The Committee will meet at 10.00 am in Committee Room 1.

1. **Budget process 2010-11 - appointment of adviser:** The Committee will consider whether to seek approval for the appointment of a budget adviser.

2. **Female offenders in the criminal justice system inquiry:** The Committee will take evidence from—

   Aileen Macdonald, Depute Director of Operations, APEX Scotland;

   Tim Richley, Criminal Justice Advisor, Sacro;

   and then from—

   Douglas Edwardson, Head of Strategic Development & Support Services, Aberdeenshire Council;

   Jane Martin, Manager, Criminal Justice Services, Dundee City Council;

   Dr Linda Treliving, Consultant Psychiatrist in Psychotherapy, NHS Grampian;

   and then from—

   Pamela Ferguson, Lorna Lumley, and Paula McGuigan, clients of Circle’s family support project;

   Anna Flaherty, Julie King, and Marina Shaw, Family Support Workers, Circle.

3. **Female offenders in the criminal justice system inquiry (in private):** The Committee will review the evidence heard earlier in the meeting.
The papers for this meeting are as follows—

**Agenda item 1**

Briefing paper  
EO/S3/09/9/1

**Agenda item 2**

Briefing paper  
EO/S3/09/9/2

Private briefing paper  
EO/S3/09/9/3 (P)

SPICe briefing paper  
EO/S3/09/9/4
Equal Opportunities Committee

9th Meeting, 2009 (Session 3), Tuesday 2 June 2009

Budget Scrutiny

Introduction

1. The Scottish Government is expected to publish its Draft Budget for the financial year 2010-11 in September 2009.

2. This paper invites the Committee to consider whether it wishes to seek to appoint an adviser to assist with its scrutiny of the Draft Budget.

Background

3. The Scottish Parliament and its committees engage in a formal, annual process of scrutinising the Scottish Government’s spending plans. This process culminates in the Parliament voting on the Budget Bill that is introduced by Scottish Ministers on or around 20 January each year.

4. The next Budget Bill will set out the expenditure that is available to Scottish Government Directorates General and various other bodies for the financial year 2010-11. Prior to the introduction of the Bill, the Scottish Government will publish a Draft Budget, which will be scrutinised in depth by the Scottish Parliament and its committees.

5. After the committees have conducted their scrutiny, they will report to the Finance Committee, which will then produce its own report to the Parliament for debate, taking into account issues raised by committees. The Finance Committee’s report will also consider broader, strategic matters, such as the overall presentation of budgetary information.

6. The Equal Opportunities Committee will be required to report to the Finance Committee on the 2010-11 Draft Budget by around mid-November.

Adviser

7. If the Committee wants to appoint an adviser to assist with its scrutiny of the Draft Budget, there are various procedural steps that will have to be taken, including seeking the agreement of the Parliamentary Bureau to the appointment.

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1Detailed information on the wider Scottish Parliament budget process is available in this briefing from the Scottish Parliament’s Information Centre. Further information on the Equal Opportunities Committee and the budget process is contained in this Equal Opportunities Committee paper.
8. The Committee has informally agreed that it would like its Draft Budget scrutiny to focus on the issue of equal pay claims in the NHS. A draft adviser specification is attached in Annexe A (page 3), setting out the range of skills, experience and knowledge that a budget adviser to the Equal Opportunities Committee would be expected to have. A short SPICe briefing on the issue of equal pay in the NHS is contained in Annexe B (page 4) for members’ information.

9. While the Draft Budget is not expected to be published until September, the Committee could, in the interim, request a background briefing from relevant parties on the issue of equal pay claims in the NHS, which would help to inform the Committee’s subsequent scrutiny. The Committee may wish to seek such a briefing from Unison, the Royal College of Nursing and the Equal Pay Unit of NHS National Services Scotland.

Decision

10. The Committee is invited to consider and agree whether it would like to appoint an adviser to assist with its scrutiny of the Scottish Government’s 2010-11 Draft Budget.

11. If so, members are also invited to consider and agree:
   • the draft adviser specification
   • to seek written evidence on the issue of equal pay claims in the NHS.

Terry Shevlin
Clerk to the Committee
May 2009
ANNEXE A – SPECIFICATION FOR ADVISER

Adviser role

1. The role of the adviser will be to assist the Committee in all aspects of its consideration of the budget process and, in particular, to analyse the relevant budget documents from an equal opportunities perspective, to provide advice on gathering evidence and the Committee’s approach to witness selection, to liaise with the Finance Committee’s budget adviser and to assist, as required, in drafting the Committee’s report to the Finance Committee.

2. The adviser will be expected to attend evidence-taking sessions and meetings held to discuss draft reports. The adviser will report to the Committee through the clerk and is very likely to be asked to submit papers to the Committee.

Person specification

3. The adviser will be expected to have knowledge of government finance in Scotland as it relates to equal opportunities issues and have knowledge and understanding of the relevant policy issues. He/she should understand the construction of the budget within the Scottish Government and also the principles behind the allocation of funding. The adviser should also have good communication skills, the ability to present information in an accessible style and, crucially, to work to short deadlines.

4. The adviser must be able to advise the Committee dispassionately on the basis of available evidence without seeking to persuade it of any particular outcome or approach that he/she may favour, and should not be involved in any capacity that would compromise his/her ability so to act.

5. The adviser’s duties may involve handling confidential and sensitive material. The adviser will be required to maintain absolute confidentiality about the matters under consideration or which come before him/her. The successful candidate will be required to declare any relevant interests, financial or otherwise, in advance of the award of any contract.

