

WOMEN, SENTENCING, AND SYSTEMIC CHANGE: IMPLEMENTING THE REVIEW IN A GENDERED CJS

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Introduction

The publication of the Independent Sentencing Review (ISR) in May 2025 provoked a diverse range of reactions from the specialist women's sector. For some, particularly those delivering services responding to Violence Against Women and Girls (VAWG), there was trepidation about the impact of measures designed to ease the prison capacity crisis on victim/survivors. Specialist organisations working with justice-experienced women welcomed the range of measures that would have an overall positive impact on criminalised women.

But what do the women affected by these recommendations think? This article explores several thematic ISR recommendations, subsequently accepted by the Government, in the context of women's experiences of existing interventions. Drawing on Advance's experience – a leading women's charity that supports women in contact with the criminal justice system and those who have experienced, or are at risk of, domestic abuse and other forms of gender-based violence – we will examine how the recommended measures can be implemented to best meet the needs of women who have been victimised, criminalised or – as is often the case – both.

The article will begin by demonstrating how a lack of adequate victim response can result in women committing offences, including examples from Advance's services for criminalised women. As is well documented, women who offend are much more likely than the general population to have experienced some form of abuse, domestic or other.

Drawing on insights from services and best practice by Advance and partners, we then highlight how ISR recommendations should be implemented to ensure women's safety. Finally, we consider where gaps in recommendations remain, and where the Government must invest to deliver a truly whole-system reform of a CJS that works for women, enabling both the successful implementation of the ISR and other government ambitions, including the Women's Justice Board and halving VAWG in a decade.

How a failing victim response can draw women in CJS

Domestic abuse (DA) and other forms of VAWG often have devastating, long-lasting impact on victim/survivors. The majority of those who experience DA are women, making it a uniquely gendered crime (ONS, 2024). Experiences of DA are highly prevalent amongst justice-involved women - at least 70% of women in Advance's CJS services report experiences of domestic, sexual, or childhood abuse.

The trauma of DA can be lifelong, leading to physical and psychological challenges, such as post-traumatic stress disorder (PTSD), depression, anxiety (Jenkins et al., 2025), self-harming and suicidal ideation (Advance, 2025). Recent research also shows that up to one in two victim/survivors may suffer brain injury following abuse (Brainkind, 2025). Other long-term impacts of DA include negatively impacted self-worth, self-confidence and the ability to build trusting relationships (Abrahams, 2010).

Women experiencing domestic abuse often face financial hardship and housing instability. They are frequently the ones expected to leave the relationship: losing their home, possessions, and often impacting benefits, which can lead to debt or homelessness (Advance In-form, 2025). Experience of economic abuse and financial exploitation compounds this, preventing women from financial independence (Advance In-form, 2025). Women who leave their abusive partner may struggle to afford rent and childcare on a single salary, while mental health impacts can result in higher costs in day-to-day life, such as relying on taxis instead of public transport due to their trauma (Advance In-form, 2025). The housing system itself can be a barrier to recovery: complex applications, long delays, and unsuitable, unsanitary or temporary accommodation further women's trauma and experiences of not being listened to (Advance In-form, 2025). Limited refuge spaces and relocation to unfamiliar areas further isolate survivors, undermining their recovery and stability.

Mental and physical health challenges, homelessness or housing precarity, financial difficulty and poverty, low self-worth and confidence, and a lack of stability and community, alongside coping mechanisms such as potential substance use, are all clear risk factors for women being drawn into CJS and are recognised by the Ministry of Justice as some of the eight pathways to offending (MoJ, 2018).

Histories of trauma or abuse can impact how women respond in other situations, which, in some cases, can result in their criminalisation. For many women, these traumatic experiences happen early in life: 16- to 25-year-olds are more likely to experience DA or sexual violence than any other age group (ONS, 2024), highlighting the desperate need for gender-informed, preventative or early intervention support for girls and young women.

Without this support, the trauma of their experiences may be left to manifest in ways which ultimately draw them into the justice system.

Survivors of abuse may employ resistance violence¹ as a safety tactic, leading to their unjust criminalisation as aggressors. Similarly, they may be subject to false or malicious counter-allegations of abuse, made by the primary perpetrator(s), and be met with a system that lacks understanding of the complex dynamics at play, which can ultimately lead to their criminalisation (Hayes, 2013). Abusive relationships can also lead to coerced offending, which can manifest in gang involvement and cuckooing of properties, sexual exploitation, and being used as the scapegoat where their partner has committed a crime (Advance, 2025).

