

Problem-solving courts for women:

An evidence & practice briefing

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Summary

While there are far fewer women in contact with the criminal justice system than men, the women who are caught up in the justice system are often facing multiple, unmet needs. This includes high rates of trauma and abuse, mental health issues, substance use issues and caregiving responsibilities. Women also tend to commit less serious offences and those who are imprisoned tend to receive short custodial sentences.

Successive governments have recognised the need for a distinct approach to address the needs of women in the criminal justice system. The 2018 *Female Offender Strategy* outlines its commitment to reduce women's offending via specialist, gender-responsive approaches, prioritising the use of early intervention and community-based solutions. As part of the strategy, the Government stated it wanted "to reduce the female prison population, with fewer offenders sent to custody for short periods."¹ This current Government, through its establishment of the Women's Justice Board, has also signalled a strong commitment to reducing the numbers of women in prison and increasing the use of community-based alternatives.²

In 2020, the Ministry of Justice announced its intention to pilot new problem-solving courts, including one specifically focused on the distinct needs of women who have offended. In June 2023, The Birmingham Women's Intensive Supervision Court pilot began operating. Based on the existing evidence base on problem-solving courts, and drawing from the admittedly limited existing practice of problem-solving courts specifically focused on women, we outline a number of lessons learned to date, which include:

- **Target women at risk of custody:** Problem-solving courts for women should target individuals at risk of short custodial sentences, and avoid up-tariffing women with lower-level offending but multiple, unmet needs;
- **Ensure judicial continuity:** Having the same judge at regular review hearings helps to build rapport and allows them to continually monitor an individual's progress and engagement;
- **Promote partnership working:** Ensure adequate time is allocated to foster meaningful partnerships among stakeholders. Effective collaboration between agencies facilitates service user engagement and is crucial to the success of a women's problem-solving court. Equally important is the ability to refer women to sustainably-funded local women's centres, where they can access tailored support packages during their sentence.

Purpose of this briefing

In the Sentencing White Paper, *A Smarter Approach*, published in 2020, the then-Government committed to the piloting of five new problem-solving courts, including one that focussed on "female offenders, given the high proportion of female offenders in receipt of short prison sentences... and our commitment to addressing the underlying needs of female offenders." In June 2023, three problem-solving court pilots, now known as Intensive Supervision Courts, went live. This included two substance use courts at Liverpool Crown Court and Teesside Crown Court, and one specialist women's court at Birmingham Magistrates' Court. A fourth pilot, also focused on substance use went live at Bristol Crown Court in June 2024. The courts will operate as pilots until December 2025.

This updated briefing aims to support practitioners seeking to enhance their court-based response to women by providing:

- A summary of the evidence base on the dynamics of female offending and what works to reduce reoffending for women who offend;
- An overview of existing problem-solving court approaches to female offending;
- A set of implementation lessons for operating a women's problem-solving court, derived from their experience and wider research.

In writing this briefing, we are hoping to detail the importance of expanding the use of gender-responsive approaches to women in the criminal justice system, highlight some existing good practice in this area, and outline some guidance for those seeking to implement a problem-solving court for women.

Female offending

The dynamics of female offending

In 2023, only 22% of all the people dealt with by the criminal justice system, including arrest, charge, prosecution, conviction and imprisonment were women.³ While they accounted for 16% of arrests and just 4% of the prison population,⁴ data shows that women who are convicted are:

- More likely to have experienced trauma: 63% of women in prison serving less than 12 months stated they needed help with previous or ongoing trauma, including domestic abuse;⁵ 53% of women in prison report having experienced emotional, physical, or sexual abuse as a child, compared to 27% of men,⁶ and 62% of women in prison report having mental health issues, compared to 54% of men;⁷
- More likely to be primary carers of children: While government data do not provide specific statistics, a 2013 study found that six in ten women in prison had dependent children and one-fifth were lone parents before imprisonment;⁸
- More likely to offend due to their relationships: nearly half of women prisoners (48%) reported having committed offences to support someone else's drug use, compared to 22% of male prisoners;⁹
- Less likely to be violent: Women are significantly less likely to be convicted of more serious indictable offences (including violence against the person), accounting for only 13% of all convictions for women, compared with 24% for men in 2023. Summary non-motoring offences accounted for 36% of all prosecutions of women, compared to 19% of prosecutions of men.¹⁰ In 2023, 74% of those charged with television licence evasion were women, which accounted for 12% of all prosecutions of women; and women also make up 66% of all prosecutions for truancy.¹¹ Theft offences are the most common indictable offence group for women, accounting for 34% of all indictable offences. The most common of these offences, theft from a shop, make up 27% of all female prosecutions for indictable offences, compared to 12% for men.¹²

