- Continuity of midwifery care to be a default care pathway for women in prison, because of its ability to improve maternal and neonatal outcomes for vulnerable women.
- All judges and magistrates to receive training on infant-maternal health and the importance of the First 1001 days of child development to enable them to ensure any custodial sentence is proportionate taking into account the caregiver and the child's Article 8 rights to family life.

London Blueprint

Signatories to the London Blueprint have committed to working together to develop and implement a sustainable whole system approach for women in contact with the criminal justice system. The signatories' over-arching aims are to:

- Reduce the number of women in prison, particularly on remand and on short custodial sentences
- Improve access to support services for women in prison
- Ensure there is sufficient funding and investment in community services for women in contact with the criminal justice system or at risk of such contact
- Increase and improve opportunities for early intervention and diversion.

Specific commitments are made to avoid imprisoning mothers and pregnant women wherever possible and to improve the treatment of mothers and their children in the criminal justice process. A further commitment is made to exploring opportunities for improving outcomes and making the best use of scarce resources through the establishment of regional, specific courts in London where expertise and specialist support can be concentrated and where a problem-solving approach can be adopted. This could have particular benefits for mothers.

Innovative social care models

Elements of Advance Minerva's approach are reflected in some relatively new models of social care practice which offer intensive, non-judgmental, problem solving support to parents, founded in a belief in people's capacity to change their behaviour and with the aim of keeping more families together.

Safe and Together¹⁶

Safe and Together is a practice model that aims to improve how child welfare systems and practitioners respond to the issue of domestic abuse. It provides a common framework for practitioners to consider and discuss concerns, challenges and solutions for families experiencing domestic abuse. The approach challenges the traditional assessment of risk based on relationship status or living arrangements, in which the non-abusing parent is

primarily called upon to end the relationship with the abuser or move away in order to protect the children, whereas these actions often do not increase safety and can have a detrimental effect. It also challenges the 'failure to protect' narrative in which the responsibility to protect children is put on the non-abusing parent, rather than holding the perpetrator to account.

The narrative that victims are 'failing to protect' their children carries a risk that social work will not be seen as a supportive or helpful service for victims of domestic abuse. Research has shown that domestic abuse victims can engage poorly with social work services if they feel they are treated as though they have failed to protect their children or as being responsible for the abuse, and if they fear their children will be removed. Risk to the child increases if victims are reluctant to contact the police due to the subsequent referral to social work.¹⁷

The three principles of the approach are:

- (1) When professionals engage with families affected by domestic abuse, they should aim to keep the child safe and together with the non-abusing parent.
- (2) Professionals should endeavour to develop a strengths based partnership with non-abusing parents.
- (3) Professionals should aim to intervene with the perpetrator to reduce risk and harm to the child.

Developed in the USA and successfully implemented in Edinburgh, the approach is now being adopted in some London boroughs. Standing Together has delivered Safe and Together training to social workers in Hammersmith & Fulham, and Respect is supporting Waltham Forest and Hackney social services to deliver the approach.

Family Support¹⁸

Family Support is an early help service commissioned by the London Borough of Hammersmith & Fulham for the last two years, which aims to be a handholding support for children and parents.

If Mum is overloaded due to domestic abuse or something else, how can we support the children to get better outcomes?

Working closely with the NSPCC, the team focuses on helping professionals, parents and children to understand their brain story – how early life experiences affect brain development.

Brains are built like houses and they need a strong foundation. This is established by the nature of your relationships with your care givers.

This approach originated in Canada and involves the use of shared language to talk to parents and professionals about the importance of loving relationships and how to help young children's healthy brain development. Some provision is delivered through specialist children's centres. The service aims to be non-judgemental and to support both the parent and the child. Quite a high proportion of cases are on the cusp of care proceedings, in which case the service operates alongside social services.

If you have suffered a strain, you will be overloaded and so focusing on the child is hard and this is understandable. How can we reduce your overload and give enough focus on the child so that we can help them?