Meera*², who received support from Advance for domestic abuse, explained how her partner threw out her personal items and scratched himself in the process. She called the police as she was scared, but her partner lied to the police, stating that she had scratched him. She was arrested and was kept in custody overnight, without her baby. The police then told her she was 'lucky [the alleged perpetrator] was a gentleman and did not prosecute [her] and let [her] go.' (Advance, 2025).

It is clear how women who have histories of trauma and abuse may be more likely to end up in contact with the CJS. Women's specialist services, particularly those with a unique understanding of the intersections of VAWG, DA and justice, are essential in reducing harm to women, including their criminalisation. They are, however, not always given the resourcing and access required to identify and prevent harm (NWJC, 2025). Organisations like Advance, with this unique expertise and established track record on the intersectional specialism between VAWG and criminalisation are also limited across the national landscape.

Without an adequate systemic response to DA, including recognition of the vital role played by women's services, more women will be criminalised, therefore directly contradicting the ambitions of the ISR. We will now examine how ISR recommendations must enable an effective victim response across the entire CJS, which ultimately can prevent further harm to women, including their criminalisation.

Court recommendations

The ISR made a raft of recommendations relating to the courts' role in the sentencing process. This section considers how the recommendations around specialist courts, judicial powers, and a reduced reliance on custodial sentences may affect women, both as 'victims'

¹ 'Victims may use violence or force in an effort to stop the abuse that is being used against them, protect themselves and their children, or establish some form of equivalence within the relationship' (Verney, 2021).

² All names have been changed which is indicated with a * throughout the article.

and 'offenders', and how women's specialist services must be embedded to ensure the successful delivery of these measures.

Specialist courts

The ISR's recommendations for investment and expansion in Specialist Domestic Abuse Courts (SDACs) (recommendation 5.6) could lead to improved outcomes for all involved in the justice process, including defendants and victims.

Advance, in partnership with Standing Together Against Domestic Abuse, has operated within the SDAC at Westminster Magistrates Court since 2002. SDACs offer a court environment in which all personnel - magistrates, legal advisors, and prosecutors - are highly trained in DA, working alongside dedicated expert coordinators and Independent Domestic Violence Advocates (IDVAs).

Evaluations of this SDAC demonstrated justice for victims whilst holding perpetrators to account. The Westminster SDAC saw a 35% increase in the number of successful convictions between 2014 and 2019, as well as double the number of restraining orders (Advance, 2024). Referrals to perpetrator interventions were nearly three times higher in Hammersmith and Fulham (part of the court's catchment area) than in comparable boroughs (Advance, 2024).

Having a SDAC is incredibly important for safety planning, and it really makes the difference to keep the victim engaged, and to ensure key information is made available to those who need it. (Advance's specialist criminal justice IDVA)

Best practice SDACs' delivery includes the role of a specialist IDVA who supports victim/survivors, and professional advocacy to other agencies on the victims' behalf. The dedicated expertise of these individuals is key to building women's trust in the systems at play, which in turn can lead to improved outcomes.

The staff [at the SDAC] in general, they were really reassuring to me, they were comforting, they would check in on me, they were polite, they were kind. (Katy*, supported at the Westminster SDAC)

Judicial finding of domestic abuse

A persistent issue in the CJS response to victim/survivors is the inability of the system to identify dangerous perpetrators of DA and put adequate victim protections in place. There is no specific crime of 'domestic abuse', and prosecutions of domestic abuse-related crimes are low. In 2023, there were 851,062 DA-related crimes reported to police; of those, less than 5% result in conviction (ONS, 2024). Furthermore, where individuals have been convicted of non-DA related crimes, it is even more difficult to identify DA and enact protections. Anecdotal evidence from Advance's services indicates that DA perpetrators are imprisoned for crimes including criminal damage and theft, which may be considered 'low harm' and therefore, fail to trigger appropriate sentence conditions relating to managing abusive behaviours and protecting victims.

