

Cross-Party Group on Women, Families & Justice

6pm-7.30pm Wednesday 8 December 2021 via zoom

Present

MSP's

Rona Mackay	Convenor
Miles Briggs	MSP
Katy Clark	MSP
Jim Fairlie	MSP
Michelle Thompson	MSP
Collette Stevenson	MSP
Audrey Nicoll	MSP
Maggie Chapman	MSP
Jackie Dunbar	MSP

Invited Guests

Catriona Dalrymple Deputy Director, Scottish Government Community Justice

Philip Lamond Scottish Government Community Justice

Non MSP Group Members

Anne Pinkman	Secretariat
Adam Wilson	Families Outside
Margaret Malloch	
Kevin Miller	St Mary's Kenmure
Wendy Sinclair- Giebens	HM Chief Inspector of Prisons
Nancy Loucks	Families Outside
Paul Aitken	Senior Caseworker for Rona Mackay MSP
Mags Higgins	Justice for Women
Laura Van der Hoesen	Families Outside
Adele Hill	
Barbara Orton	Justice for Women
Frances Orr	Justice for Women
Tracey McFall	CEO, Partners in Advocacy/ Chair Criminal Justice Voluntary Sector Forum (CJVSF)
Lesley Simson	Social Work Scotland
Sharon Stirrat	SACRO
Kathleen Russell	Fife College for Learning & Skills(SPS)

Rhona Innes	Shine
Carol Dearie	
Lucy Hawksby	
Elyse Brown	
Georgina Lyttle	Circle
Rose McConnachie	Community Justice Scotland
Cara Jardine	University of Strathclyde
Tamara Jones	
Janice Wilson	
Louise Gallagher	Public Health Greater Glasgow & Clyde NHS
Laura van der Hoesen	Families Outside
Amy McMonagle	Scottish Parliament Researcher

Apologies

Maggie Chapman	MSP
Juliet Brook	Mental Welfare Commission
Scottish Prison Service	

Agenda Item 1

Minute of previous meeting 15 September 2021

Approved Nancy Loucks

Seconded Wendy Sinclair Giebens

Matter arising from previous minute

Rona Mackay confirmed that she had met with Ash Reagan, MSP, Community Safety Minister with a copy of the proposal to develop a Womens Community Court (WCC). This model was developed by Justice for Women and was presented at the last meeting in September. For the benefit of members who were not present at that last meeting Mags Higgins, Justice for Women described the WCC as an additional intervention to divert women from prosecution in the criminal courts. The WCC would function as a community-based Panel for Women. It would operate as a 'one stop shop' delivering services to women, as recommended by the Commission on Women (Angiolini report). Failure to comply with the requirements of the WCC would result in the case being referred to the Procurator Fiscal who could then submit the case to the Sheriff Court.

Prior to meeting Rona had sent Ash Reagan a copy of the WCC. Ash Denholm was receptive to the proposed model and asked the 2 Scottish Government officials who were present at the meeting to research the implementation of the WCC model and its implications.

Rona Mackay advised Ash Reagan that 'business as usual' was not an option. Rona mentioned the need for radical change for women & girls involved in the criminal justice system as expressed by the Lord Advocate when she was giving evidence to a recent meeting of the Scottish Parliament Justice Committee.

Ash Reagan advised that the Scottish Government are looking at different ways to improve the situation for women involved in the criminal justice system. Mention was made of the hybrid model operating in Aberdeen city for women. Ash Denholm was unable to attend tonight's meeting, but she did confirm that she would attend our next CPG meeting in March.

Mags Higgins mentioned that Engender had previously prepared a consultation brief on the WCC model.

Action

Mags Higgins and Rona Mackay agreed to contact Eilidh Dickson at Engender to enquire if this still could be progressed, Mags Higgins will also inform the Scottish Government of Engenders involvement.

Laura van der Hoesen mentioned an initiative in England that includes mental health treatment as an alternative to custody for women and girls. This could be considered within the proposed CPG Workplan.

Independent Review of Deaths in Custody

Rona Mackay informed members of the recent publication of this report. Wendy Sinclair Giebens, HM Chief inspector of Prisons, and Nancy Loucks, Chief Executive, Families Outside were 2 of the 3 co-authors of this report. Rona Mackay advised that this report has been welcomed by Keith Brown, MSP, Cabinet Secretary for Justice who said

“We accept in principle the review’s recommendations and will very carefully consider the detail of these and take forward as a matter of priority improvements with key partners that will effect change to improve the ways that deaths of loved ones in prison custody are experienced by bereaved families.

“This includes the key recommendation of an independent body separately examining every death in custody.