Sentencing of women

In 2023, 49% of women who were sentenced to custody received a sentence of three months or less, compared to 29% of men.¹³ The then Government's Female Offender strategy notes that, short sentences offer little public protection or rehabilitative value, and can worsen vulnerabilities and disrupt employment, housing, and family ties, and entering custody "often causes huge disruption to the lives of offenders and their families, causing crises in employment, housing and contact with dependents."¹⁴ This was reiterated in the Independent Sentencing Review, published in May 2025, which stated that short prison sentences often fail to provide any meaningful rehabilitation, have a limited impact on deterring future offending and come with high costs.¹⁵

We also know that women can experience particular harms in prison. The smaller number of women's prisons means that women are held further away from their families than men and experience fewer visits – something which is associated with higher rates of reoffending.¹⁶ Women in prison are also

much more likely than men to experience self-harm and while self-harm in prison is on the rise for both men and women, women represent a disproportionate number of incidents. In 2023, self-harm by women in prison hit a record high, doubling in frequency in a decade and accounting for 28% of all self-harm incidents despite representing only 4% of the prison population.¹⁷

Imprisoning women also causes harms for children. 55% of women in prison reported having a child.¹⁸ Extensive international research has found that parental imprisonment increases the risk of anti-social behaviour in children.¹⁹ In the UK, more recent studies highlighted the specific challenges faced by children of imprisoned mothers, including disruptions to care and home life, difficult and upsetting prison visits and stigmatisation.²⁰ A recent Ministry of Justice review of intergenerational offending found evidence that suggests that children who have a parent in prison are at risk of poor outcomes, and the longer a parent spends in prison the greater the child's risk of later offending.²¹

Given the harms that can be caused by women's imprisonment and the fact that the vast majority (94%) of women in prison are categorised as either low or medium risk to the public²² it seems both possible and desirable to find ways to effectively manage a wider spectrum of women who offend in the community.

Strategic policy priorities

This Labour government has been explicit about its commitment to reform the scale and impact of women's imprisonment, and explore the use of robust community-based alternatives. In announcing the creation of a new Women's Justice Board (WJB), the Lord Chancellor set out the government's intention to reduce the number of women going to prison with the ultimate ambition of having fewer women's prisons. According to the Board's Terms of Reference, the WJB will initially focus on early intervention and diversion from the criminal justice system, expanding community-based alternatives to custody, improving support for pregnant women and mothers in the system, and reducing the number of young adult women entering the CJS while addressing their specific needs and outcomes.²³

Gender-responsive approaches to female offending

A distinct approach

The distinctive needs profile of women who offend necessitates a specific approach to providing support. The Ministry of Justice's rapid evidence review, *Better Outcomes for Women Offenders*, identifies that gender-responsive approaches to female offending are more effective at reducing rates of re-offending than gender-neutral interventions.²⁴ Based on the evidence reported in the evidence review, the Ministry of Justice set out seven priority areas for intervention: (i) addressing substance misuse problems; (ii) addressing mental health problems; (iii) improving family contact; (iv) building skills in emotion management; (v) helping women to resettlement and build social capital; (vi) helping women to develop a pro-social identity; and (vii) helping women to believe in their ability to control their lives and have goals.²⁵

Example: Women's centres

Based on this evidence, one of the most prominent areas of effective practice has been the emergence of women's community services / women's centres, which deliver wrap-around support aimed to address the issues which women face. These centres provide a 'one-stop-shop' women-only environment, where women can access individually tailored support, including advice and guidance with a range of issues including substance misuse, domestic abuse, family and parenting support, debt and benefits, housing as well as a range of others that vary across different centres.