The ISR proposed a new power for judges to enact a judicial finding of domestic abuse (recommendation 5.5), irrespective of the index offence. This will go some way to mitigate this challenge and is a welcome change. It is critical that this new flagging measure goes hand-in-hand with training for the judiciary. This measure hinges on judges' ability and confidence in enacting the judicial finding, and they therefore must have a deep and nuanced understanding of the dynamics of domestic abuse, including coercive control. We continue to see poor attitudes towards victims of DA from sentencers, which must be addressed through the implementation of this recommendation,

A lot of times, the magistrates won't want the victim present during their own hearing. Which is mind blowing. You should want to see her, you should want her involved, and you should want her to be able to access information about her own case. (Advance IDVA)

This understanding must also be culturally competent, recognising how intersecting identities and social inequalities may impact the presentation of domestic abuse. This training must therefore be delivered by specialist women's services, with a specific role played by 'specialist by-and-for' services, who represent minoritised communities.

As with all reforms, it is essential that systems and services are fully resourced to deliver them effectively, to ensure victims are not left in the dark around case progression and outcomes.

Reducing reliance on custody

The ISR proposals to reduce reliance on custody are a significant change. This includes only handing out short custodial sentences in exceptional circumstances (recommendation 3.1), changes to suspended sentences (recommendation 3.2) and amendments to deferred sentencing (recommendations 3.3-3.6).

To provide reassurance, the Government has announced that some convicted perpetrators of VAWG will be excluded from these changes. There remains however some concern amongst VAWG organisations that, without robust training for judiciary and other CJS agencies, risks posed by perpetrators of DA will not be adequately assessed, which could lead to dangerous perpetrators of abuse being supervised in the community, with victims left unprotected.

For justice-involved women, reforms that reduce time spent in custody are welcome. Women are disproportionately affected by short custodial sentences, with nearly two-thirds serving less than six months in 2023 (Prison Reform Trust, 2025). These women are far better served in the community, working with specialist services who recognise their needs and underlying drivers of offending which, as explored above, are likely to include DA and VAWG.

[My Keyworker] has been very supportive and listened to me throughout everything that has happened and has been giving me advice and providing

support when I feel really overwhelmed and angry about the abuse. (Cheryl*, supported by Advance's CJ services)

Any changes that reduce reliance on custody must be enacted with women's safety at their core. The clearest way to do this is to ensure that women's specialist services, including those with a deep understanding of the intersection of VAWG and criminal justice involvement, are embedded within the CJS – in police stations, courts, prisons and with probation - in a way which enables truly collaborative partnership. Women's specialist services provide advice, guidance and formal and informal training for professionals on the complex dynamics of DA and VAWG, and how these impact women's experiences both as 'victims' and 'offenders'.

Liaison and diversion

ISR recommendations to expand the use of liaison and diversion (L&D) services have the potential to vastly improve the lives of justice-involved women, particularly those who have experienced DA and VAWG. Advance's London Women's Diversion Service supports women who have been arrested. Forty-four percent of women supported between 2019 and 2023 disclosed some history of abuse. Of those, nearly nine in ten felt safer from abuse following support from the service (Lill et al., 2025). Research in 2021 showed that the rearrest rate for women engaged in diversion was just 7%, compared to a national reoffending average of over 20% (Advance, 2021). Kira*, supported by Advance's Diversion service told us how support enabled her to end an abusive relationship,

One of the best services I've ever had... I felt really understood and it got me back on my feet again. You helped me out of a really unhealthy relationship, and I could have been stuck with him for years and years and maybe even lost my life. You took the time to understand my heart and mind. I'm so grateful and it feels like a blessing.

Independent women's organisations provide valued advocacy and expertise often missing in the CJS. It is therefore vital that women's services are resourced to deliver specialist interventions alongside statutory L&D provision to ensure the best possible outcomes for women.

Prison and probation recommendations

Management of VAWG perpetrators in the community

Managing more people in the community requires a fully resourced and robust Probation Service to ensure the safety of the public, victims, and offenders. We know, however, that this is not the reality for many probation areas, who are facing significant staffing shortages or an inexperienced workforce. The 2024 Annual Probation Inspection Report made clear that probation officers are overwhelmed with their workloads and receive 'insufficient support' (HM Inspectorate of Probation, 2025).

Probation staff were unable to complete necessary checks and gather essential domestic abuse and child safeguarding information, both generally and to inform court reports (HM Inspectorate of Probation, 2025). This further raises the question of how additional monitoring will be completed when there are already glaring gaps in the existing DA and safeguarding processes.

