

## **Justice Committee**

### **Commission on Women Offenders**

#### **Cabinet Secretary for Justice's second annual progress report to the Parliament on the steps taken to implement the Commission on Women Offenders' recommendations**

As you will recall from my letter of 29 October 2012 and appearance before the Committee on 6 November 2012, one of the recommendations from the April 2012 report of the Angiolini Commission on Women Offenders was that I should provide annual reports to Parliament on the progress made to implement the Commission's recommendations.

I am pleased to set out below the significant progress and investment that has been made over the past twelve months. I share the Commission's determination to improve the outcomes for women offenders across the criminal justice system. It is, however, important to recognise that there are a number of areas where progress will require substantial input and support from services outwith the criminal justice system if we are to deliver the changes the Commission recommended. The Scottish Government has been, and will continue to be engaged with all of those who have a role to play in delivering the Commission's recommendations to improve outcomes for women who offend.

#### **Mentoring**

The Cabinet Secretary for Finance, Employment and Sustainable Growth and I set up the Reducing Reoffending Change Fund (RRCF) at the September 2011 spending review as part of this government's preventative approach to tackling some of Scotland's most challenging problems. This £10 million fund (£7.5m from the Scottish Government, £500k from the Scottish Prison Service and £2m from The Robertson Trust) has been used to provide mentoring services to offenders across Scotland, to help them to turn their lives around and to become responsible contributing citizens.

£2.7m of this funding has been used to support "Shine" – a national mentoring service for women. I attended the launch of this service on 30 September 2012 and heard from some of the women who have been mentored and who have gone on to be mentors themselves as part of the service. I was impressed by their testimonies and was struck in particular by what one woman had to say about the impact the service had made on her life. She said that "a life without hope is a very dark place", and that Shine had saved her life, given her hope and helped to discover the potential she had inside. This demonstrates the distinct advantages of the mentoring relationship, when a skilled mentor has the opportunity to build a relationship of trust and support with the mentee, and to tailor their approach to best respond to their client's needs and attitudes. A mentor can be persistent in engaging with a client who may be reluctant or whose resolve is lacking, and can be an invaluable support when a client needs help or guidance to get through a crisis.

Shine has been co-designed and will be delivered by a partnership of third sector bodies led by Sacro, the Scottish Prison Service, the Association of Directors of Social Work and the eight community justice authorities (CJAs). The funding allocated will support the new service for two years (2013/14 and 2014/15), and is expected to support over 700 women each year.

In addition to this national service, the RRCF awarded funding totalling £685k to two other mentoring services which will include work with women offenders. Tayside Council on Alcohol has been supported to expand its award-winning mentoring work with women and men in Dundee, Perth and Kinross and Angus. Also, where appropriate, a specialised project in Glasgow run by Includem will support young women offenders to access the intensive outreach and mentoring programme Includem deliver for particularly chaotic young offenders who are hard to engage.

This new provision responds directly to a central recommendation made by the Commission, which recognised mentoring as being a key means to provide support to women offenders. The Commission noted the potential for a mentor to work with each individual to address their criminogenic and non-criminogenic needs, engage effectively with community justice services and assist their access to public services that will support their ongoing rehabilitation and reintegration. The aim is to encourage women participating in the programme to consider their own offending behaviour and, as a result, reduce their offending in the future.

## **Women's Centres**

The Commission made a number of recommendations about the availability and organisation of community justice services for women offenders. The Commission proposed the creation of "Community Justice Centres", where professionals from the various agencies involved in guiding and supporting women offenders would co-locate, and co-ordinate their work from that location. These centres would provide a "one stop shop" where women would be engaged by community justice services, and would receive support for other problems that have an impact on their lives and their ability to make choices that help them live positive, crime-free lives. The Commission praised this approach in the operation of the 218 Centre, the Willow project, and the practice of Dundee Criminal Justice Social Work (CJSW) women-specific team.

In response to the Commission's recommendation on the Community Justice Centre model, Scottish Government has funded a number of proposals to restructure local services to deliver women-centred service provision.

