

Cross-Party Group on Women, Families and Justice

Tuesday 11 March 2025 6-7.30pm (Zoom meeting)

Minute

Chair: Rona Mackay MSP

Attended MSPs

Rona Mackay	MSP
Audrey Nicoll	MSP

Non-MSP Group Members and Other Attendees

Anne Pinkman	
Eilidh Smith	SPS
Ellen Cowan	Salvesen Mindroom Centre
Emma Mitchell	Midlothian Justice Service
Grace Gracie	Families Outside
Jonathan Sher	
Margaret Malloch	SCCJR
Marianna Marquardt	Scottish Families Affected by Alcohol & Drugs
Morgan Dillon	
Nancy Loucks	Families Outside
Phil Wray	CrossReach
Sarah Rogers	Families Outside
Shumela Ahmed	Resilience Learning Partnership
Sara Snell	HMIPS
Toni Groundwater	Families Outside

Agenda Item 1

Apologies	
Audrey Mitchell	Fife College, SPS
Kathleen Ramsey	Fife College, SPS
Kerry Knox	Families Outside
Lily Humphries	Children First
Mags Higgins	Justice for Women

Agenda item 2

Minutes of previous meeting of CPG Women, Families & Justice 10 December 2024

- Approval of minutes – proposed by Nancy Loucks and seconded by Toni Groundwater subject to one amendment requested by Shumela Ahmed to reflect that they had raised the issue of transport problems causing people to miss funerals as well as hospital appointments.

Rona Mackay noted that the issues discussed at the December meeting gave rise to a number of important issues for the CPG to follow up on and suggested the group look to take this forward by way of letter to the Cabinet Secretary for Justice.

Shumela Ahmed highlighted transport as an important issue to follow up on. Toni Groundwater highlighted contact with families and how this is considered in inspection reports as a further issue to follow up on. Jonathan Sher voiced his support for ensuring issues from the December meeting were followed up on noting the importance of ensuring the CPG meetings lead to action.

Agenda item 3

Short-term prisoner early release (STP40) – contribution from Eilidh Smith, Head of Integration, SPS followed by discussion.

Eilidh began by providing an overview of the prison population journey beginning with changes to sentences. Eilidh explained that the prison population comprises those on remand, those on short-term sentences, and those on long-term sentences (sentences over four years) and that all three populations have seen significant changes over the last 10 years.

In terms of long-term prisoners (LTPs), prior to 2016 LTPs would automatically be released at 2/3 of the way through their sentence if they hadn't already been released through the parole process. For example, someone serving a 12 year sentence, if not released on parole, would have been released after 8 years and serve the final 4 years in the community under supervision of criminal justice social work. This changed in 2016 so that LTPs are now released 6 months prior to the end of their sentence. So with the example of a 12 year sentence, instead of being released at 8 years, the release point is now at 11.5 years. This change has increased the long-term prison population because people are in custody for longer. There are now 400 more LTPs in custody than prior to the change.

In terms of short-term prisoners (STPs), during the period 2000-14 the majority of STPs were deemed eligible for release on Home Detention Curfew (HDC, also known as the tag). STPs would serve up to the last 6 months of their time in custody on HDC providing they had accommodation and an electricity supply. Changes were made to the risk assessment required for HDC, making it more stringent, meaning a lot less people are now eligible. In 2014, over 1,700 individuals were released on HDC prior to the end of their sentence. In 2023, this number had reduced to 240. HDC was a way of managing the short-term population which has now increased significantly on the back of less people being released on HDC.

In terms of remand prisoners, prior to Covid, people would be held on remand for up to 180 days before their case came to court. Court business had to stop during Covid and the 180 day rule was revoked. On the back of this many people have been on remand much longer than was previously the case – at times there are individuals on remand for over 2 years. This has increased the remand population. Prior to Covid the remand population sat at about 950. Post Covid, it's sitting at about 1500.

The additional impact of remand is that unless the person then gets given a long-term sentence, more often than not they will already have served their time in custody on remand by the time they're sentenced. This means they're often eligible for immediate release. This prevents SPS from doing any kind of pre-release work as would occur with convicted individuals. SPS is working closely with partners on this issue.

Overall, all three prison populations have increased significantly over the last 10 years. However, it's not just about the numbers, it's also about the complexities of the population.

Firstly, there is an aging population – the prison population mirrors that in the community. Improved police tools are seeing greater numbers of people convicted of historical crimes therefore the average age of the prison population has increased and there are a lot more older people in custody. This has meant SPS are seeing an increase in some of the cognitive and physical impairments people are suffering from. NHS partners and other allied services are working hard to offer appropriate support and people in prison now often require social care. Also in terms of health issues, many of our prisons are Victorian and were never built with things like hoists, wheelchairs, and hospital beds in mind. This can make it really difficult at times to provide appropriate care for some of the older population.