The service also works with young people on the edge of school exclusion, focusing on past trauma rather than current behaviour and helping schools to understand what lies behind the young person's challenging behaviour. Young people are supported to make better choices and call for help when they need it, using a 'Brain in Hand' app. Parents and children are given intensive trauma counselling.

Action for Change¹⁹

Action for Change (AFC) was launched in 2013 by the Royal Borough of Kensington & Chelsea as a tri-borough service and continues to serve all three former tri-boroughs. The programme offers intensive support to parents whose children have been removed permanently, to increase their chances of re-parenting successfully in the future.

The approach is based on research by Manchester University about recurrent care proceedings involving the same parents with different children. Both mothers and fathers may be referred to AFC by social services on a voluntary basis as soon as the final care hearing is over. The service is predominantly therapeutic at first, to help parents come to terms with the trauma of losing their child. The focus then moves on to the concerns and reasons that led to the child's removal.

Depending on the client's age and lifestyle and whether an unintended pregnancy is a higher risk due to drug use or poor mental health, the team will quickly focus on supporting the client to access family planning advice and use contraception if she chooses to do so. The intention is to make sure the client is ready if she has more children. AFC cases last an average of 12 to 18 months. The service works with about 45 to 50 clients at any one time, of whom about 80% are mothers and 20% fathers.

A large proportion of clients suffer from mental health problems or homelessness, as well as domestic abuse, and some are involved in offending. The programme delivers a lot of practical help in relation to finances and housing. Work is done with fathers to develop their understanding of the reasons for the removal of their child and to explore what it means to be a father. The approach is supportive and non-judgemental and is founded on a belief in people's capacity to change.

Specialist domestic abuse courts

The first specialist domestic abuse court in London was developed by Standing Together 16 years ago as part of its work to develop a Co-ordinated Community Response to domestic abuse. Two specialist courts now exist, the Dedicated Domestic Abuse Court (DDAC) and the Specialist Domestic Violence Court (SDVC). Both courts operate from Westminster Magistrates' Court for one day each week, and between them they cover cases from Hammersmith & Fulham, Kensington & Chelsea and Westminster.

The concept of the specialist court is not limited to the court hearings themselves, but is an end to end community process in which Independent Domestic Violence Advisers (IDVAs) are integral. The process aims to create the best chance of achieving a just outcome, allowing survivors to access the justice system at its best. Upon the arrest of an alleged perpetrator, the victim is referred to an Advance Criminal Justice IDVA who contacts her to offer support. If the victim wants to pursue criminal justice proceedings, the IDVA will

support her through that. Standing Together employs a Court Co-ordinator who, together with the IDVA, will support the police investigation and preparation of the case for court. The involvement of the IDVA and court co-ordinator, and the commitment to gathering a wide range of evidence from other agencies, including housing and GPs for example, means that the police gain a rounded view of the situation and are better informed than in traditional proceedings.

All agencies involved in the case receive enhanced training, which means that prosecutors understand the nuances of domestic abuse. This means, for example, that if a victim has retracted her statement in a previous case, instead of seeing her as someone who is less likely to proceed, the prosecutor will see her as particularly vulnerable and in need of extra support.

The prosecutors have good knowledge of domestic abuse. This really changes the process because it is more risk informed.

IDVA

Magistrates receive briefings and updates about domestic abuse and gain expertise by sitting regularly in the court. The IDVA is based in the police station and attends court hearings. The Court Co-ordinator observes proceedings, noting good and bad practice and passing this up to senior level. The courts have amongst the highest conviction rates and sentencing is also more effective.

When women appear as defendants in the specialist court, facing prosecution for a domestic abuse-related offence, the court co-ordinator and IDVA are able to support the prosecutors and magistrates in understanding the nuances of domestic abuse and identifying whether she was in fact the primary aggressor or if she was in fact engaged in violent resistance against a perpetrator. IDVAs report the contrast between this and conventional proceedings:

I've been in [conventional] court ... as an IDVA...my client was the defendant and the support I could provide was very limited in court.

They do not understand women experiencing multiple needs and what this may arise from.