Just over £3m of funding has been allocated over 2013/14 and 2014/15 to support local criminal justice partners across Scotland to develop, extend or restructure the delivery of support and guidance to women offenders in their areas, and better enable them to respond to the Commission's ambition of co-ordinated, multi-agency working in a holistic response to women's needs. Reflecting the Commission's view that it should be possible to deliver an improved service through the more effective use of existing resources, it is expected that where these new developments prove their effectiveness, participating agencies and local stakeholders will ensure that they are sustained.

In Edinburgh, the Scottish Government will provide funding in 2013-14 and 2014-15 to support plans drawn up by local Edinburgh CJSW, NHS Lothian and Edinburgh and Lothian CJA leadership, for an expansion of the successful Willow project, to increase the range of activities and to expand their activities to support women at an earlier stage in their involvement with criminal justice services than before. The funding will also allow the project to expand their operations into a new location better suited to their work.

In Glasgow, we have agreed with the Glasgow CJA, the local CJSW services and partner agencies to fund the development and operation of a new Women's Justice Centre over 2013-14 and 2014-15. The new Centre will provide a substantial programme of group and individual interventions to assist women offenders who require careful support, and will enable each individual to engage with a range of support services in the manner the Commission proposes. The centre will work in partnership with existing services, particularly the 218 Centre, to deliver focussed support to women offenders. We will maintain the £1.7m annual funding for the 218 Centre, which will continue to deliver both residential and daytime services to women offenders requiring the most substantial support.

The Commission's report also highlighted the successful development of services for women in Dundee. Following discussions with Dundee CJSW, in May 2013 we agreed to provide funding for them to employ additional staff within their women offenders team over 2013-14 and 2014-15. This will further develop the team's engagement with their criminal justice partners and enhance their work on early intervention and non statutory referrals; provide advice and guidance to women offenders on housing, employment and financial matters; and provide additional mental health treatment and support.

In addition to these three developments, my officials asked the eight CJAs across Scotland to work with local partners and submit proposals for funding to enable local development and improvement of services for women offenders, in keeping with to the aims of the Commission. As a result of this process, eight further projects have been granted financial support. These projects will be working with women in a range of different communities across Scotland, and several will examine how the Commission's aspirations could be applied to support women and communities where resources and population are more dispersed.

Each potential project was asked to reflect the key recommendations of the Commission: co-locating or connecting services to enable women to engage with a range of services through one organisation rather than many disconnected bodies; bringing together workers from various agencies and organisations to develop better connections, improved co-ordination; and supporting a holistic "whole system" approach to each individual's needs.

While the Commission recommends the creation of a single shared centre in each area where officials from a range of services would co-locate, there has been concern amongst stakeholders whether this specific model of delivery would be cost-effective when serving more dispersed or rural communities. As a result, not all projects propose to follow the specific model of a single shared location, but have

devised proposals for new developments that give life to the Commission's ambitions for a co-ordinated multi-agency response, whilst reflecting local circumstances.

My officials will continue to support local delivery partners with these projects. This support will be provided by an experienced justice sector practitioner seconded to Scottish Government from the 218 Centre in Glasgow, and a researcher employed through the Institute for Research and Innovation in Social Sciences to evidence the benefits that we are confident will be delivered as a result of adopting the Commission's recommended approach to working with women.

### **Scottish Prison Service**

As you are aware from my previous report, the Scottish Prison Service (SPS) has accepted and is implementing the six recommendations which relate directly to women offenders in a custodial setting. This approach also reflects the principles of the SPS' Strategic Framework for the management of women in custody.

#### New prison estate for women offenders

Last year I confirmed that the SPS was proceeding to develop HMP Inverclyde as a "custom made" national prison for women offenders with both the regime and build to fully meet the aspirations and recommendations of the Commission. I also advised that a new regional unit at HMP Edinburgh for women, primarily from the East of Scotland, would be developed. These developments are further supplemented by facilities at HMP Grampian, which will be open in spring 2014 and which includes a 50 bed regional unit to accommodate women from the North East of Scotland. This regional approach meets the Commission's recommendation to locate women offenders, where appropriate, as close to their home communities as possible.