A number of women's centres have worked closely with the criminal justice system, in some cases working alongside probation agencies to support women as part of community sentences, and as part of existing problem-solving courts. The Ministry of Justice 'Justice Data Lab' reviewed the data from over 30 women's centres across England and found that the one-year re-offending rate for women who received support from a women's centre throughout England was 30% in comparison to 35% for a matched control group, demonstrating a statistically significant reduction in the re-offending rate.²⁶

The Tavistock Institute has outlined a number of key features of this model, including being values-driven, ensuring support is strength-based and co-produced with service users and using trauma informed approaches to provide holistic, relationship-based and non-judgemental support services in women-only spaces that incorporates multiple agencies in one support model.²⁷ The high incidence of trauma in their backgrounds means women who offend can be re-traumatised by the criminal justice process, leading to heightened stress responses and withdrawal from treatment and services. Trauma-informed approaches reduces the risk of re-traumatising vulnerable individuals by adapting procedures, communications and the courtroom environment.²⁸

The Independent Sentencing Review, led by David Gauke, highlighted the role of women's centres in supporting women serving sentences in the community. It recommended continuing and expanding their involvement in day-to-day case management and intervention delivery to help ease pressure on the over-stretched Probation Service. To support this, the review also called for more sustainable and long-term funding for women's centres.²⁹

Example: The 'Whole Systems Approach'

A 'Whole Systems Approach' to women is a multi-agency initiative which seeks to utilise existing resources more effectively by providing more targeted interventions and support, avoiding gaps or duplication in service provision and supporting women to access services successfully so they can address the issues that drives their offending. Within this approach, women's needs are assessed when they first come into contact with the criminal justice system, and they are provided with gender-responsive support as they move through and beyond the criminal justice system, diverting them away from the system where possible. Since 2015, the Ministry of Justice has supported the development and expansion of 'Whole Systems Approaches' in areas across England and Wales, initially in Greater Manchester, Norfolk, Surrey, Sussex and Wales. This was later extended to include Lancashire, West Mercia and Devon in 2017.

Greater Manchester established one of the first Whole Systems Approaches for women in the criminal justice system in England and Wales in 2015. Unlike other areas of the country, the Greater Manchester Combined Authority (GMCA) has devolved responsibility for a range of services which in other local authorities are not within local control. In this model, Greater Manchester allocates resources according to specific areas rather than separated out by policy areas or themes. The WSA aims to identify women in need of support at all points of her journey, from point of arrest, sentence and release from custody. There is no Commissioned Rehabilitative Service (CRS) framework as there is in the rest of England. Instead, services are commissioned through the Greater Manchester Integrated Rehabilitative Services (GMIRS) while women's services are overseen by the Greater Manchester Women's Support Alliance (GMWSA), which provides a strategic support system for the nine women's centres across the 10 boroughs of Greater Manchester.

Problem-solving courts for women

Problem-solving courts and female offending

Problem-solving courts are a diverse family of court models, albeit with shared characteristics, and are used in adult criminal justice, youth justice and family justice settings. Their common features are that they (i) specialise in a specific set of issues or around a specific target group; (ii) integrate the court process with a multi-agency approach that rests on collaborative intervention and supervision; (iii) use the court to hold individuals and agencies to account through regular reviews of the order in front of the court (a technique known as judicial monitoring); (iv) endeavour to create a procedurally fair environment; (v) focus on improving outcomes.³⁰

As part of our review of the evidence on problem-solving courts in 2016, we concluded that a problem-solving court for women "who have complex needs or are at risk of custody has the potential to reduce reoffending and address criminogenic needs. We see a strong theory of change for a specialised approach informed by evidence-led trauma-informed and gender-responsive practice which responds to the distinctive needs of women." Moreover, we take the view that implementing a women's problem-solving court as part of a wider Whole Systems Approach to women's offending could provide an opportunity to holistically and comprehensively address the seven priority areas for intervention outlined above.

Current women's problem-solving court practice

In the same evidence review, we recognised that, in practice, there are only limited examples of them being implemented and, therefore, even more limited evaluation evidence of their impact. However, in recent years, there has been increased interest in the potential impact of gender-responsive approaches at court on women with multiple, intersecting needs. This has resulted in more examples of specialist women's courts being developed, including as part of the government's problem-solving court pilot programme.