Time commitment

6. It is envisaged that the adviser will, in practice, spend 7-10 days (up to a maximum of 15 days) supporting the Committee between September and November 2009:
   - analysing the Draft Budget, reviewing any evidence and preparing lines of questioning
   - attending meetings and/or informal briefings
   - assisting the Committee in drafting its report.
ANNEXE B – EQUAL PAY IN THE NHS

In December 2008, Audit Scotland reported that:

“Progress with equal pay claims in the NHS in Scotland is not sufficiently advanced to determine the likelihood of their success or failure or to estimate their value”

There are now 13,000 equal pay claims against NHS bodies in Scotland. At the time of writing, none of these claims has been settled and progress is ongoing. There is still no estimate of the likely cost to the NHS.

Progress had stalled recently due to the awaited outcome of an equal pay claim against Agenda for Change (AfC). AfC is the modernised pay scale for the majority of non-medical NHS staff. One aim of AfC was to provide equal pay for work of equal value by providing a single pay scale with clear and consistent factors for posts to be evaluated against.

The recent decision in the test case (Hartley vs Northumbria Healthcare Trust) found that AfC does not contain pay inequalities. It was alleged that AfC perpetuated existing gender related pay inequalities but the tribunal found no evidence of this. This could potentially provide a defence to claims prior to when AfC was introduced (2004). It is not yet clear whether the decision will be appealed and the likely impact on current cases has yet to be seen.

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Equal Opportunities Committee

9th Meeting, 2009 (Session 3), Tuesday 2 June 2009

Female offenders in the criminal justice system inquiry – briefing paper

Introduction

1. On 2 June 2009, the Equal Opportunities Committee will hold its fifth oral evidence-taking session in relation to its inquiry into female offenders in the criminal justice system. The meeting will focus on the availability and effectiveness of support available to female ex-offenders who may be likely to re-offend.

2. Annexe A contains supplementary evidence the Scottish Prison Service on numeracy and literacy (page 2).

3. Written evidence has been received from Sacro and is contained in Annexe B (page 3):

4. Annexe C (page 9) contains relevant extracts from written evidence provided to the Committee by organisations that are not providing oral evidence at the meeting. All the written submissions that have been made to the Committee’s inquiry so far are available via this link.

5. Brief biographical information on the witnesses is contained in Annexe D (page 13).

Terry Shevlin
Clerk to the Committee
June 2009

\[1\text{http://www.scottish.parliament.uk/s3/committees/equal/inquiries/Femaleoffenders/writtensubs.htm}\]
ANNEXE A: SUPPLEMENTARY EVIDENCE FROM THE SCOTTISH PRISON SERVICE

Additional Information requested following the meeting held on the 5th May 2009

The following table provides additional information relating to literacy and numeracy levels of female offenders compared to male offenders. The information compares the female offenders who engaged with the learning centre in Cornton Vale with male offenders who have accessed the learning centres in a selection of male prisons.

<table>
<thead>
<tr>
<th>Levels</th>
<th>Literacy Levels Females</th>
<th>Literacy Levels Males</th>
<th>Numeracy Levels Females</th>
<th>Numeracy Levels Males</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below SQA Intermediate 1</td>
<td>63.97%</td>
<td>52.35%</td>
<td>67.86%</td>
<td>50.7%</td>
</tr>
<tr>
<td>SQA Intermediate 1 and below</td>
<td>92.99%</td>
<td>92.25%</td>
<td>98.97%</td>
<td>89.4%</td>
</tr>
</tbody>
</table>

Those identified at SQA Intermediate 1 level are deemed to be functioning at approximately foundation/general level at standard grade. Anybody at or below Intermediate 1 is considered to be lacking functional literacy and numeracy. Access to education opportunities is available to all convicted prisoners but engagement, in keeping with adult learning in the community, is voluntary.
ANNEXE B: WRITTEN SUBMISSION FROM SACRO

1. Sacro welcomes the Equal Opportunities Committee’s decision to inquire into this matter. Sacro also welcomes the opportunity to submit evidence to help the Committee carry out its inquiry.

2. For well over a decade, successive Governments in Scotland have sought to identify ways to deal more effectively with the problem of female offenders and, in particular, the steadily increasing female prison population. Statistical evidence indicates that in the ten year period from 1998 to 2007/8, the female prison population has increased by 87%, more than 4 times more than that of the male prison population (20%).

3. Groups such as the Inter-Agency Forum on Women Offenders and the Ministerial Group on Women Offenders and reports such as “A Safer Way” and “A Better Way” have led to the introduction of innovative new measures to address the problem. There is also a general consensus within Scotland’s criminal justice system that it should be feasible to reduce the number of women in our prisons. But despite this commitment and these efforts, the problem has remained intractable. On average, during 2007/08 the daily female prison population in Scotland was 371.

4. Sacro is encouraged that the Equal Opportunity Committee will be able to bring a new perspective to the matter.

Sacro’s views

5. As the main criminal justice voluntary sector organisation in Scotland, Sacro’s expertise and experience lies mainly in the provision of community justice services for those offenders sentenced to community sentences and for those resettling in communities following custodial sentences. Over the past ten years, the use of community sentences has also increased, accounting for 13% of all sentences. However of this, female offenders accounted for only 15% of all community sentences imposed.

6. Whilst the scope of the present inquiry has an emphasis on assessing the prison experience for, and background of, female offenders, particularly the extent to which prison helps to prevent women from re-offending, Sacro’s view is that the experience of prison and its impact on reducing reoffending should not be considered in isolation but should be part of a wider inquiry which includes the potential of community sentences to offer more effective ways to deal with the majority of female offenders in order to reduce reoffending. Thus the focus of our submission is on the potential of community justice services.
Profile of female prisoners

7. There is a wealth of evidence from previous studies and research on the profile of women offenders and this will be known to the Committee. Perhaps too much emphasis has been given in the past to analysing the profile of women offenders rather than devising solutions to the problem. We now know that women offenders have cumulative social and emotional disadvantage. Most women prisoners are persistent offenders on short sentences who are involved mainly in acquisitive crime and whilst the number of women involved in violent crime has increased in recent years, the number still accounts for a relatively small proportion overall. Thus the types and length of sentences for which female offenders are imprisoned demonstrates ‘low’ risk to communities, however, research indicates that the personal, social and economic costs of women being imprisoned are immense. Most women do not therefore pose a threat to the public and given the problems which result from imprisonment, Sacro questions the need for its use in such cases.