Since then work has been continuing to specify and design the facilities and services of these developments. The specific recommendations made by the Commission on Women Offenders have been addressed in the service proposals, operational briefs and design specifications for HMP Inverclyde and in the regional unit at HMP Edinburgh. The design work tries as far as possible to accommodate the various complexities of the female prison population, and in particular those of young women, women with mental health issues, and mothers and their babies.

The new purpose-built national facility will have design features and services tailored for women including:

- A dedicated accommodation area for young adult women;
- A mother and baby unit with outdoor play areas;
- A medical facility designed for women;
- Access to a family friendly visit room;
- Facilities designed for women and visitors with disabilities;
- Dedicated links facilities, to provide as full a range as feasible of education and support services specifically for women;
- A dedicated fitness area designed for women;
- A purpose-built separation and reintegration facility for the management and care of women who present with particularly challenging behaviour;

- Access to activity facilities designed specifically for women;
- Community integration facilities, designed to help women access community services and support networks prior to their release;
- Recreation areas tailored for women.

The Scottish Government has committed, over this Spending Review period and the next, to make the necessary resources available to SPS to implement the modernisation of the prison estate for women prisoners. This will include delivering the new dedicated facility at HMP Inverclyde and the regional unit at HMP Edinburgh, by 2017.

#### Ongoing development of HMP Cornton Vale

In the interim, before HMP Inverclyde and the new regional unit at HMP Edinburgh come on stream, SPS has undertaken infrastructure improvement work at Cornton Vale. Three house blocks have been upgraded, and work on a further house block and the independent living units is underway. The upgraded facilities have allowed the development of new regimes to take place, encouraging greater independence and decision-making in the women, as well as the introduction of 'smoke-free' areas aligned to the establishment's health improvement agenda.

The new separation and re-integration unit in Cornton Vale has been open for just over a year. Early evaluation has shown it has provided the women with a better degree of stability in a consistent and individualised manner, with personal management plans meaning the prison is better placed to manage a core group of women with previously challenging behaviours more effectively.

Further work to improve Cornton Vale's entrance and security procedures will start early in 2014. This will improve the way staff, visitors and guests are welcomed and screened before entering and leaving the prison.

As a result of partnership working between the SPS, Stirling Inter-faith Community Justice Group and Fife and Forth Valley CJA, the HMP & YOI Cornton Vale Family Centre and Help Hub was officially opened on 4 September 2013 by Dame Elish Angiolini. Dame Elish has also agreed to be the Centre's patron. The Centre will be staffed by the inter-faith group, SPS staff and 30 volunteers from the community. The Centre recognises the needs of family and friends affected by imprisonment, and the requirement to support them when visiting their loved ones in custody.

The facility will offer non-judgemental emotional support through the provision of a welcoming environment, in a place where visitors can wait before entering the prison.

HMP Cornton Vale will continue to be under the scrutiny of HM Inspectorate of Prisons, with a formal visit due in January 2014.

#### Responsibility for Women Offenders at the SPS Board

I advised last year that Colin McConnell, the Chief Executive of the SPS, was taking personal responsibility for driving through change in this area and would represent women's interests at SPS Board level. This continues to be the case.

I also confirmed that Colin had set up a national steering group to ensure that work on designing infrastructure and services to provide operational oversight for the development of policy and operational changes was specifically tailored to the needs for women. 'The Improvement of Services to Women Offenders Steering Group' is chaired by the Chief Executive, and includes external partners from SACRO, Families Outside, Justice Directorate officials and SPS non-executive Directors. Since its inception in August 2012 the group has met several times to ensure the SPS continues to make progress on the Commission's recommendations.