Secondly, there has been a significant increase in the serious and organised crime contingent within custody. Many people are affiliated with gangs and need to be kept separate to prevent violence. This can be difficult with the limited space across the estate. Other groups are also kept separate: sex offenders are kept separate from the mainstream population; non-offence protections see individuals with specific vulnerabilities e.g. drug debts, or a falling out with someone in the community, kept separate from the mainstream population; males and females are kept separate; and young people are kept separate from adults. All of these things are difficult to manage in a finite number of spaces within an ever increasing prison population.

All of the above means there are currently significant population issues. In 2016, there was an average of 7,500 people in prison in Scotland, but this year has seen this rise to 8,396 – the highest the population has been in over 10 years. This has brought with it an increase in violence, self-harm, an increase in people being managed under the Management of Offender at Risk Due to Any Substance (MORS) policy, increased levels of drugs in prisons, and some increase in indiscipline. All of this also means that SPS is not able to deliver the amount of purposeful activity and rehabilitation programmes they would like to. Many of the staff who specialise in delivery of those things have to be redeployed to the residential area to make sure that the essentials are delivered each day i.e. meals, medication, 1 hour outside, whilst also trying to facilitate visits with families, lawyers, and third sector organisations as much as possible.

Turning to early release, Eilidh noted emergency early release was instigated in 2024 which saw the release of 477 prisoners in 4 tranches across 4 weeks. This initially saw the prison population fall from 8,200 to 7,900. Unfortunately in less than one month the population rose to over 8,000 again. It was recognised that something more sustainable was needed.

SPS had done what it can to increase capacity. For example, following the legislation that meant children should no longer be held in prisons, those children in Polmont were moved to secure accommodation which freed up 100 spaces for adult males. In addition, an extra 30 spaces have been created in HMP Grampian by partially opening a hall that had been closed following troubles after the prison's opening. Scottish Government also purchased additional space from HMP Addiewell (the last private prison in Scotland). HMP Highland is due to open in 2026 but this doesn't offer a significant increase in capacity. Similarly HMP Glasgow will also not offer any significant increase in capacity when it opens.

With all this in mind, Eilidh explained that last summer the Scottish Government carried out a consultation looking at potential changes to long-term release. The consultation returned lots of useful information but it was largely clear that this would be a long-term project – if any changes are going to be made to long-term release we would be looking at a timescale of 12-24 months due to the complexities involved.

The Scottish Government instead turned attention to the short-term prison population which resulted in the passage of the Prisoners (Early Release) (Scotland) Act 2024 on 26 November. The changes brought about by this Act - referred to as STP40 – mean that for the majority of STPs, their release date moves from the 50% point to the 40% point of their sentence. There are exclusions for those serving sentences for domestic abuse or sexual crimes.

Lessons learned from the earlier emergency early release were used to create a model to manage releases in a better way. For example, in terms of the timing of releases, instead of releasing tranches on consecutive weeks, there will be 3 tranches over a 6 week period. In addition, releases will take place over 3 days instead of 2 to lower the numbers being released each day.

In terms of sustainability, the theory behind the changes is that whatever the numbers are reduced by at the initial 3 tranches will be maintained. Modelling predicts a 5% reduction in the prison population based on the STP40 change.

A further difference between STP40 and the earlier emergency early release is that there is no governor veto. The reason for this is that the veto made planning very difficult for those involved in supporting an individual's release. Governors were given the list of people to be released on a weekly basis by which time the individuals concerned and families had already been told of the release and partners had already planned for the release and were told of the veto at the last minute resulting in trauma for prisoners and families and wasted resources for partners.

In terms of pre-release planning, Eilidh explained that a pre-release consideration of needs will be conducted – an interview with all individuals being released – to make sure they have accommodation, throughcare, a plan for gate liberation, and benefits in place. Individuals are responsible for letting their families know about their changed release date and SPS have introduced supports for individuals to make contact with family about this.

Pre-release planning meetings were already in place in HMP Grampian and HMP Dumfries and these meetings aim to get all local support services around the table to go through a list of the people being released the following week and make sure all support services are aligned and ready. This model has now been rolled out to every prison involved in STP40. A pre-release consideration of needs document is discussed at these meetings so everyone is ready and aware of who is being released to their locality.

