

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 22 April 2008

Session 3

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CONTENTS

Tuesday 22 April 2008

Col.

DECISIONS ON TAKING BUSINESS IN PRIVATE	405
CRIMINAL JUSTICE SYSTEM (FEMALE OFFENDERS)	406
REPORTERS	444

EQUAL OPPORTUNITIES COMMITTEE

6th Meeting 2008, Session 3

CONVENER

*Margaret Mitchell (Central Scotland) (Con)

DEPUTY CONVENER

*Elaine Smith (Coatbridge and Chryston) (Lab)

COMMITTEE MEMBERS

*Marlyn Glen (North East Scotland) (Lab)

*Bill Kidd (Glasgow) (SNP)

Michael McMahon (Hamilton North and Bellshill) (Lab)

*Hugh O'Donnell (Central Scotland) (LD)

Sandra White (Glasgow) (SNP)

*Bill Wilson (West of Scotland) (SNP)

COMMITTEE SUBSTITUTES

Claire Baker (Mid Scotland and Fife) (Lab)

Jamie Hepburn (Central Scotland) (SNP)

Mary Scanlon (Highlands and Islands) (Con)

Jim Tolson (Dunfermline West) (LD)

*attended

THE FOLLOWING GAVE EVIDENCE:

Elish Angiolini QC (Lord Advocate)

Ian Gunn (Scottish Prison Service)

Dr Nancy Loucks

Netta Maciver (Turning Point Scotland)

Jan MacLeod (Women's Support Project)

Dr Margaret Malloch (University of Stirling)

Dr Fergus McNeill (Scottish Consortium on Crime and Criminal Justice)

CLERK TO THE COMMITTEE

Terry Shevlin

ASSISTANT CLERK

Roy McMahon

LOCATION

Committee Room 1

Scottish Parliament

Equal Opportunities Committee

Tuesday 22 April 2008

[THE CONVENER *opened the meeting at 10:04*]

Decisions on Taking Business in Private

The Convener (Margaret Mitchell): Good morning, everyone, and welcome to the sixth meeting in 2008 of the Equal Opportunities Committee. We have received apologies from Michael McMahon and Sandra White. I remind all those present, including members, that mobile phones and BlackBerrys should be switched off as they interfere with the sound system even when they are switched to silent.

Under agenda item 1, we must decide whether to consider in private at our next meeting the evidence that we have taken on age, carers and female offenders in the criminal justice system. Are we agreed?

Members *indicated agreement.*

The Convener: Thank you. Under agenda item 2, we must decide whether to consider our draft annual report in private at our next meeting. Are we agreed?

Members *indicated agreement.*

The Convener: Thank you.

Criminal Justice System (Female Offenders)

10:06

The Convener: Agenda item 3 is evidence on female offenders in the criminal justice system. I am pleased to welcome our first panel of witnesses. Dr Nancy Loucks is an independent criminologist and Dr Margaret Malloch is a senior research fellow at the University of Stirling. We have had apologies from Professor Gill Mclvor, who cannot make it, so we have more time for both of you, ladies.

Bill Wilson (West of Scotland) (SNP): I thank the witnesses for coming. You highlight various negative consequences of the fact that female offenders are housed in a single institution, Cornton Vale. For example, family relationships are often disrupted because offenders are some distance from their family and home. Would it be preferable for female offenders to be held in prisons throughout the country?

My question is for either of you.

The Convener: You can fight over it.

Dr Nancy Loucks: It would be sensible for women to be housed in smaller, more local establishments so that they can retain access to local services as well as maintain family contact. Such establishments should be independent rather than being attached to male establishments. That has been attempted in the past, but unfortunately it resulted in the marginalisation of the facilities that were available for the women, much to their detriment. Ideally, women should be in relatively independent, local establishments.

Dr Margaret Malloch (University of Stirling): I agree. The important thing is to have appropriate resources for women in those smaller centres. The positive thing about a centralised system is that there is an opportunity to develop a number of different programmes and support interventions. In developing smaller centres, it would be important to ensure that those were transferred.

Bill Wilson: Is there a minimum size for such prisons to be feasible? Does the smaller number of female offenders limit the number of small prisons that we could have, given the need to ensure that they have the necessary resources and interventions?

Dr Loucks: It is difficult to say what the optimum size would be. The important thing is that the resources are available. The 218 centre in Glasgow, which offers powerful support and services for female offenders, has only 14 beds. It works with a lot of women in the community. The

problem that we have noted throughout the regions of Scotland is that, often, there are such small numbers of female offenders that services and support are not available. That is the case in the Highlands and Islands, for example. We need to take a rational approach, but we can still do things in a much more decentralised way.