#### Gender-specific training for all professionals working with women prisoners

Last year I advised that the SPS had developed an induction package for staff working with women offenders, which was being piloted at that time. The training includes the SPS' guidance on managing women offenders; training on mental health, trauma, mentalisation and borderline personality disorders; and training on services and reintegration for women offenders. The training package is currently being evaluated following the operational pilot, and will be revised before being rolled out in its new format from December 2013.

Further work to introduce a training package for existing staff working with women is also underway. Scoping work to determine the content and duration is being carried out in conjunction with the SPS College. Once this work is concluded a comprehensive training plan will be developed to roll the training out to staff in summer 2014.

#### Video conferencing facilities

The SPS is also taking forward work with partners to conduct court business through secure videolinks as part of the national, cross-justice Making Justice Work Programme. HMP & YOI Cornton Vale is one of 8 prisons identified as pilot sites for the introduction of videolinks to courts, and using videolinks for legal agents' visits.

The pilot project for video links to courts involves Glasgow Sheriff Court conducting 'full committal' hearings by video link with Barlinnie prison. SPS has fully equipped Cornton Vale to allow court proceedings to take place by videolink. Cornton Vale has an equipped facility for court business and additional video conferencing facilities that can also be used for court and contact with legal agents. The facility has already been used on a number of occasions to conduct appeal proceedings with the Edinburgh High Court as part of the pilot process. The SPS is keen to maximise the benefits of such technology and is continuing to work with justice partners to agree protocols for extending the use of such facilities.

A complementary pilot project connecting legal agents to prisons commenced in July 2013. It involves 3 - 4 legal firms and HMP Barlinnie and HMP Addiewell linking with each other from legal firms own offices using wi-fi and their own equipment. If successful the facility will be expanded to include other pilot sites, including HMP & YOI Cornton Vale.

## **Mental Health**

I have already highlighted elsewhere in this progress report the work which SPS is undertaking to include training on mental health, trauma, mentalisation and borderline personality disorders as part of the overall training for SPS staff.

In my previous progress report I noted how the Scottish Mental Health Strategy 2012-15 had recognised the recommendations made by the Commission in respect of women offenders' mental health, and that the ongoing development of our approach to these issues would contribute to addressing them.

There are a number of projects testing new approaches to mental health in criminal justice settings, in order to develop sound evidence about what works, and how to implement any changes more widely. In this way, mental health practitioners have continued to develop a number of approaches specifically for women offenders. For example, work underway since June 2013 with NHS Lothian will examine approaches to working with women both in prison and in the community. We are providing funding of £182k over a two year period to support this work which will test two particular approaches.

The first is to examine the use of individual Interpersonal Psychological Therapy (IPT) for women with multiple and complex needs, aiming to rebuild their ties with families, friends and the wider community, and developing new pro-social relationships through work or marriage, which are important aspects of desisting from crime. The second is to examine group-based approaches specifically for women in custody using the mentalisation therapy model. This aims to build on and extend staff training to further raise the awareness and psychological mindedness of staff.

The Scottish Government has also agreed to fund NHS Lothian to pilot work on improving the care, treatment and support of women with personality disorders in Edinburgh and Cornton Vale Prisons. The pilot will be operational shortly and will continue over the next two years with Scottish Government funding of £105k. This concept test will support prison officers and prison healthcare teams in better recognising, treating and working with women with personality disorders in the two prisons. Learning from this work will be shared with colleagues across Scotland working in the arenas of criminal justice, mental health, and substance misuse, and more generally with colleagues focused on early intervention programmes and health inequalities.

It is also appropriate to recognise those areas where work is underway to examine and improve aspects of general mental health provision, but which have been identified by the Commission as being of particular significance to women offenders.

For example, the Commission highlighted the use of mentalisation therapy, and the impact of trauma as being of particular concern. Mentalisation Based Therapy (MBT) is an evidence-based treatment approach initially developed and investigated for the treatment of adults with borderline personality disorder. Scottish Government is currently working with NHS Education for Scotland and NHS Grampian to consider

proposals to build capacity to deliver MBT in NHS Scotland, which could make such therapy more widely available to the population as a whole.