8. The criminal justice system continues to struggle to deal effectively with the many women offenders who have multiple disadvantages combined with chaotic lifestyles, drug addiction and who rely on prostitution to feed their habit.

9. But it is valid to ask why women who offend should be treated differently to their male counterparts. Research tells us that the experience of prison has a different impact on women than men, that the impact on their families, especially children, is more acute, building up problems for future generations, and that the reasons women desist from offending is also different and depends more on building stable relationships and providing structures and reliable alternatives to often chaotic lifestyles.

10. It is also worth noting the large number of women who are remanded to prison rather than bailed in the community and the potential which must exist to make a significant impact on female prison numbers if there were more effective ways of dealing with women awaiting trial.

11. Women tend to enter the criminal justice system at a lower level than men but then, because of their chaotic lifestyles and failure to meet the conditions of their bail orders or community orders, they can escalate up through the tariff level more quickly so that the courts find themselves running out of options other than imprisonment. This suggests that the criminal justice system needs to ensure both that there are sufficient community options at the lower tariff level to hold women there and also that there are robust but non-custodial ways to deal constructively with breaches. The longer that women can be held on community sentences, the better the chances that the factors behind their offending behaviour can be addressed and that they can move on to lead more useful lives for themselves, their families and their communities.
Existing range of community options

12. Sacro supports the conclusions of last year’s Prison Commission report and the subsequent response from the Scottish Government, with its proposals for a reduction in the number of prison sentences of 6 months or less, for a system of fair, fast and flexible community sentences and for the establishment of a Sentencing Council. These reforms have the potential to reduce the number of women being imprisoned.

13. But there is also much that can be done without new legislation. The Justice Committee’s report on community sentencing in 2003 concluded that Scotland already had an excellent range of community options and that the emphasis should not now be on creating more and more options but rather on simplifying and improving the quality of those already available to our courts. In particular, Sacro’s view is that we should be investing in the quality and effectiveness of the main community sentences of probation and community service, albeit in their new proposed guise of the Community Payback sentence.

14. This is not easy in a time of financial constraint but, remembering that every prison place costs around £40,000 per annum, the plan to reduce short term sentences could release resources to be reinvested in community justice services and in those other community services which women offenders need, such as access to health, mental health, drug treatment and debt counselling services. This would represent a better return on the high level of investment than the current outcome of the revolving door of repeat petty offending. Sacro would certainly want to offer its support in redesigning services for women offenders, with a move away from a heavy reliance on those based within institutions to those based in the community which enable women to start to begin to lead more normal lifestyles.

A possible framework for the future?

15. Thus Sacro looks not to legislation to solve the problem of the increasing number of women in prison in Scotland but to improving the way that services are made available, and work with, these often disadvantaged and damaged women. Because of the relatively small numbers of female offenders compared to male offenders, services for the women are too often, for practical reasons, designed around the needs of men with women fitting in where and when they can, without adaptation to their needs. This ignores the profile of female offenders and what we know about the reasons that they are likely to desist from offending.

16. A new framework might therefore include:
   - A new strategic approach for female offenders with each of the 8 Community Justice Authorities (CJAs) preparing a strategy which reflects the issues encountered in their local areas, including the pattern of sentencing by the courts, and which sets out a plan to reduce
the number of women imprisoned from their area over time, with measurable milestones.

- The CJAs to work with the Scottish Prison Service (SPS) and local authority criminal justice social work services to redesign joined-up criminal justice interventions which are women (and children) focused in line with their strategies. The CJAs also to work with their wider partners – health services, employment agencies, housing - to improve access for women to the universal community services which women so often have difficulty in accessing.

- The CJAs to commission the Scottish Prison Service (SPS) to undertake short studies of cohorts of women prisoners from each of the CJA areas to identify where community services failed to address the underlying issues which led these women into offending behaviour and prison and to reflect the unmet need in their strategies.

- The development of better and more widely available alternatives to custodial remand to reduce the large number of women held on remand, with more bail supervision schemes, the provision of drug treatment as a condition of bail and better access to supported accommodation services where this would persuade the court to opt for bail rather than remand.

- A better geographical spread of options pre-prosecution and at the lower end of the sentencing tariff, such as arrest referral schemes, diversion schemes, structured deferred sentences and more constructive ways of dealing with breaches, so that women receive more support early in their criminal careers with the objective of stopping their rapid rise up the sentencing tariff toward custody before criminal behaviour becomes ingrained.

- Court social workers specifically trained in the criminogenic needs of women offenders who can prepare pre-sentence reports for the courts which provide realistic community options to address their offending behaviour and their social problems.

- The provision of more supported accommodation services – such as supported flats - designed around the needs of women offenders to provide alternative accommodation to prison for the courts. These could offer services, based around the concepts developed in, and the lessons learned from, the 218 centre in Glasgow, but at more affordable costs. The small numbers of women offenders spread across Scotland would tend to rule out more 218 centres on the basis of their cost-effectiveness and low occupancy rates but similar services could be provided in other ways.

