

Response to the Commission from Howard League Scotland (HLS)

Question 1) What are the key challenges in dealing with women offenders in the criminal justice system and how might these be overcome?

Response:

a) HLS believes poor mental health for women offenders, either as a causal or resultant factor, with regard to offending behaviour is a major issue. HLS believes that the Community Payback Order (S14 of the Criminal Justice and Licensing (Scotland) Act 2010 at S227R) offers new opportunities which would benefit from being fully explored for the benefit of women offenders. Also, HLS hopes that due to the National Health Service taking over the provision of health services in prisons women's mental health may be more effectively addressed but ideally not necessarily with medication.

b) HLS believes a reliance on substances, both legal and illegal, is a major issue for women. Education at every level about the benefit of healthy pursuits and activities requires to be underlined and reinforced for the benefit of women and any children they may parent. Any organisation working with women who are unfamiliar with the concept of healthy pursuits should aim to introduce women to any activities in the area and if necessary accompany them accordingly (e.g. walks in the park, attend the gym, library, group work, zumba etc).

c) HLS believes that overcoming the effects of stereotyping, prejudice, discrimination and stigma is a particular issue for women offenders. This is particularly important for the life-chances of women offenders and their children as research shows half the children of prisoners are later imprisoned themselves (Kenny MacAskill, 28 June 2011 speaking to MSP's). These issues are best addressed by the use of holistic, person centred services with a strong emphasis on relationship building with the offender and their family in order to increase their social capital. Statutory criminal justice services may not be best placed to achieve good relationship building in order to address underlying issues; Audit Scotland (2011) at page 36 advises that 'It can also be easier for voluntary organisations to build relations with clients, particularly offenders, as they can be seen by offenders as 'outside the system'.'

d) HLS believes the effect of women offenders coming into the criminal justice system directly impacts on the possibility of them working in the natural domain for female employees i.e. the care sector. Under the Rehabilitation of Offenders Act 1974 most convictions would be considered as spent after an appropriate time but the effects of Disclosure Scotland, and now the Protection of Vulnerable Groups Scheme, makes it very difficult for someone who commits an offence to subsequently move on and provide for themselves and their family.

e) A key challenge is keeping women out of the criminal justice system. HLS believes that services should direct themselves to providing diversion from prosecution schemes which would attract the confidence of the Crown Office and Procurator Fiscal Service (COPFS). However, questions around funding are likely to arise.

f) There is a key challenge regarding obtaining appropriate accommodation, especially after release from prison. HLS recognises that men also face housing issues. However, as women are often the main carers for their children then the issue of lack of suitable housing results in women not only being without a home but without their children too. This could be overcome with greater availability of housing, especially supported housing.

g) HLS believes that a key challenge for women is living with the effects of poverty, poor education, abuse and domestic violence. While it is recognised the afore mentioned issues are also a challenge for male offenders unfortunately domestic violence is normally a gender based issue. HLS believes that women would benefit from their partners accessing groups which do not necessarily rely on a conviction being in place for domestic violence.

Question 2) How effective are the existing structural and funding arrangements in delivering positive outcomes for women offenders?

Response: The Social Work (Scotland) Act 1968 merged the separate probation service in Scotland with other welfare services. Direct funding from central government for criminal justice social work services was introduced from 1989. Since then the Scottish Government directly funds the provision for pre-sentence court reports, provision for all community based court disposals such as probation, community service, Drug Treatment and Testing Orders, Restriction of Liberty Orders, Supervised Attendance Orders, Community Payback Orders and the supervision of prisoners following their release on either statutory licence or voluntary throughcare. Serco is responsible for Restriction of Liberty Orders. Audit Scotland (September 2011) in 'An overview of Scotland's Criminal Justice System' revealed that in 2009/10, an estimated £857 million was spent supporting the criminal justice system (excluding the police).

Therefore, having established there is secure funding of multi millions and a variety of disposals to focus criminal justice services' collective minds throughout Scotland in order to deliver positive outcomes for women the fact that HMP Cornton Vale has been continually overcrowded in the last few years suggests the existing structural and funding arrangements are not as effective as any tax paying Scot would be entitled to expect.

Question 3) What is currently available to divert women out of the criminal justice system and how effective is it? What more could be done?

Response: HLS holds the view that each relevant service provider will respond accordingly to this question on their own behalf. However, the HLS has been prompted to consider what more they can do with regards to diverting women out of the criminal justice system. The Howard League for Penal Reform in Scotland is an independent organisation whose members seek improvements to the criminal justice system in Scotland. HLS believes it is time for criminal justice policy and systems to take a different direction, a direction with much more reliance on effective community approaches to reducing crime and dealing with criminality. HLS considers it is perfectly placed as an independent body to provide 'a talking head' to inform public opinion. The public seldom realise the negative impact of imprisonment. HLS has placed an advertisement to attract a researcher with media skills to ensure information is collated and disseminated to better inform the public and hopefully be more engaged with the stated aim of the HLS i.e. penal reform and effective community approaches.

Question 4) How can community sentences be more effective at reducing the likelihood of reoffending?

Response: The HLS believe this question has largely been addressed at question one when considering the challenges and how they can be overcome. In summary by providing or accessing relevant, holistic, person centred services which address the underlying issues and the offending behaviour.

Question 5) How can we ensure short and longer term prisoners get more consistent support and have their needs addressed throughout their sentence and after release?

Response: HLS believes that stratifying services along the lines of 'short and long term prisoners' and 'throughout their sentence and after release' is not always helpful. Services which are necessarily provided on the basis of the length of the sentence will invariably be provided by the statutory sector therefore there is no element of choice. It has already been referred to above that Audit Scotland (2011) reported the strength of the voluntary sector is 'being outside the system'. It may be the case that imprisonment, however short or long, makes individuals feel powerless. The voluntary aspect of working with the voluntary sector may be empowering. It is also the case that the voluntary sector is more amenable to doing things differently and is more likely to provide consistent services that can be delivered in and out of prison.

Question 6) How can we maintain contact with families and children during prison sentences?

Response: The HLS suggests providing visits at appropriate times to avoid children being absent from school is important. Where appropriate contact should be maintained by providing appropriate visiting facilities for children and their families. Family Contact officers in prisons are very good at supporting and facilitating contact. Support workers should be prepared to facilitate visits and support the families accordingly. Knowledge of the Assisted Prison Visits Scheme is helpful to financially support costs of travel. A knowledge of legislation to support rights which may arise with regard to contact can be helpful (Children (Scotland) Act 1995 & subsequent secondary legislation. Also, the impact of the United Nations Convention on the Rights of the Child).

Question 7) To what extent do the issues identified for women offenders also apply to male offenders?

Response: HLS reflected earlier that the issue of limited accommodation applies to both male and female offenders as does the impact of poverty, poor education and stigma. Also, the impact of offending on the ability to obtain work negatively affects men's life chances and to provide for their families.

Question 8) How do we ensure that practitioners have the right interpersonal skills and knowledge of what promotes desistance?

Response: HLS suggests that appropriate questions being asked at interview to establish a practitioner's value base and that they are able to practice in a non judgemental and person centred manner while challenging concerning behaviour and attitudes both in themselves and the service user are all important. Being genuine, empowering, walking in someone else's shoes, going the extra mile and not being risk averse are also important. Regular supervision, appropriate ongoing training, asking for service user feedback, being externally evaluated, increasing the knowledge and understanding of the team through shared learning opportunities all contributes to establishing the staff have the right interpersonal skills and knowledge of what promotes desistance.