The Commission also recognised that many women offenders suffer from the effects of previous trauma. Scottish Government has commissioned the Rivers Centre in NHS Lothian to investigate staff awareness of trauma-related mental health disorders in primary care. This work aims to raise awareness of trauma-related mental health disorders, as well as improving the local responses available.

#### Service level agreement for psychiatric reports

Finally on mental health, the Commission recommended that a national service level agreement should be established between the National Health Service and the Scottish Court Service to increase access and timeliness of psychiatric reports to assist the court with a sentencing decision. NHS Directors of Planning are currently developing proposals to deliver this.

### **Housing / Accommodation**

#### Prison discharge protocols

The Commission recommended that inter-agency protocols on prison discharge and homelessness be introduced across all areas of Scotland. 31 local authorities have offender protocols in place, varying from formal arrangements on the subject, to having workers operating within prison to provide appropriate advice. Work will continue to encourage all areas to maintain and strengthen their engagement with this issue.

#### Homelessness

Since my previous report there have been developments in statutory duties regarding homelessness which can provide additional support for prison leavers. With the passing of the Homelessness (Abolition of Priority Need Test) (Scotland) Order 2012 on 21 November 2012, all of those assessed by local authorities as being unintentionally homeless are entitled to settled accommodation as a legal right. Prison leavers who are homeless on release who are regarded as unintentionally homeless will be entitled to settled accommodation – which is an improvement on the previous position where they only qualified for support if they were determined by a local authority to be “vulnerable”. In addition, from 1 June 2013 all local authorities have a new duty to assess homeless people, and if the local authority has a reason to believe they would benefit from housing support, then to provide that support.

#### Supported accommodation

As I noted in my previous report, the cross-sector Supported Accommodation Implementation Group (SAIG) reported in November 2012, recognising the recommendations made by the Commission. The SAIG report noted the high percentage of ex-offenders amongst repeat homelessness cases, and recognised the importance of addressing their needs when examining the provision of supported accommodation to prevent homelessness. The report called for opportunities to be

taken to develop cross sector and complementary approaches to reducing reoffending and preventing homelessness. The SAIG report now informs the work plan of the Homelessness Prevention and Strategy group (attended by Scottish Ministers, the Convention of Scottish Local Authorities, Society of Local Authority Chief Executives, the Association of Local Authority Chief Housing Officers, and the Scottish Federation of Housing Associations), in its remit to assess and influence homelessness prevention activity in Scotland.

### Examining universal public service involvement in offender reintegration

Housing and homelessness support is an example of an area of public service delivery where control of the resources and decision-making required to respond effectively to the aims of the Commission are not held by criminal justice bodies, or central government. In order to deliver a substantial response to many of the Commission's recommendations, universal public service providers and others will need to shift their service provision from service-led to needs-led delivery models.

I have established a Ministerial Group, which will consider how public sector services outside the criminal justice system can maximise their contribution to the effective reintegration of offenders on their release from custody. Membership of the group includes the Minister for Community Safety and Legal Affairs, the Minister for Public Health, the Minister for Local Government and Planning, the Minister for Housing and Welfare, and the Minister for Youth Employment.

### **Benefits pilot project**

In last year's progress report I noted that discussions were underway between Scottish Government officials, the SPS, and the Department of Work and Pensions, to consider the Commission's recommendations on access to welfare benefits. I am pleased to report that a pilot scheme is now operating at HMP Cornton Vale (and for the women subsequently transferred from Cornton Vale to HMP Polmont) to enable women to make an application for their relevant benefit entitlements before their release, and so to access their benefits promptly after their release.

The project has been active since the end of April 2012 with the participation of DWP staff working at the prisons and in Glasgow. The service provides practical help for the women involved, who are now at less financial risk in the particularly vulnerable period following release from prison. This project will also help inform Scottish Government's response to the UK Government's welfare reform proposals.