- Community sentences to find ways to operate women specific groups so that their offending behaviour can be properly addressed. Many of these women will display multiple symptoms of deprivation but they have offended and so, whilst research shows that they are likely to respond better to interventions which address all of the problems they face in their lives, it is important not to lose the focus on their offending behaviour, nor to excuse it, nor to ignore the views of their victims.

- But whilst retaining a focus on offending behaviour, success in moving them away from offending is likely to be more successful when criminal justice interventions assist the women to resolve the other deficits in
their lives. In particular, there should be a focus on helping them improve their practical life skills, such as cooking, parenting, managing money. These would be the first steps in a journey which might then lead them back into the labour market.

- Women offenders have different personal and social needs to their male counterparts. Scotland is well placed with its tradition of social work as an integral part of the criminal justice system to address both the offending behaviour and the general welfare needs of many of these women. It is particularly important to create constructive relationships and to engage with the women. Many suffer from low esteem, have been subject to abuse and have a tendency to self-harm. One option is to provide each woman with her own personal worker to take responsibility for linking her, and negotiating access for her, to the services which she needs. This need not be the supervising social worker but might be modelled on the European concept of social pedagogues, which promotes a multi-disciplinary approach, integrating elements of care, therapy and creative activities. The aim should be to make a gradual transfer from dependency to long term social supports in the community.

- The support network for female offenders could be extended by setting up a mentoring service where volunteers from the community – the churches showed some interest in this proposal in the past – provide positive role models and offer social support.

- In the past few years, the rise in the female prison population has been steeper than the rise for the male prison population. As well as directing attention at the current population of female offenders, it is important to take action to prevent more young women entering the criminal justice system. There are general risk factors which indicate the young women at risk of entering a criminal career, such as early use of illegal substances, poor behaviour and attendance at school, poor parental supervision, a poor relationship with the mother, criminal and substance abusing parents and early onset of offending behaviour. There should be an early intervention strategy within the youth justice system to identify and work intensively with young women who display these risks.

- In terms of resettlement after a custodial sentence, there is an argument for women being held in local prisons rather than in one national facility (at Cornton Vale). This would help make links with local services in the period up to their release. It would also assist in maintaining family relations which are critical in their desistance. However, this is a complex issues and there is a risk that a decision to break up the female prison population between local prisons would result in the fragmentation of the good work being done at Cornton Vale where the focus is on women, thus replicating the problems being faced in local authority criminal justice social work services in providing targeted services for women.
Conclusion

17. Sacro made women offenders one of its priority groups in its current strategic plan and offers the above evidence in the hope that it will help inform the deliberations of the Committee. Sacro strongly believes that by redesigning sentencing structures appropriate to the level and nature of crime committed and developing holistic interventions that focus on personal and lifestyle issues of female offenders whilst ensuring that the needs of victims are recognised and supported, we can as a society reduce the social, personal and economic costs of female offending behaviour.

Sacro
9 March 2009
ANNEX C: SUMMARY OF WRITTEN EVIDENCE

What is the availability and effectiveness of support available to female prisoners when they are released who may be likely to re-offend?

Scottish Centre for Crime and Justice Research

1. Ongoing support following release is often limited, with relatively few women being subject to statutory aftercare arrangements. Although women released following short sentences may request social work support on a voluntary basis in the 12 months after leaving prison, in practice women are often reluctant to engage with statutory authorities. For women released following long-term sentences social work intervention is often constrained by resources (time, workers). The impact of imprisonment can itself create a range of difficulties that need to be addressed on release and which may impact on the likelihood that an individual will reoffend. For example, a custodial sentence may place women at risk of losing accommodation (more so than is the case for men, as women are more likely to have their own tenancies or to have shared tenancies in their name), and even short periods of custody can disrupt family relations and result in care placements for children. A woman released from prison may not be given priority status for long-term local authority housing until she has her children with her, but her children will not be returned to her until she has secured long-term housing.

2. Siblings may be separated and placed with different substitute carers (Malloch and Burgess, 2008) and children put into care frequently remain there for some time after their original carer’s release from custody. The disruption of a period of imprisonment may therefore result in greater difficulties for the individual – problems which may transcend any benefits accrued from access to treatment and support within the prison itself.

Cornton Vale Over 21s Visiting Committee

1. Again, there is very little support available for the short term prisoners who make up the bulk of the population at any one time – hence the term “revolving door” as female petty offenders return again and again to prison, thus demonstrating that the short term prison sentence is neither a solution nor a deterrent, but simply exacerbates the chaos and confusion of their lives, and often the lives of their children as well.

Cornton Vale Under 21s Visiting Committee

1. Whilst we applaud the services offered to YOs as they are about to be released, there does seem to be a void in that girls go back to their old ways almost immediately. There must be a more robust way to meet the girls at the gate on release by the services organisations and point them forward to
counselling. Until recently Drugs Throughcare cases were referred direct to outside local organisations but now have to go to a new body, Throughcare Addiction Services, who refer very few cases due to lack of funding.

2. Regrettably many girls feel secure in custody in that they are in a controlled environment. We consider that YOs require different forms of Counselling from Adults and we would ask for research into this as we understand that all released offenders have similar procedures applied to them.

Families Outside

1. Families Outside is involved in two interventions for women on release from prison. One is as a partner organisation in the Routes out of Prison partnership (RooP). This is currently available to women being released to the Glasgow, South West, North Strathclyde, and Lanarkshire Community Justice Authorities. RooP focuses on employment or employment-related outcomes but, through Families Outside, also offers support to the families of these women to help them offer some stability to returning prisoners and to receive support in their own right. The second project is the work Circle has been doing with women on release from Cornton Vale, which Families Outside has been monitoring. Circle works specifically with women with dependent children and a substance misuse issue in the family. A particularly positive aspect of Circle’s work in our view is its continuing support for the family even where the offender fails to engage with the service. Currently support from Circle is only available across the central belt (primarily Lothian & Borders and Lanarkshire). Other female-focused projects include the Tayside Support Project and the 218 Centre in Glasgow.