Currently there are four women's problem-solving courts in the UK: (i) Greater Manchester's Women's Problem-Solving Court; (ii) Birmingham Intensive Supervision Court (ISC); (iii) Aberdeen Problem-Solving Approach (PSA); and (iv) Glasgow Female Offenders' Court.

Greater Manchester's Problem-solving Court for Women

Manchester's women's problem-solving court launched in 2014 as part of the city's Whole Systems Approach (WSA) to supporting women in the justice system. Central to the WSA was the creation of women's centres across Greater Manchester, offering trauma-responsive holistic support in a safe and welcoming environment to all women on court orders. Originally just in Manchester and Salford, the problem-solving approach, which offers an alternative to custody, has since expanded across Greater Manchester's nine boroughs. It delivers gender-responsive, joined-up support at the key stages of arrest, sentence and release from custody.

The court focuses on women with multiple support needs, such as drug and alcohol use, mental health issues or unstable housing. These are identified through a pre-sentence assessment and probation officers can propose a referral to the problem-solving court in the woman's Pre-Sentence Report (PSR). Specialist teams, including legal advisors, probation staff and a panel of magistrates, support the process. Women sentenced through this approach are allocated a keyworker from a local women's centre and receive a tailored package of support. As part of their sentence, women must regularly attend review hearings, which are less formal than standard court hearings, and focus on encouraging compliance, recognising strengths and building positive relationships to promote engagement and accountability. Since the pandemic, women can, with permission, attend reviews remotely from their local women's centre, offering them greater flexibility.

While there has been no specific outcomes evaluation of the women's problem-solving court, the first of two evaluations of Manchester's Whole Systems Approach, recognised the court for its strong multi-agency commitment, describing it as a "gold standard", though some concerns about "up-tariffing" (increasing the punitive burden) were noted.³¹ The broader Whole Systems Approach, which includes the WPSC as a component, has been associated with lower reoffending rates among women in the region compared to national averages.³² A more recent evaluation of the problem-solving court, which focused on participant experiences of the process, placed particular value on the significant impact of the support provided by probation practitioners and women's centres.³³ Challenges noted by participants included the intimidating courtroom environment where reviews take place, and a perceived power imbalance as women were required to appear before a bench of three magistrates, a legal advisor and their probation officer.

Aberdeen Problem-solving Approach

This project was set up in 2015 to provide an alternative approach for women with unmet needs and multiple previous convictions, and was later expanded to include young adult men aged 18-25. The aim of the court is to reduce the use of short-term custody and reduce re-offending by combining the authority of the court with rehabilitative community sentences which includes a personalised package of support to address the underlying causes of offending.

Once accepted onto the programme, individuals are given a Structured Deferred Sentence (SDS) usually for six months but with the possibility of an extension, while they engage with service providers to address their needs. Female service users receive enhanced support from a Criminal Justice Social Worker (CJSW) and from a support worker based in a local women's centre. Attendance is also required at review hearings at the court every four weeks to discuss their progress in front of a specially-trained dedicated sheriff. If successful throughout the SDS, they will receive an admonition.

An early-stage review of the court, which looked at the first 30 women found some promising signs. They noted that participants reported that receiving support often led to increased motivation to comply and that, given the highly complex nature of the client base, engagement and compliance was moderately good. Professionals were also very positive about the PSA overall – while acknowledging that it was less successful for those with more entrenched problems and who were not at a point where they were ready to change. The evaluation noted the importance of the women's centre in the delivery of the court, both during clients' engagement and as a provider of after-care, suggesting that areas with pre-existing provision will have an advantage in implementing similar models.³⁴

Glasgow Female Offenders' Court

Scotland, and specifically Glasgow, has a longstanding history of problem-solving justice. The Drug Court has been running at Glasgow Sheriff's Court since 2001 and since then Scotland has established a small group of established problem-solving courts tackling issues such as drugs, alcohol, and domestic abuse. In Glasgow, the Alcohol Court opened in 2018 followed by a specialist Young Person's Court in 2021. Most recently, the Glasgow Female Offenders' Court (FOC) opened in January 2023.