“We are committed to making improvements to the response to, and experiences of, families impacted by a death in custody.”

Rona Mackay is sure this report and its recommendations will be of great help to families affected by a death in custody.

Wendy Sinclair Geibens and Nancy Loucks both agreed to provide a presentation on the Report at the next CP meeting in March.

The Review of Deaths in Custody can be accessed

https://www.prisonsspectoratescotland.gov.uk/sites/default/files/publication_files/Independent%20Review%20of%20the%20Response%20to%20Deaths%20in%20Prison%20Custody%20p6%20%281%29%20WEB%20PDF.pdf#

Wendy Sinclair Geibens advised that HM Inspectorates of Prosecutions are undertaking a Review of Diversion from Prosecution. The issue of mental health is of particular interest to Wendy Sinclair Geibens (and the CPG Work Plan?)

Agenda Item 2

CPG Women, Families & Justice Work Plan 2021-2022 Remand & Bail

This item of business carried over to next meeting on 9 March 2022 due to level of business.

Agenda item 3

Remand & Bail- the need to reduce the numbers of women on remand and increase the use of (supervised) Bail

Scottish Government consultation on Bail and release from custody arrangements- an overview by Catriona Dalrymple, Deputy Director, and Philip Lamond, Unit Head, Community Justice Division, Scottish Government.

Catriona Dalrymple advised that the purpose of this Scottish Government consultation is to

- Focus of this consultation is to consider how custody is used – now and in future – to ensure there is an increased focus on rehabilitation in order to reduce crime and reoffending, with the overarching aim of reducing the likelihood of people being victims of crime in future.
- It focuses on two specific points in the justice system - bail/remand and release from custody – not sentencing.
- Responses to the consultation will inform the development of a year 1 bill in this area – introduction in May 2022.
- We want to make sure that remand is used where people pose a risk of serious harm – and for those who don't, that there are alternatives to remand available across Scotland which ensure people comply with their bail conditions, appear at court for their trial and address the causes of offending behaviour

Philip Lamond advised that the proposals relating to release from custody can be grouped into four categories:

- Point of release
- Support for people leaving prison
- Provision of information to victim support organisations about prisoner release

- Executive power of release.

A copy of the consultation can be accessed

<https://consult.gov.scot/justice/bailandreleasefromcustody/>

A copy of the Overview is attached to this minute

Questions

Laura van der Hoesen commented on the existing provision for prisoners to be released early to avoid release on a Friday. D Given that Christmas Eve and Hogmanay fall on Fridays this year, are any provisions being made for this?

Catriona Dalrymple confirmed that arrangements are currently being made with partner agencies to identify which prisoners would benefit from applying.

Catriona welcomed Laura's offer to include a message for families from the Scottish Government in the Families Outside Christmas briefing for families.

Laura also mentioned current research Families Outside are conducting on the financial impact of imprisonment on families. This will include the impact of direct release from remand where no discharge grant is paid and the delay in receiving Universal Credit and Housing Benefit.

Lucy Hawksby who has lived experience of the criminal justice system, interjected and stated that support is required to women in the Sheriff Court cells where many women are released without support. Lucy spoke of the criminal justice system where Defence Agents encourage their clients to please guilty, advising that they will be given a lesser sentence, avoid being remanded and receiving a custodial sentence. Lucy recommended that a defence agent should be invited to be a member of this CPG.

Rona Mackay acknowledged the value of Lucy Hawksby's personal experience and suggested she is given time at a future meeting to speak further.

Tracey McFall, Chair of Glasgow Working Group on Women's Offending (GWGWO) stated that the third sector has a significant role to play in the provision of support services, including housing, mental health, and substance use, at each stage within the criminal justice system. Both Catriona Dalrymple and Philip Lamond acknowledged this. The timescale for the new legislation will be lengthy, perhaps 2-3 years, but this allows sufficient time to ensure that a framework is in place at each stage of the journey for individuals from appearing in court to release from prison. Philip Lamond also mentioned the need for sentencers to have confidence in the support services available in the community to reduce the use of remand and custody.

Anne Pinkman mentioned the resource implications for the new model. She believed there is existing evidence of alternative funding models, such as that provided for Shine, the national mentoring project for women

Alison Bavidge, Social Work Scotland, asked for the social care needs of those involved with the criminal justice system. The links between adults and criminal justice services need to be strengthened especially given the National Care Review.

Opportunities and Challenges for local authority criminal justice social work, presented by Lesley Simpson, Social Work Scotland

Lesley Simpson provided figures on the numbers of women in prison On 1st November 2022 and compared these with the numbers if women n custody in 2017

	Nov17	1Nov 22	
Women on remand	112 (26%)	89 (32%)	
Women convicted	312	190	
Total population	424	279	

While the overall numbers of women in prison has reduced over the past 5 years. The percentage of women on remand increased. It is estimated that 70% of women remanded do not go on to receive a custodial sentence. In 2019/20 39% of women were admitted to prison untried and were released untried, ie nothing happened.