Sequencing of these reforms is crucial – the planned roll-out of the judicial finding of DA could mean that perpetrators are more accurately identified and, therefore, safeguards put in place. Women’s specialist organisations, attuned to the dynamics of domestic abuse, could support the Probation Service to identify risk and ensure that court reports are reflective and accurate, going some way to fill the gaps identified.

It is equally important that victim/survivors are kept informed of the outcomes and conditions of a perpetrator’s sentence. Survivors routinely tell Advance that a lack of ongoing communication leaves them uninformed and unprotected when the perpetrator is released into the community.

I knew he was released from prison when I saw him walking down my road.
(Clara*, supported by Advance)

Specialist support workers from women’s organisations can support the roll-out of reforms to manage perpetrators of VAWG in the community by providing services which centre the needs, voices and safety of survivors. This hinges on providers being seen as a valued partner of CJ agencies and robust information sharing practices.

Gaps in support equally exist for women on probation. The Probation Inspection Report found that,

Too often women were not meaningfully involved in their assessments or in sentence planning. While significant traumatic life events were typically noted in assessments, there was insufficient analysis to understand their impact on women’s lives or offending. We also found that safety and wellbeing concerns were frequently overlooked, with known risks such as domestic abuse often unaddressed. (HM Inspectorate of Probation, 2025).

It is essential that decisions taken by judiciary, probation, and other CJS professionals are fully informed of the dynamics of DA, enabling robust risk assessment and victim protection through consultation and knowledge-sharing with women’s services.

Systemic recommendations

To effectively embed and deliver on the ISR recommendations for women, women’s specialists must be at the heart of the changes. The ISR recommended increased funding for and expanded use of third sector providers (recommendations 7.2 and 7.3) to support individuals on probation and the Probation Service. Evidence from Advance services and our partners demonstrates that working with specialist providers can be transformative for both.

We know that women do not always feel heard or supported during interactions with the CJS, particularly when reporting abuse or other crimes, resulting in poor outcomes and diminishing their trust in the system,

Every time I go to the police I just get ignored – to be honest I just stopped going there. I also feel like I've been blamed, for example they would say 'why didn't you say that before', and the reason is because I am never believed. (Cho*, supported by Advance's CJ IDVA)

This is further compounded when women are themselves arrested and charged with an offence; the treatment they receive at the hands of CJS professionals is often unsympathetic to their previous trauma,

I was arrested as my partner made false accusations, and I didn't think the police dealt with that well. Also, they took my medicine away when I was in the cell and they didn't give it back when I left. They also advised me to leave the flat even though it was mine, and I felt like that [happened] because they couldn't be bothered to deal with him. (Jasmine*, supported by Advance's CJ IDVA)

Particularly within the setting of specialist courts and with provision of specialist criminal justice IDVAs, women's specialists can bridge those gaps, supporting more positive outcomes for victim/survivors of DA by supporting them to report their experiences to authorities and to remain engaged with the process. Taryn*, supported by Advance's DA services told us,

I feel better knowing I am supported by you. I feel more confident knowing where to go for support and how to give or ask for police updates.

Equally, having the support of women's specialist services can drastically improve outcomes for criminalised women. Research from the University of Birmingham has demonstrated that specialist women's interventions are up to 42% more effective in reducing reoffending than non-gendered provision (Summers et al., 2025).

Sally*, a DA survivor, who was supported by Advance's Diversion service, told us,

My keyworker has given me so much support to feel more empowered and able to stand up for myself with my ex and knowing my rights and feeling much stronger and more resilient. I now know when I can call the police and get help from solicitors, and I am doing my own thing, and I feel free.