Similar to Aberdeen, the court was established with the aim of reducing the use of custody and better addressing the needs of women coming to the court, whose offending is linked to multiple, unmet and intersecting needs such as substance use, trauma and abuse. As with the other Scottish problem-solving models, this court works on a deferred sentencing model, whereby women accepted to the court are given a Structured Deferred Sentence (SDS). This gives women the opportunity to engage with services and start to address their needs before a final sentencing decision is made.³⁵ Each woman receives support from a multi-disciplinary team, which is led by the Criminal Justice Social Worker (CJSW) and includes an offer of support from Tomorrow's Women Glasgow.

There are two dedicated Sheriffs who sit in the FOC and the women come before the same Sheriff at each monthly review hearing, ensuring judicial continuity, to discuss any challenges as well as acknowledge progress. If women engage successfully with the programme and make significant progress in addressing their needs, they may receive an admonishment from the judge meaning that they receive no further punishment or sentence. For some who engage and begin to address their issues, they may be returned to be sentenced to a lesser community sentence than they would have originally received. If they do not engage, they will return to the standard court for sentencing.³⁶

Due to its short time in operation, there has yet to be an evaluation completed of the Female Offenders' Court in Glasgow. The use of deferred sentencing has shown positive outcomes for women who were at risk of custody as the process offered a chance for them to stabilise and begin addressing their needs.³⁷

Birmingham Intensive Supervision Court (ISC)

Operating since June 2023, the Birmingham ISC provides an intensive Community Order or Suspended Sentence Order as a robust and rehabilitative alternative to short custodial sentences. The Women's ISC has a range of aims, including to reduce the use of short-term custody, reduce the frequency and harm of re-offending, address health and wellbeing needs, and improve engagement and compliance. The court is intended to target women facing multiple and complex challenges who are at risk of up to six months' imprisonment, and combines intensive supervision and interventions with holistic support, delivered by a multi-agency team including two specialist women's organisations, Anawim Birmingham's Centre for Women and Black Country Women's Aid.

Prior to the judge's sentencing decision, all cases that are deemed eligible for the ISC are adjourned for a full Pre-Sentence Report to determine suitability. Pre-sentence assessments are completed within women's centres in Birmingham by probation practitioners and women's services keyworkers complete the Women's Risk and Needs Assessment (WRNA) tool to enable a trauma-informed approach. Potential ISC participants with an identified drug need are assessed as to their suitability for a Drug Rehabilitation Requirement (DRR) and/or the standalone drug testing requirement. Either of these requirements, if ordered by the sentencing judge, mean that individuals will be drug tested on a frequent basis throughout the course of their order as part of the ISC. Those with an identified alcohol need are assessed as to their suitability for an Alcohol Treatment Requirement (ATR) and they can voluntarily submit to alcohol testing. The involvement of NHS mental health

services has also led to an increase in the use of Mental Health Treatment Requirements (MHTRs) for this cohort of women in Birmingham, which has been noted as a positive impact. Participants of the Women's ISC have their order overseen by a single, specially-trained judge, who holds regular progress review hearings and can use clear, consistent, and graduated incentives and sanctions to encourage compliance, and protect victims.

As it is still in its pilot phase, the Birmingham ISC is still under evaluation. However early findings from an initial interim process evaluation report suggest positive outcomes, including good sentence engagement, strong partnership working and data sharing amongst partners, and improved relationships between individuals on the ISC orders and their families.³⁸ Early challenges of the ISC pilot included unexpectedly high workloads, staff shortages, lack of additional funding for partner organisations, and limited housing support, all of which strained resources and affected implementation. Building stakeholder understanding and support took time, and concerns were raised about narrow eligibility criteria and the risk of up-tariffing individuals who may not otherwise have received a custodial sentence.³⁹ Waiting lists for the MHTR intervention have also led to concerns that women may not be receiving the clinical mental health support they need during their order due to resource constraints.