### **Electronic monitoring and bail**

On 22 September 2013 Scottish Government published a consultation paper on the potential future use of electronic monitoring, and has included in this consultation an examination of the possibilities for using electronic monitoring as a condition of bail. While this is one aspect within a wider discussion, all responses will be analysed and considered along with any other evidence, including feedback from the consultation's public events, to help us progress policy in this area. An announcement on the way forward on the use of electronic monitoring is likely to be made in spring 2014.

This work fulfils the Commission's recommendation that we undertake further consideration of the potential for use of electronic monitoring as part of bail. The consultation paper includes a specific reference to the Commission's views, and includes information on the previous pilot of electronic monitoring of bail in Scotland undertaken in 2005, and the subsequent evaluation of the pilot, which the Commission considered in its report.

### **Problem-solving courts**

As you will recall, I have previously agreed to trialling a problem-solving summary criminal court in Scotland, in response to the Commission's recommendations. This trial will provide an opportunity to establish the proactive role of the judiciary, join up services and demonstrate to communities that community justice options can be responsive to local communities whilst also being effective in reducing reoffending.

In keeping with the philosophy of problem-solving justice, much of the detail of the pilot requires to be shaped through in-depth consultation with the relevant key agencies and local communities. My officials have entered preliminary discussions with key stakeholders including the Scottish Court Service and the Crown Office and Procurator Fiscal Service.

Following on from the successful visit from three highly experienced judges from the United States in September 2012, officials have continued to work with the Center for Court Innovation in New York which has great experience in implementing problem solving courts, and its London branch the Centre for Justice Innovation, to consider how this approach could be successful in Scotland. The Judicial Institute has engaged with the Centre for Justice Innovation to increase awareness among sheriffs in relation to problem-solving approaches, and the Institute offered a course to Scottish judges and sheriffs in March 2013.

The Lord President has helpfully indicated that he is, in principle, supportive of the aims of the pilot and is content for my officials to approach Sheriffs Principal to discuss the matter further. My officials have invited local partners, who are best placed to know what is required and what will work in their area, to submit proposals for a problem solving pilot through CJA Chief Officers. Proposals will be considered in early December by Scottish Government officials and experts from the Centre of Justice Innovation.

A team of officials and experts will then work with the successful area (or areas) to develop their ideas into a workable model and provide the technical assistance required to set up a successful pilot. In addition to this advice and support, the successful areas will benefit from initial financial support from the Scottish Government to set up the pilots. However, we will also ensure that the pilots are financially sustainable.

### **Community justice structures**

The Commission made two linked recommendations setting out its view on the potential future development for leadership and strategic management for community justice structures.

As I indicated in my progress report in 2012, the Commission's proposal of a single national structure was presented as part of this Government's consultation on a range of options for the redesign of community justice services. This allowed all interested parties to engage in an open and genuine dialogue on what should replace the current arrangements. The Commission's recommendations in this regard have helped inform that debate.

The consultation period concluded 30 April 2013 and written responses were published on 4 October. 112 written responses were received and over 500 people attended 13 consultation events held across Scotland. We are currently considering the potential future model emerging from the consultation, with a view to announcing the way forward later this year.

## **Conclusion**

A significant amount has been achieved since the Commission delivered its report 18 months ago. Under Colin McConnell's leadership, the SPS have demonstrated progress towards fulfilling the Commission's aspiration that when it is necessary to send women offenders to prison, it will be to a facility that is responsive to their needs, and will support their rehabilitation and wellbeing throughout.

I have also made funding available to organisations across the public and third sectors in the community to re-shape and strengthen the delivery of coordinated services for women locally, so that we can deliver on the Commission's vision. However, I recognise that there is still substantial work to be done. I am grateful that there is a clear will in Parliament to respond effectively to women offenders needs and I will continue to look for support from the Justice Committee, the Parliament as a whole, local government, and the wider public and voluntary sectors as we work in partnership to deliver the necessary change to improve the outcomes for women in the criminal justice system.

I look forward to discussing these issues with the Committee on 5 November.

Kenny MacAskill  
Cabinet Secretary for Justice  
24 October 2013