Eilidh concluded by providing an overview of the STP40 statistics as they currently stand midway through the release process. For tranche 1 releases took place over 18, 19, and 20 February. As of the morning of Tuesday 18, before release, the population sat at 8,375. 82 people were released. As of the morning of Friday 21, the population was at 8,312 meaning 63 spaces had been gained. For tranche 2, releases took place over 4, 5, and 6 March. As of the morning of Tuesday 4, the population sat at 8,379. 90 people were released. As of the morning of Friday 7 March, the population sat at 8,296 meaning 83 places had been gained. Tranche 3 will take place over the 18, 19 and 20 March.

Overall, the stats so far suggest STP40 hasn't really created the impact hoped for. However, a more positive outlook is to note that if the 82 and 90 individuals released in tranches 1 and 2 hadn't been released, numbers would be over 8,500. Eilidh concluded by noting that SPS take feedback from a range of partners on an ongoing basis and are always keen to hear about anything that can be improved in the future.

Discussion points raised:

Rona Mackay noted that she had yesterday attended a meeting with staff at HMP Low Moss and that many of the points covered in Eilidh's presentation resonated with the accounts given of the current situation in Low Moss.

Shumela Ahmed noted that she is co-chair of the Clackmannanshire Community Justice Partnership and that an issue that has come up in light of early release and the new throughcare service being commissioned is that previously some people were released from prison and instructed to engage with criminal justice social work and didn't and were then recalled to court. CJSW would then subsequently find out the individual had actually been engaging with a throughcare service, such as Shine. Shumela highlighted the need to ensure communication between CJsPs and SPS to ensure everyone knows who is being released and who is working with who. There is a key role for SPS in helping ensure the new throughcare service can get up and running as smoothly as possible.

Eilidh noted that CJsPs are being involved and that the pre-release planning meetings are very much about ensuring there's not duplication but also to make sure there is support in place for everybody.

Toni Groundwater noted that Families Outside has been involved in the pre-release planning meetings at HMP Grampian and had a positive experience of how it works and how wrap-around support for families is identified as part of that. Toni asked what is the plan to roll out the good practice that has been identified to all prisons?

Eilidh explained that pre-release planning groups have been up and running in the STP40 prisons for 2 weeks before the early releases began. SPS are going to take feedback from this to take this work forward. Eilidh explained that a Short Life Working Group has been looking at the pre-release meetings and there has been discussion around whether it would be best for each prison to talk about their own releases which may involve multiple local authorities or whether certain prisons should be allocated certain local authorities meaning the local authority staff would only have to attend one meeting to learn about everyone coming back to their area. The governors preference was to talk about their own releases so there is a need to do a lessons learned around this with a view to deciding whether to carry it on this way or allocate local authorities to specific prisons. Once this work has been completed, meetings will get up and running again.

Toni agreed this is the challenge – if meetings don't relate to the local area – making sure the right people are around the table.

Eilidh noted that efficiency is important. It is unrealistic to ask for example, a housing officer, to attend 5 separate meetings if there are people coming out of 5 different prisons. We need to gather evidence to back this up.

Rona agreed about the importance of this issue and highlighted that in HMP Low Moss she has been informed that only approximately 1% of prisoners are East Dunbartonshire which poses real difficulties for families facing the burden of travel, costs etc.

Emma Mitchell raised the observation that those working on the ground in justice services for women are seeing women being put on remand when this is not necessarily warranted given the level of risk or the offence they're in court for, and also high level of short-term sentences being given where people are being imprisoned not in line with the level of risk. Women are receiving sentences in relation to unmet welfare needs rather than risk. If we are trying to free up prison spaces it doesn't make sense that the judiciary are still imposing custodial sentences when there are alternative disposals available in the community.

Eilidh agreed with this point noting that the presumption against sentences of under 12 months hasn't equated in the prison – there are still a large number of people serving under 12 months. Such sentences hugely disrupt an individual's life but is not enough time to do anything meaningful with them during their time in prison.

Rona agreed and also highlighted concerns around the growing number of Orders for Lifelong Restriction.

Anne Pinkman asked whether in relation to the 2016 changes to long-term release whether there has been any research looking at the impact of these changes? Anne also suggested it would be helpful to have someone from the Sentencing and Penal Policy Commission speak at a future CPG meeting.

Eilidh stated she is unaware of any research but noted this a good suggestion to put to the Scottish Government if they consult again on the issue of long-term sentences.

Phil Wray asked if there are any statistics for STP40 looking at how many people are being released into homeless accommodation?

Eilidh explained there are no statistics with this information. SPS would like to have monitored this but current systems do not allow for it. The handwritten pre-release needs form would indicate whether an individual is going out to homeless accommodation but this information is put on the individual's file. The individual documents would all need to be downloaded to extrapolate the information. SPS don't have the capacity to do this. It's also not done in general for releases but is something that is very useful to know overall. Eilidh noted that local authorities will know how many people are being released into homeless accommodation.