Implementation lessons for women's problem-solving courts

A challenging environment

As already mentioned, the existing practice base for problem-solving courts specifically for women is limited. Moreover, the environment in which these problem-solving courts for women are being developed can be challenging. For example, a 2018 study explored the perceptions of a range of stakeholders, including magistrates, probation officers and providers of women's specialist services on the potential of problem-solving courts specifically for women.⁴⁰ It identified a number of challenges which would need to be overcome for implementation to be effective, including the need for training and the risk of "up-tariffing". In the same year, a report on the Manchester Whole Systems Approach noted how Transforming Rehabilitation reforms to probation had undermined inter-agency working while the emphasis on speed under the Transforming Summary Justice reforms might be "a barrier to approaches which seek to engage and reflect pre-sentence, key features of a problem-solving court approach."⁴¹

Implementation lessons

Taking these challenges into consideration, along with insights from the wider evidence base and our work with practitioners, we outline below a number of lessons for practitioners to heed if implementing a problem-solving court for women:

- 1. Target women at risk of custody:** Problem-solving courts for women should primarily target those at risk of short custodial sentences. They should guard against up-tariffing women who may have complex needs but whose offending is not serious enough for them to be at risk of custody (for example, women facing fines or low tariff community orders);
- 2. Avoid 'overdosing':** The sentence conditions set by the court need to avoid creating overly burdensome orders that women with multiple needs will find difficult to complete. Moreover, the conditions set should seek to address the complex challenges that women involved in the criminal justice system face, including their experience of trauma and abuse;
- 3. Ensure judicial continuity:** Ensuring continuity between the judge and individual at review hearings is important in helping to foster relationships that support the development of concrete goals, increasing self-esteem and engagement and holding individuals and agencies to account. Establishing a process for ensuring judicial consistency should be considered prior to implementation;
- 4. Support practice through training:** Additional training would be required for judiciary, court staff and all professionals involved in specialist sittings and the delivery of problem-solving supervision and interventions. This training should enhance understanding of the core principles and evidence underpinning these approaches, and support the use of trauma-informed approaches;

5. **Adopt a non-adversarial approach:** Review hearings should be less formal and less adversarial, to encourage the women to engage in the process and collaborative approaches to goal setting will maximise the perceived fairness of the process;
6. **Promote partnership working:** Ensure adequate time is allocated to foster meaningful partnerships among stakeholders. Effective collaboration between agencies facilitates service user engagement and is crucial to the success of a women's problem-solving court. Equally important is the ability to refer women to sustainably-funded local women's centres, where they can access tailored support packages during their sentence;
7. **Operate within a gender-responsive framework:** Women's problem-solving courts work well when they form part of a wider Whole Systems Approach to women's offending, which seeks to be responsive to the distinct needs of women in the justice system every stage of the criminal justice system, and especially, one which prioritises diverting women from the system where possible.

While each of these points highlights the complexity of developing problem-solving for women at court, they also present a number of opportunities to improve the way that we work with women, particularly those with complex needs and histories of trauma. As previously mentioned, women who can be diverted away from the criminal justice system, should be. However, this doesn't mean that everyone else is suitable for a problem-solving approach. For some, the additional complexity of these orders in comparison to a standard community sentence may prove too challenging, thus increasing the risk of breach for women who can be safely supervised in the community. Robust assessment criteria must be implemented to avoid setting women up to fail and ensuring women receive the right intervention at the right time.

Concluding thoughts

The current Government has expressed a clear commitment to exploring and expanding the use of alternatives to custody for women, including through the establishment of the Women's Justice Board, which has explicitly signalled its intention to explore problem-solving courts to better address the distinct needs of women in the criminal justice system. Alongside the recent Sentencing Review recommendation to expand the provision of Intensive Supervision Courts to tackle prolific offending, this presents a timely opportunity to re-affirm the importance of strong partnership working and collaboration between statutory and voluntary agencies. Effective, coordinated, gender-responsive approaches are essential to providing viable alternatives to short-term custodial sentences, which address the needs of women in the criminal justice system resulting in a long-term impact on rates of re-offending, access to services and on women's experiences of the justice system itself. Crucially, these solutions must avoid overburdening or up-tariffing women who are serving sentences in the community. To effectively achieve this, robust and sustained funding for women's centres and other specialist women's organisations is vital.

The Centre for Justice Innovation has received funding to support the expansion of problem-solving approaches for women by working with interested practitioners and local areas to share good practice, build the evidence base, and strengthen the case for investment. For more information contact Suzanne Smith, Head of Women's Justice, at ssmith@justiceinnovation.org

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The Centre for Justice Innovation seek to build a justice system which all of its citizens believe is fair and effective. We champion practice innovation and evidence-led policy reform in the UK's justice systems. We are a registered UK charity.

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