Of the women currently in prison the majority are serving short sentences (less than 4 years):

- 1 women is serving a short sentence for fine default
- 20 women are serving sentences up to 6 months
- 59 women are serving sentences 6 – 2 years
- 49 women are serving sentences' 2-4 years
- 81 women are serving sentences 4 years – life

To reduce the numbers of women in prison Lesley Simpson believes that the focus should be o women on remand and serving sentences between 6monyhs – 4 years.

In 2018 evidence submitted to the Scottish Parliament Justice Committee heard that many women were remanded into custody as direct a consequence of their chaotic lifestyles that lead to their failure to appear in court.

To reduce the numbers of women going into prison there is a need for early intervention. Ideally this should occur as soon a an individual comes to the attention of the authorities, eg school exclusion. Support services should be universal and accessible: many of the women using the Aberdeen Womens Justice Centre have stated that they would have benefitted from the support of a centre for all women before they became involve in the criminal justice system.

Lesley spoke of the value of working collaboratively, the need for services to be trauma informed. She warned too of the risk of retraumatizing women by dailing to provide consistency of support.

Lesley advocated for the use of credible alternatives to custody using te lowest tariff disposals where appropriate, particularly the use of structured deferred sentences, which if completed successfully can result in admonition.

Action

Lesley Simpson to provide an information sheet on women who offend.

Opportunities and Challenges for the criminal justice voluntary sector forum, presented by Adele Hill, CJVSF (Criminal Justice Voluntary Sector Forum)

Adele Hill spoke of the benefits of engaging with women in the community. Avoiding the use of custody allows women to retain their accommodation, benefits, families and routine. For successful engagement with women ideally services and support should be delivered in women only spaces. Alternatively, support should be provided in a safe environment that is in a location and time convenient for the women. Women only, or safe, spaces enable positive relationships to be developed between women and a service provider.

The challenges for engaging with women who offend can include poor or unstable housing. Universal credit restrictions which can mitigate against improving confidence and self-esteem and hinder progress and ambition. Unpaid Work Orders are predominantly suited to males and women can struggle to cope with the requirements thus reducing successful completion. The provision of collaborative services, similar to that provided via the aforementioned Shine Project can aid the provision of person centred and trauma informed services where the most appropriate lead worker is identified will improve the likelihood of women maintaining engagement. The provision of such services are too often undermined by resourcing issues and funding cycles despite evidence of value.

Agenda item 4

Brain damage in women and girls who offend - presents by Professor Emeritus Tom McMillan, Institute of Health & Well Being, University of Glasgow

Across the world there has been a massive increase in the numbers of women imprisoned and Scotland is no exception to this. The causal effects of women who offend are well established but the incidence of brain injury has been overlooked.

A study, supported by the Universities of Glasgow and Strathclyde, the Scottish Government, NHS Scotland and the Scottish Prison Service was conducted to establish whether brain injury should be included.

Professor outlined the effects of brain injury:

- Difficulty with concentration, planning, organising problem solving
- Impulsivity, aggression, egocentricity: poor self control and judgement

He stated "that these effects can be exacerbated by drugs or alcohol misuse and an increased risk of [violent] offending and reoffending [and of being caught?]"

Following a presentation to the Justice Committee in 2015 a report was commissioned and produced the following year. Further work followed to create an evidence base service that could be introduced across the criminal justice system such as police custody, preparation of court reports and by prison officers and healthcare staff. This would require awareness raising and training of staff. The desired outcome would be that consideration of brain injury became an integral part in the triage, assessment and support of women involved in the criminal justice system.

More recent research by Prof McMillan provides convincing evidence of the need for brain injury to be routinely considered. 25% (109) of women in prison in Scotland were

interviewed. The results mirrored much of what was already known in relation to women having suffered from extreme levels of violence, mental health issues, and substance misuse. However, 80% of the women interviewed had suffered brain injury, many of the women suffering sustained brain injury throughout their childhood and adult life due to physical abuse. A significant proportion of women in prison are disabled by severe head injury and have mental health problems and suffer from anxiety and PTSD (Post Traumatic Stress Disorder). According to Prof McMillan there is a clear need for services for women with brain injury to be available.

Prof McMillan referred to several publications. The details of these will be circulated with a copy of his presentation.

Unfortunately, due to time constraints there was insufficient time for questions. Rina Mackay hoped that Prof McMillan could return to discuss his research further.