Women's services can also smooth relationships with other CJS agencies, including police, courts, prisons and probation, as well as support women through potentially retraumatising processes, such as court attendance and the transition at the end of licence,

I've formed a good relationship with my support worker, and she has been very helpful and supportive. She assisted me to form a better relationship

with my probation officer, and I've stopped receiving warning letters as a result. My anxiety was also understood from probation side. I also feel more confident as a result of the support from Minerva. I'm very grateful. Without my keyworker I don't know where I would be. (Naima*, supported by Advance's CJ services)

It's been great having my support worker to support me through court... I am worried and anxious about having to finish due the [probation] re-set, but my support worker made me feel at ease and offered some great advice. (Faye*, supported by Advance's CJ services)

Training and co-location

Women's services offer both formal and informal professional development for CJS staff. The ISR recommended that all CJS professionals, including judiciary, police, prison, and probation, should receive training on VAWG (recommendation 5.7). Formal training, through programmes such as Domestic Abuse Matters delivered to police, is a strong foundation, but gaps remain in their understanding of women's experiences of trauma (Domestic Abuse Commissioner, 2025). Aria*, supported by Advance's DA services told us,

I wish the police had the same training and knowledge like an IDVA, so they are able to better support those in same situations like me.

Few organisations possess the unique expertise on intersecting VAWG and criminal justice insights. This gap in national provision must be addressed through adequate resourcing and capacity building to provide the CJS with the required specialist training.

Alongside formal training, CJS professionals can enhance their knowledge through informal arrangements like co-location and close partnership working. Advance pioneered the placement of specialist workers within community services, including police stations and courts, as well as other statutory services, such as social care and healthcare settings. Professionals regularly report that having access to specialist workers in co-location improves the response they can give to women,

I have had multiple consultations with [specialist IDVA] who has been very helpful in recognising the appropriate support for the victim/survivor and has also been very proactive in coordinating other services. I have really appreciated the support I have received, and I am also assured that the families appreciate the same.

[Keyworker's] dedication, knowledge and compassion make her a great asset to Advance, and I know some of my colleagues who have worked with her have said the same.

Risk assessment

Collaboration between CJS agencies and specialist services – through formal and informal skills development - can lead to more robust risk assessments, looking at risk posed to victim/survivors of DA as well as reoffending risk. Women’s specialists can offer a deeper insight into the changing nature of risk, in both contexts, as well as an individual’s risk to themselves – something often overlooked by statutory tools.

It is vital that service providers can make dynamic assessments of risk, using their professional judgement, particularly as situations develop or new information emerges. Flaws in the assessment of DA risk are documented, with Jess Phillips MP, the Minister for Safeguarding and VAWG, admitting that the current tool used by police – the DASH – ‘doesn’t work’ and has ‘obvious problems’ (Kramer and Nathoo, 2025).

Equally, practices currently used to assess risk for women in contact with the CJS do not adequately reflect their needs. Neither do the ‘eight pathways’ model used by the MoJ and Probation Service or tools such as the Offender Group Reconviction Scale (OGRS), as they do not apply a gendered lens. New, dynamic tools, such as the Women’s Risk and Needs Assessment (WRNA), should be employed by women’s specialists working alongside CJS agencies to effectively support women and the complexity of their needs (Pemberton, 2025). The WRNA takes a holistic approach, addressing criminogenic needs and gender-responsive factors through a trauma-informed and strengths-based approach. The Preliminary Findings Report showed the importance of a gendered approach,

‘strong reliability of scales measuring parental stress, self-efficacy, and substance abuse history highlights the instrument’s capacity to capture domains particularly relevant to women’s desistance journeys.’ (Pemberton et al., 2025).

Conclusion

This article has considered the ways in which the ISR can deliver for survivors who report VAWG offences, some of whom will themselves be drawn into the CJS. There is clearly a vital role to be played by specialist women’s organisations to facilitate the successful delivery of numerous ISR recommendations, with these services highly valued by service users and partners alike.

Sentencing changes cannot happen in isolation – particularly as prisons are not the only place of crises within the system. Police resource and culture, court backlogs, and deep-set systemic barriers - racial inequality, poverty, and housing insecurity - will continue to drive an overstretched prison and probation workload.

A whole system approach is needed to address these crises, embed innovation, and deliver the best possible outcomes for women across the entire justice system. With their commitment to halve VAWG in a decade, the Government must be bold in their commitments across the CJS, through both the Women’s Justice Board and the upcoming VAWG Strategy. This must include resourcing for women’s specialist services, including those with the uniquely deep understanding of the intersection of domestic abuse and criminal justice. Finally, it is essential that the Government centres the voices and

experiences of women who have had contact with the system, whether they were reporting a crime or themselves criminalised. It is only by listening to women that we can truly make the changes needed to build a safe, just, and equal world.

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