Innovative models for assessments to inform criminal justice proceedings

Child impact assessments (content provided by Sarah Beresford, Prison Reform Trust)

Child Impact Assessments (CIAs), which focus on children in their own right, rather than as an aspect of mitigation, have long been called for but have yet to be implemented. CIAs will require a court to consider the impact of imprisonment upon the welfare and wellbeing of any dependent children and seek to ensure that children receive appropriate, and timely, support.

Children of Prisoners Europe explored the principles behind CIAs in its 2015 <u>European</u> Journal of Parental Imprisonment, and in 2018, the Council of Europe published a set of

<u>recommendations</u> aimed at safeguarding the rights and interests of children of imprisoned parents and calling for a rigorous assessment of the needs of children affected.

Crucially, as highlighted in PRT's What about me? report, children would like magistrates and judges to take their feelings, and the impact of a sentence on them, into account when making decisions. CIAs will ensure that children are listened to, rather than strategically silenced, and could highlight risks to children's rights and wellbeing. If children are recognised at the earliest opportunity, including at the point of arrest, they can be offered support prior to a court hearing and given an opportunity to inform pre-sentence reports.

Merseyside's Women's Services Alliance has committed to piloting the implementation of CIA for women who are primary carers. This work, in its very early stages, will include focus groups with women and children to agree a CIA template and to determine who is best to complete them to ensure engagement; liaison with NPS and CRC colleagues to ensure CIAs enhance current practice and sit within national guidelines; and liaison with magistrates to ensure they are helpful in sentencing processes.

Youth justice systemic assessment model

Adopted in a number of youth justice services, including Hammersmith & Fulham recently, the systemic assessment model involves a rigorous assessment which takes place at the first point of a child's entry into the criminal justice system. This includes several interviews with the child and his or her family and others involved, and a multi-agency assessment. The resulting information is made available to a panel of professionals and community providers and is considered by the panel before the offence is looked at. In Hammersmith & Fulham, although the new model involved some upfront cost, the benefits are being seen in reduced numbers of children going through the criminal justice system. For more information go to: https://www.counselling-directory.org.uk/family-therapy.html

Liaison and diversion services

Liaison and Diversion (L&D) services are commissioned by NHS England London and operate across the whole of the capital to identify people who have mental health, learning disability, substance misuse or other vulnerabilities when they first come into contact with the criminal justice system as suspects, defendants or offenders. The service can then support people through the early stages of criminal system pathway, refer them for appropriate health or social care or enable them to be diverted away from the criminal justice system into a more appropriate setting, if required.

L&D services aim to improve overall health outcomes for people and to support people in the reduction of reoffending. They also aim to identify people's vulnerabilities earlier on, reducing the likelihood that people will reach a crisis point and helping to ensure the right support can be put in place from the start. L&D services record all information about a person's health needs and share this information with their consent with the police, probation and the judiciary to enable informed decisions about case management, sentencing and disposal options.

L&D services will support women to access women specific health or social care services where available. In London, L&D service providers have a women's lead to act as an expert

on women's specific needs and to identify local women specific referral pathways, ensuring that the service responds to women's specific needs.

Women's problem solving court, Greater **Manchester**

The women's problem solving court in Greater Manchester is available to women pleading guilty who are facing a community order, suspended sentence or short custodial sentence in the magistrate's or crown court, who have four or more unmet needs and who are willing to engage. The women are identified at court and their pre-sentence report will highlight that she is happy to be considered for the problem solving court approach. If the magistrate or judge accepts this recommendation, he or she will make a community order or suspended sentence order with Rehabilitative Activity Requirement days and the case will be sent back to the magistrates. This has led to fewer women receiving short custodial sentences.

The problem solving approach involves six-weekly review meetings for the duration of the woman's order and that she will receive wrap around support from specialist women's services to support her rehabilitation, delivered by members of the Greater Manchester Women's Support Alliance (www.gmwsa.org.uk). The review meetings take place in the court building, each led by the same magistrate, with a supportive and encouraging approach which recognises the woman's achievements and challenges her in a supportive way.

A 'women only review court' has now been developed in the Wirral based on this model.

End notes

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