2. All of these projects are being evaluated, with the one completed evaluation for 218 showing extremely positive feedback from clients and staff. The difficulty is that provision for women remains patchy, with known good practice such as that at 218 failing to be extended to other parts of Scotland.

SAMH

1. Scottish women face such huge problems that they regard a jail term as “a refuge”. A recent study found that found some women chose jail to escape abusive partners, while others used a prison term to try to stabilise debt problems or drug addiction\(^2\). Yet when they leave, many have no home to go to and no means of income. SAMH is aware that many prisoners fear returning to their "old ways" once released as there is so little support for them\(^3\).

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\(^2\) EU Report, *Female drug users in prison and after release: A five-country follow-up study in Europe on relapse prevention*, 2007

\(^3\) HM Chief Inspector of Prisons for Scotland: Out of Sight: Severe and Enduring Mental Health Problems in Scotland’s Prisons 2009
2. Research indicates that four main things contribute to the rehabilitation of offenders: access to sustained work; access to family; appropriate accommodation; and attention to addictions and other health needs. Each of these key contributory factors to rehabilitation are intrinsically linked. For example, you might try to make somebody more employable, but if they still have an untreated addiction or are not receiving support for a mental health problem then that is not likely to be very effective.

3. A gap in healthcare provision often occurs when a prisoner is released into society and this is a particularly important concern with regard to those who experience mental health problems, who find it very difficult to link into care in the community. SAMH has concerns that sometimes pre-release arrangements for prisoners are poor; not all prisoners have an allocated supervising social worker in the community, and the link between prison and community social work resources is not always adequate.

4. Just as mental health services must be robust and effective to prevent people from entering prison, so too must they be able to adequately meet the needs of those leaving a prison setting. Where prisoners with mental health problems seek assistance with resettlement in the community, local authority and health personnel will require to work together to ensure that the health and social care needs are adequately met.

Joint Faiths Advisory Board on Criminal Justice

1. The report "Women in the Criminal Justice System" highlighted two specific areas of support that are vital for women when they are released from prison.

2. Mentoring - The initial period after release is vital in determining whether or not a woman will re-offend. Speaking from personal experience of being imprisoned, contributors spoke of the importance of having someone take a personal interest in them after release. Of course, some people need more help than an occasional phone call or visit but, if dependable help is available and is given voluntarily, it can make a significant difference.

3. The importance of support in the community - The best help comes from people who have ‘been there and done it’. May Nicholson spoke of how she had built up a group of volunteers who formed a support network for ex-offenders and people at risk of offending. They stood alongside the people they work with, gaining their respect and trust. They succeeded where others had failed.

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4 Justice 1 Committee, *Inquiry into the Effectiveness of Rehabilitation in Prisons. Volume 1: Remit and membership*, 3rd Report (Session 2), 2005
Lothian & Borders Community Justice Authority

1. The majority of women leaving custody do so, on an unrestricted and unsupervised basis. This is determined by the length of sentence. Our research sample would suggest that no more than 7% of women leaving custody in the Lothian & Borders area have any form of statutory supervision. The most recent re-offending figures (2004/05) record in the two years after leaving custody in the Lothian & Borders area a maximum of 11% of women re-offend. The majority of these women live in the Edinburgh and Midlothian postcode areas. The development of the Community LINKS Centre which provides a ‘one-stop-shop’ model of provision for males and females returning from custody is proving to be particularly useful for women offenders. Largely through partnership working between the CJA and NHS Lothian it has been possible to provide women specific group work intervention largely focused on issues of poor health.

2. The availability of voluntary support is patchy and geographically biased. The research and reconviction figures would suggest the need for such provision be geographically targeted for maximum impact and that the current policy of focusing in the Edinburgh area will deliver the best value for money. However, other councils within the area also have similar levels of re-offending but it is more difficult to develop one-stop-shop services in more dispersed communities.
ANNEXE D: BRIEF BIOGRAPHICAL INFORMATION

APEX Scotland

Aims to reduce re-offending by working with offenders and young people at risk of offending to help them address their employability needs and progress them towards employment, education or training.

By helping offenders and young people at risk to realise their potential for employment we can reduce crime because the individual who finds and sustains a job is three times less likely to offend than if they are unemployed.

Sacro

Sacro aims to promote community safety across Scotland through providing high quality services to reduce conflict and offending. Sacro is committed to developing new and innovative ways of working and influencing the development of Government policies and of legislation. It provides services in conflict resolution, criminal justice and restorative justice and reparation. These services are based on the values of mutual respect, recognising and valuing diversity, personal responsibility, society's responsibility to all its members, capacity for change and working together to reduce conflict and repair harm. Sacro also provides consultancy and training services in community mediation and schools work.

Association of Directors of Social Work

ADSW is the professional association representing senior social workers in local government in Scotland.

ADSW exists to promote and protect the interests of social work and social care and the people supported by these services. We do this through lobbying Parliament and providing expert views to various working groups across National and Local Government.

Association of Local Authority Chief Housing Officers

The Association of Local Authority Chief Housing Officers is a constituted group of senior housing officers who work in Scottish local government. The Association promotes social inclusion and best practice in housing.

Circle

Circle is a Scottish charity which provides holistic, community based support to marginalised children and families. We are highly regarded for pioneering a range of early years and family support services that promote children's healthy development and potential.
Equal Opportunities Committee

9th Meeting, 2009 (Session 3), Tuesday 2 June 2009

Female offenders in the criminal justice system inquiry – SPICe briefing paper

Inquiry into female offenders in the criminal justice system in Scotland

This briefing paper has been prepared to assist the Equal Opportunities Committee in its inquiry into female offenders in Scotland. The paper presents background information on support services for ex-prisoners focusing on housing and health issues, national objectives and standards for criminal justice social work services in Scotland and background information on Community Justice Authorities.