Rona noted that this information is absolutely crucial and highlighted that staff at Low Moss had spoken about the high rates of recidivism following emergency early release but explained that rates would have been high anyway regardless of when the release had taken place.

Eilidh agreed noting that the short-term prison population is the revolving door of people coming in and out of prison.

Jonathan Sher asked if there is any particular consideration given to people being released who have significant neurodevelopmental conditions, as to whether they should be released, how they should be released, and what happens after release? Citing the example of Fetal Alcohol Spectrum Disorder (FASD), Jonathan highlighted this is a lifelong, life limiting neurodevelopmental condition and prison won't change that.

Eilidh explained this is an issue that SPS is continually looking to develop and improve their approach to. For people with complex needs, care conferences led by NHS colleagues drive this. If someone is receiving care in custody for any neurodivergent need then NHS would create a pathway into the community and put them in touch with the relevant support. Eilidh also noted that SPS don't currently have a neurodiversity policy but are developing one over the next 12 months.

Sara Snell highlighted Governance and Justice Group prison audits which would highlight who is on remand who doesn't need to be. Sara noted that in some countries the remand population sits at about 60% and the group use an audit tool to try to understand what is driving that – trying to understand who is on remand and what can be done differently. However, it is only worth investing in a resource like this if the data is then going to be used to drive improvements.

Rona highlighted that it would be helpful to look at data showing what types of offences women are on remand / sentenced for.

Anne highlighted that the annual criminal justice statistics bulletin provides a huge amount of information about the number of women convicted, the length of sentences, and types of offence committed. Anne asked what the role of Community Justice Scotland is in relation to this issue? She explained that the Glasgow Working Group on Women Offenders are monitoring what's happening with women in their area and

noted this is also probably happening elsewhere. CJP's submit this information to CJS – where is this information all held?

Agenda item 4

Discussion carried forward from December meeting regarding potential actions for the CPG to take in relation to the approach to women in the justice system.

This item had been discussed at the outset of the meeting so it was agreed that the CPG would write a letter to the Cabinet Secretary for Justice to take forward points from the December meeting.

ACTION: Rona and Sarah Rogers to liaise to write letter to Cabinet Secretary. Letter to be circulated to CPG members ahead of next meeting.

Agenda item 5

Agency updates

Rona Mackay provided an update on parliamentary business. The Victim, Witnesses and Justice Reform (Scotland) Bill begins stage 2 tomorrow which is anticipated to take 3-4 weeks. The stage 1 report for the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill has just been published. It is hoped that both Bills will be passed before summer recess. Both Bills cover issues of interest and significance to the work of the CPG.

Toni Groundwater updated that the Families Outside conference is taking place on 15th May. The focus is going to be on UNCRC implementation and what this means for children and families in the context of the adult criminal justice system.

Emma Mitchell updated on the work of the Women's National Justice Network. The original aims of the group were to share best practice within justice services nationally and to share knowledge of the issues women experience in the justice system. As it has developed, the network is also aiming to disseminate knowledge and best practice more widely. At the November meeting, the network heard from Dr Shona Minson who spoke about the importance of considering mothering and caring responsibilities when completing court reports so that sentencers are fully aware of women's circumstances. The network is evolving and a request will be put out to CJP's to see if they are in a position to help development of the network. Emma put out a request for anyone interested in being involved in the network to get in touch with her – involvement could range from helping develop the network, attending meetings, or speaking at meetings.

Nancy Loucks highlighted that in England the Sentencing Council has released guidelines relating to women who are pregnant / giving birth in prison that could be of interest to the sentencing review in Scotland. Nancy also highlighted the work of Lady Edwina Grosvenor funding community based residential units for women as an alternative to prison. Hope Street is one example of this and she is looking at funding others. The residential unit is a direct option for courts to use or people can self-children. Children can stay with their mothers. Currently the initiative is funded through philanthropy but match funding options through local government are being

sought. Lady Grosvenor visited Scotland in February alongside a colleague from the charity One Small Thing. They visited HMP Stirling and the Lillias Centre and met with Nancy and Rona and also Audrey Nicoll and Sara Snell to discuss the approach to justice for women in Scotland.

Rona agreed that Hope Street is a very impressive initiative that has set up a framework for an alternative model of care / custody for women. Government should be looking at this model as a radical change in the approach to supporting women.

Margaret Malloch updated that the SPAROW report (Scottish Prisons Assessment and Review of Outcomes for Women – an evaluation of the new Community Custody Units (CCUs) for women and the operation of the Scottish Prison Service Women's Strategy in the women's estate) is due for completion by the end of March but the date for publication has not yet been confirmed.

Agenda item 6

AOB