Agenda item 5

Agency Update

There was insufficient time for agency updates

Female Custodial Estate

Although no one from the SPS was available to attend tonight's meeting an update was received soon after. The SPS stated that:

"the SPS contractors continue to experience challenges within the supply chain which are affecting the entire construction industry. These supply chain issues are having an impact on our expected construction completion dates although this is more acute within the WNE(?).

At present we anticipate opening the Community Custody Units (CCU's) in the summer 2022 with the Dundee CCU coming online a few weeks in advance of the Glasgow CCU. HMP Stirling (the national facility at Cornton Vale) has unfortunately shifted to late winter, this is due to a lack of availability of critical materials which delayed the internal fitout of the buildings."

Date of next meeting

Wednesday 9 March 2022 6pm-7.30pm

NB Below are notes and links from the Group chat and the presentation from Catriona Dalrymple and Philip Lamond, Community Justice Division

Scottish Government consultation on Bail and release from custody arrangements- an overview by Catriona Dalrymple, Deputy Director, and Philip Lamond, Unit Head, Community Justice Division, Scottish Government.

- Focus of this consultation is to consider how custody is used – now and in future – to ensure there is an increased focus on rehabilitation in order to reduce crime and reoffending, with the overarching aim of reducing the likelihood of people being victims of crime in future.
- It focuses on two specific points in the justice system - bail/remand and release from custody – not sentencing.
- Responses to the consultation will inform the development of a year 1 bill in this area – introduction in May 2022.
- Ensuring public protection and victim safety are critical – and these principles underpin the proposals we’re consulting on.
- We want to make sure that remand is used where people pose a risk of serious harm – and for those who don’t, that there are alternatives to remand available across Scotland which ensure people comply with their bail conditions, appear at court for their trial and address the causes of offending behaviour
- And we want to make sure that people leaving prison have their release properly planned for and can access the support they need to reintegrate and not reoffend. That might include more opportunities for structured testing in the community.
- Recognise these are challenging issues which is why we want to speak to as many people as possible – including this group – to make sure that the legislation which this consultation will inform is effective and helps to reduce reoffending and, critically, helps to keep people safe.
- Also recognise that legislation is only part of this and that any legislative changes will need to be supported by sustainable, effective community interventions.

Bail and Release consultation – release proposals

The proposals relating to release from custody can be grouped into four categories:

- Point of release
- Support for people leaving prison
- Provision of information to victim support organisations about prisoner release
- Executive power of release

I'll just give a quick overview of each of the proposals relating to release from custody. Happy to take questions.

Point of release

- Giving certain categories of prisoner the ability to demonstrate their suitability for earlier release or to serve the remainder of their sentence in the community following successful completion of programmes, interventions etc
- Bringing forward the point at which short-term prisoners are automatically released (either unconditionally or subject to conditions)
- Bringing forward the point at which long-term prisoners can first have their case heard by the Parole Board from the current half-way point. The consultation gives a suggestion of 1/3, but that is just an illustration at this point. Decision to recommend release will remain with the Parole Board.
- Amending or replacing the current model of Home Detention Curfew so that it effectively operates to support reintegration.
- Providing Courts with the ability to determine the proportion of a custodial sentence that an individual should serve in the community whilst subject to conditions (including conditions which can be made subject to electronic monitoring) at the point of sentencing, with an emphasis on supporting reintegration.
- Altering current flexible release arrangements so that release no longer happens on a Friday or in advance of a public holiday in order that people leaving prison can access support at the point of release. This is a recommendation from the Drugs Death Taskforce.

Support for people leaving prison

- Placing specific duties on public bodies to engage with pre-release planning for prisoners;
- Introducing support service for prisoners released direct from court to enable their reintegration. This recognises that some individuals be released direct from court following a period of remand and it can be difficult for them to access services, particularly where release wasn't anticipated or planned for;
- Revising the existing minimum standards for throughcare support for remand, short-term and long term prisoners, and seeking views about which services

these standards should apply to in addition to justice agencies. The consultation also asks whether these standards should be statutory; and

Information provision to victims organisations on prisoner release

- Providing Victim Support Organisations with information about the release of prisoners to enable proactive safety planning to be undertaken; either on a routine basis or in relation to specific cases in which they are providing support.
- The consultation also seeks views on whether further information (in addition to information on release) should be shared with victim's organisation.

Executive power of release.

- Introducing wider power of executive release to enable Scottish Ministers to release groups of prisoners in exceptional circumstances. This would build on the learning from the emergency early release provision within the Coronavirus (Scotland) Act 2020. Such a power exists in other jurisdictions, including England and Wales.