Support Services for Ex-prisoners

General

The integrated case management (ICM) process aims to prepare prisoners for return to the community on completion of their sentences.

*Enhanced ICM* is for all long term prisoners who are subject to post-release statutory supervision. This process involves a risk and needs assessment, case conferences and a final pre-release case conference. These are attended by prison staff, prison and community based social work and other relevant community-based support service providers.

The aim of the pre-release case conference is to ensure appropriate arrangements are in place to support the offender’s community reintegration and to address any outstanding needs (such as appropriate accommodation, benefits, continuation of treatment). Prisoners subject to statutory supervision on release may have been set licence conditions. Those conditions can include health treatment interventions for example, for addiction and could include other restrictions such as the person’s ability to go to certain places.
Standard ICM is for all prisoners not subject to post-release supervision (mainly short-term prisoners). This process is delivered primarily by specialist providers who will assess and action plan within their area of expertise. Links can be made through prison link centres (which provide a ‘one-stop-shop’ model of provision for prisoners returning to the community) or through the local authority voluntary throughcare service so that onward referral, if required, can take place when that person is released.

At the Committee meeting of 10 February\(^1\) 2009 Scottish Government officials highlighted that while local authorities were proactive in offering throughcare and aftercare services, not all offenders would take it up and that, “The difficulty that we have with short-term prisoners is in keeping them engaged and motivated to take up such services. It is a two-way street. It is an extremely difficult process, especially with women offenders, whose problems might be much deeper than those of male offenders.”

Housing Issues

There is a range of housing options for prisoners on release. These options will be influenced by an offender’s previous housing history and whether or not they have lost their previous accommodation. The main housing options are: return to previous home; private sector let; apply for council or other social landlord tenancy; or present to the council as homeless. There are also a number of options for provision of additional support, including supported tenancies and residential hostel accommodation.

Local Authority Housing Obligations

The Housing (Scotland) Act 1987 (as amended) sets out the provisions relating to homelessness and the allocation of social rented housing. The legislation is complemented by a national Code of Guidance on Homelessness\(^2\) and Guidance on Allocations.\(^3\) Within this national framework local authorities establish their own policies relating to homelessness and allocations.

Local authorities have various obligations in relation to homelessness and the allocation of social rented housing. Local authorities must assess homelessness applications made in their area. The nature of the support that will be offered is dependent on the outcome of the assessment process. Applicants are assessed to determine if they are (in order):

- Homeless (or threatened with homelessness)
- In priority need
- Intentionally homeless.

\(^1\) [http://www.scottish.parliament.uk/s3/committees/equal/or-09 eo09-0202.htm#Col794](http://www.scottish.parliament.uk/s3/committees/equal/or-09 eo09-0202.htm#Col794)

\(^2\) [http://www.scotland.gov.uk/Publications/2005/05/31133334](http://www.scotland.gov.uk/Publications/2005/05/31133334)

\(^3\) [http://www.scotland.gov.uk/Publications/2002/02/10659/File-1](http://www.scotland.gov.uk/Publications/2002/02/10659/File-1)
Local authorities also have a power, but not a duty, to refer an applicant to another local authority if it thinks the applicant has a local connection with another authority.

The Act states that a person who has been discharged from prison is in priority need.

The Code of Guidance provides advice on the prevention of homelessness for those leaving institutions. It stresses the need for close links between local authority departments and prisons and the need for discharge protocols to be in place, “…including provision for the involvement of all relevant agencies in pre-discharge assessments and the formulation of any through-care and after-care plans”.

Existing Projects

The following are examples of a couple of existing projects for prisoners:

Four Square is an organisation that works in partnership with, and is funded by, City of Edinburgh Council, West Lothian Council, East Lothian Council, Fife Council and Stirling Council. The Prison Outreach Service (POP) provides housing advice to people serving sentences within HMP Edinburgh, Cornton Vale and YOI Polmont. More specifically it provides:

- Housing Benefit advice - to prevent loss of tenancy upon sentencing.
- Sub-let advice – to prevent termination of tenancy and homelessness.
- Housing Application advice – to ensure acceptance onto waiting lists.
- Homelessness rights advice – to avoid rough sleeping and much more when prison sentence is completed.

Shelter's Prisoners' Project is funded by the Scottish Government and provides housing advice to prisoners in the North and North East of Scotland. Founded in 2000, the project works with prisoners in three prisons in this area: Inverness, Aberdeen City and Perth. The project trains prison officers to give basic advice regarding a variety of housing issues. The officers give the appropriate advice and assistance, or refer to the project workers who hold twice weekly surgeries within the prisons. If the issue is complex, the officers consult the Prison Project workers through an advice line.

Housing Advice Services

Prisoners have been identified as a group at high risk of homelessness following periods of custody, with consequently increased rates of reoffending. In 2000 funding from the Scottish Executive’s Rough Sleepers Initiative was agreed for 7 prison based projects to provide housing advice and support to prisoners and ex-prisoners. Reid Howie Associates was commissioned to evaluate these projects and make recommendations as to how the services could be improved. The Reid Howie research, published in 2004, recommended that work with prisoners should continue but be placed on a more strategic basis.
The previous government arranged a symposium on housing advice for prisoners, which was held on 14 November 2005. This symposium highlighted some of the factors working against current delivery and improvement of services, including accommodation supply and lack of suitable options, stigma attached to ex-offenders and homeless people by communities and local authority elected members, and that appropriate social networks may not be in place on release.

**Scottish Government Group on Housing Advice Services**

Since the symposium was held, the Scottish Government has set up a multi-agency group in August 2007 to develop a model for housing advice services for prisoners. The first meeting was held in January 2008.

The membership included representation from:
- the Convention of Scottish Local Authorities (COSLA),
- the Association of Local Authority Chief Housing Officers (ALACHO),
- the Scottish Prison Service (SPS),
- the Association of Directors of Social Work (ADSW) and
- officials from the SG Criminal Justice and Housing and Regeneration Directorates.

The group’s agreed remit was to prepare a report for the Cabinet Secretaries and Ministers on a sustainable model for housing advice services for prisoners including a provisional timetable for change.

The objectives were:
- to build on the recommendations made in the Reid Howie Report and arising from the Symposium for Housing Advice Services for Prisoners;
- to take account of any more recent developments on the way housing advice services are operating currently across the prison estate;
- to identify realistic options for the future shape and scope of housing advice services;
- to identify the potential benefits that might accrue from any change in current practice along with any resource implications;
- to set out a model service specification for housing advice services for prisoners; and
- to develop an action plan for implementation.

Scottish Government officials are now consulting with COSLA about taking forward some of this work as part of the community integration work stream of the Offender Management Programme.

**Health Issues**

The working papers of the Ministerial Task Force on Health Inequalities report, *Equally Well*[^4], published in June 2008, highlighted the particular needs of female offenders and cited recent figures that showed that 98% of the

[^4]: [http://www.scotland.gov.uk/Publications/2008/06/09160103/0](http://www.scotland.gov.uk/Publications/2008/06/09160103/0)
women in Cornton Vale had addiction problems, 80% had mental health problems, 70% had been abused and around 50% self harmed.

The prison health service is linked in to government funded initiatives on alcohol problems, Hepatitis C, the Drugs Strategy for Scotland, and strategies on sexual health, food and others. Health issues can be considered in the integrated case management process and by Prison Link Centres.

There are also existing specific health projects for ex-prisoners, for example, the Throughcare Addiction Service (TAS), which signposts those being treated for addiction problems in prison to addiction/health services available in the community, draws up a pre-release action plan and retains contact with the ex-prisoner following release.

However, the above report also noted that more needed to be done to ensure continuity of health care for those leaving prison and to ensure that a seamless transition to mainstream service provision can be achieved. The working papers report identified a number of gaps/challenges for consideration by the Task Force, one of which was, “Work to ensure (ex-) offenders have good access to health and other public services and benefit from the same quality of service as the rest of the population”. The Equally Well Implementation Plan\(^5\), published in December 2008, set out how the Scottish Government and community planning partnerships will implement the recommendations of Equally Well. One example of on-going action that is being progressed is that prisoners are to be registered with a GP and referred to community-based services on release.

The Scottish Government is also funding a scheme that will enable offenders aged 35-64 serving more than 6 months who are due for release to undergo voluntary health checks. Funding is going to SPS to deliver the checks and there will be the formation of links through Keep Well local projects (a free health check for people aged 45-64 living in certain areas of Scotland) to primary care on release. It will be on stream from 2009-10 for two years initially.

**Mental Health**

In December 2008 HM Chief Inspector of Prisons for Scotland published a report: *Out of Sight: Severe and Enduring Mental Health Problems in Scotland’s Prisons*\(^6\). The report noted that the actual point of release, and the period following this, are crucial stages in the continuity of care for those with mental illness. While the report identified a number of positive developments, such as improvements of contacts with outside agencies the report also identified a number of problems. In particular,

- There was a variation in the level of preparation for release within and between prisons.
- Gaps in preparation for release were highlighted including the difficulty of making arrangements for short term prisoners.

\(^5\) [http://www.scotland.gov.uk/Publications/2008/12/10094101/0](http://www.scotland.gov.uk/Publications/2008/12/10094101/0)
\(^6\) [http://www.scotland.gov.uk/Publications/2008/11/10131239/0](http://www.scotland.gov.uk/Publications/2008/11/10131239/0)
• There were also issues raised in relation to the perceived difficulties in accessing services e.g. some prisoners are not registered with a GP, mental health and addiction services in the community are not always linked.

The report also stated that, “…women may find it more difficult to access services due, in some cases, to the relative complexity of their needs.” One of the report’s recommendations was that, “A formal, multi agency planning process should be put in place to identify the needs of prisoners with severe and enduring mental health needs on release, and to ensure that arrangements are made for continuity of care”. The Scottish Prison Service is currently developing its formal action plan for implementation in response to the report.

Criminal Justice Social Work Services

Since 1968, when the Social Work (Scotland) Act 1968 merged the separate probation service in Scotland with other welfare services, Criminal Justice Social Work Services within local authorities have been responsible for the delivery of pre-sentence reports to courts, provision of community sentences, post-release supervision of those offenders on statutory licence and voluntary throughcare. The one exception is Restriction of Liberty Orders (“electronic tagging”), where responsibility lies with a private contractor.

Since then many changes have influenced the scope and current shape of criminal justice social work services. In addition new legislation has brought new responsibilities eg the provision of such community sentences as supervised attendance orders\(^7\), and Drug Treatment and Testing Orders.

National Objectives and Standards

National Objectives and Standards were introduced for community service in 1989 and for the other services in 1991. They are designed to provide service objectives and targets for criminal justice social work services staff in carrying out their duties. The Standards also set out what is expected of offenders subject to a community sentence or statutory post release supervision. This may involve making amends (through community service) and taking responsibility for what they have done and, in probation, working to change their behaviour and problems associated with it. This approach recognises that offenders make active choices but that these choices may be influenced by their real life circumstances. It has been argued that both of these initiatives have resulted in a greater confidence by the judiciary in criminal

\(^7\) It should be noted that the Criminal Justice and Licensing (Scotland) Bill seeks to introduce a new Community Payback Order which will replace the current community sentences of probation, community service orders, supervised attendance orders and community reparation orders. The SPICe briefing Criminal Justice and Licensing (Scotland) Bill: Community Penalties provides further information on the proposed changes.
justice social work services and an increase in the use of community disposals by the courts.

National Objectives and Standards for Social Work Services in the Criminal Justice System (National Standards) set down the expected operational standards and objectives for criminal justice social work in Scotland. National Standards have been in place since the early 1990s when ring-fenced funding for criminal justice social work was first introduced (see below). Standards were first introduced for Community Service Orders in 1989 and extended to Social Enquiry Reports (SERs), Probation and Throughcare in 1991 and to Supervised Attendance Orders in 1998. There have been some subsequent revisions - Community Service (1996), Throughcare (1999) and SERs (2000) - to take account of new responsibilities and changes in policy and practice.

There has been almost 15 years' experience of working within the existing standards and the context in which criminal justice social work services are now delivered is very different. In addition new legislation and policies have given criminal justice social work fresh responsibilities. These include:

- new court disposals such as Drug Treatment and Testing Orders (DTTOs) and Restriction of Liberty Orders (RLOs)
- the introduction of Supervised Release Orders (SROs) on release for those sentenced to between 1 and 4 years who are considered to pose a risk of serious harm
- the introduction of Non-Parole Licence for all prisoners serving 4 or more years (excluding lifers), who are not released early on parole
- the introduction of Extended Sentences for sex offenders and violent offenders serving 4 or more years
- the more widespread use of diversion from prosecution
- bail supervision schemes
- enhanced throughcare arrangements for all prisoners subject to statutory supervision, including the recently developed Integrated Case Management process
- the introduction of Multi-Agency Public Protection Arrangements (MAPPAs) for those offenders presenting the greatest levels of risk.

Other key developments include the establishment of Community Justice Authorities (see below) with responsibility for preparing area plans and for monitoring performance against them, and the work of the Social Work Inspection Agency in evaluating performance and promoting excellence through its programme of inspections. The work of the Accreditation Panel and increasing use of accredited programmes needs to be taken into account, while the National Strategy for Offender Management provides the strategic context and Criminal Justice Social Work services have a key contribution to make to the delivery of this strategy along with a more integrated approach to offender management between local authorities and the Scottish Prison Service.

The Scottish Government is currently revising the National Standards in consultation with key partner agencies in order to make them relevant and appropriate for current and future service provision. The Government’s overall
aim is to produce revised, up to date National Outcomes and Standards that relate to the criminal justice social work services being delivered by criminal justice services staff across Scotland. The Government has stated that the new national standards will play a central role in underpinning the delivery of effective services in the future. They will also be an important part of the framework for future performance inspections of local authority and other relevant services carried out by the Social Work Inspection Agency. It is anticipated that the new Standards, supported by updated guidance, will be in place in the latter part of 2009.

Ring fenced funding

Although criminal justice social work services remain an integral part of local authority social work services, direct funding from central government for criminal justice social work services was introduced from 1989. This means that provision for court reports, all community based court disposals such as probation, community service and the supervision of prisoners on following their release and other Criminal Justice Social Work tasks, are all funded directly by the Scottish Government.

Community Justice Authorities

The Management of Offenders etc (Scotland) Act 2005 provided the statutory basis for the establishment of Community Justice Authorities in Scotland. Community Justice Authorities (CJAs) were established in April 2006 and provide a co-ordinated approach to planning and monitoring the delivery of offender services by planning, managing performance and reporting on performance by local authorities or groups of local authorities and their criminal justice social work departments. Their aim is to target services to reduce re-offending and to ensure close co-operation between community and prison services to aid the rehabilitation of offenders.

Each CJA consists of a Chief Officer, elected members of local authorities and support staff. There are eight CJAs in Scotland all of which have been fully operational since April 2007. The CJA Area Plans for the period 2008 - 2011 were approved by Scottish Ministers in December 2007 and CJAs are now working with their partner agencies to implement their three year area plans.

The Lothian and Borders CJA website states:

“The purpose of the Community Justice Authority is to:

- reduce the level of re-offending amongst offenders
- ensure that each of the agencies involved in criminal justice work co-ordinate their activities and ensure that all possible resources are available for the successful rehabilitation of offenders
- ensure that the activities of criminal justice agencies are focused upon increased community safety and use the most effective methods of working with offenders in order to change their behaviour
• ensure that services are delivered to a high standard, are based upon best practice and have methods of ensuring management of quality
• ensure that services are redesigned and prioritised around offender groups which are:
  ➢ Less serious/first time offenders
  ➢ Offenders with mental health problems
  ➢ Offenders with substance misuse problems
  ➢ Persistent offenders, including young offenders coming through the youth system
  ➢ Prisoners needing resettlement and rehabilitation services
  ➢ violent, serious and sex offenders
  ➢ Women offenders.”

Lothian and Borders CJA recently commissioned research to identify the current profile of women offenders in their area. The research report ‘Chaotic Lives: A profile of women in the criminal justice system in Lothian and Borders’ suggests that women offenders are becoming “a high-risk and high-tariff population because of harsher sentencing practices which have resulted in an unprecedented rise in women’s incarceration”.

Kate Berry and Graham Ross
SPICe Research
28 May 2009

Note: Committee briefing papers are provided by SPICe for the use of Scottish Parliament committees and clerking staff. They provide focused information or respond to specific questions or areas of interest to committees and are not intended to offer comprehensive coverage of a subject area.