Bill Wilson: Given that female offenders are usually in prison for less serious crimes, I presume that it would be possible to have a more open style of prison with less high security, which might make it easier to run such prisons. Is that a fair assumption?

Dr Loucks: That would be fantastic. A tremendous number of community interventions are available, but they are vastly underused. They could certainly be used with the female offender population very easily.

Marlyn Glen (North East Scotland) (Lab): The specialist services are not available because there are fewer women offenders. The way to solve that, obviously, is not to have more women offenders. Why are the services not available? Does it come down to cost? Would a cost benefit analysis really show that it was cost effective not to have such services?

Dr Malloch: A distinction must be made between the short term and the long term. Spending in the short term with a longer-term perspective would lead to longer-term savings. There is an issue of rights that must be taken into consideration in making appropriate support available for women. The cost is sometimes a red herring, because it is so difficult to calculate the cost of the longer-term consequences.

Elaine Smith (Coatbridge and Chryston) (Lab): In your submission, you note that the Correctional Service of Canada stated:

"programmes for the survivors of abuse must be an integral part of every women's prison to ensure that survivors are provided with the opportunity to receive appropriate support".

Could we learn something from that model?

Dr Loucks: There are models around the world, not just in Canada, that can provide good examples of how those services can be developed. The 218 centre in Glasgow and the Asha centre in England, for example, provide models for ways of supporting women more effectively than could be done in a large, centralised establishment.

The Convener: I will press you a bit further on that. There are obviously economies of scale in bringing everything together in a single institution, but there is also a geographical downside, in that the prison can be very far from the kind of informal support that the women need from their family and

friends. How do we strike a balance between what Cornton Vale can offer as a catch-all institution and dividing the female prisoners up so they are nearer the informal support services of their family and friends?

Dr Loucks: The men's estate is set up so that there are facilities for longer-term prisoners who then move on to local facilities prior to their release. Cornton Vale does not offer that option. It might be useful to have a larger establishment for people who are serving longer sentences and who can take advantage of the services and support that are available over longer periods of time. They could then move on to local establishments as they are preparing for release. That would be another possibility.

The Convener: Is there any evidence that, as I think your paper suggests, it is not just the support that is given just before a prisoner is due to be released that can make a sizeable difference to the outcome but the on-going support that they get as they serve their sentence?

Dr Loucks: Support would be available during a prisoner's sentence, but that will eventually need to be transferred outside. For example, support for people with addictions and survivors of abuse and support in relation to employment and training would need to be continued outside.

The Convener: I was thinking specifically of family support. Is there an imbalance due to geographical location between the support that a male prisoner might get from family and friends and the support that a female prisoner might expect if she is quite remote from her immediate family?

Dr Loucks: All prisons need to focus more on the needs of families and maintaining family ties. Cornton Vale is very remote for people who are travelling from any part of the country. There is nowhere for visitors to wait and there are no facilities that would allow families to visit in a relatively normal environment. The facilities are very limited and need to be developed. That is especially true in Cornton Vale, where family ties are perhaps that much more disrupted, but it is also true across the entire prison estate.

The Convener: It seems to be established wisdom that, as your paper states,

"the priority for treatment and support remains with those prisoners who will benefit most from it ... those there for a longer period of time."

Given that there are so many short-term offenders, should there be a move or some kind of initiative to try to do something with those on remand? According to your paper, there are many people who are on remand but who do not end up in prison, and many on short-term sentences. Is there more that could be done?

Dr Malloch: There are probably opportunities to do more, but the bigger issue is to consider why so many women are there on remand or for very short sentences, and what the purpose is of sending them to prison. That brings us back to the resources that are available in the community. We need to encourage sentencers to make use of the resources in the community that we know would be effective.

10:15

Dr Loucks: I agree that prison is overused for women on very short sentences. They do not benefit from support that might be available, which is focused—rightly—on people who are in prison for longer. That is not to say that nothing can be done for this group of women. For example, Cornton Vale prison has developed a modular women offenders programme that might benefit not only women on shorter sentences but women on remand. However, because resources are limited, the programme is focused on those serving longer sentences.

The Convener: Is there any point in turning that situation on its head? Instead of putting all our eggs in one basket and focusing on long-term women prisoners, should we concentrate resources on signposting services and doing as much as we can to identify whether short-term prisoners have particular literacy, numeracy or addiction problems?

Dr Malloch: We could certainly identify the issues; the difficulty is addressing them.

Dr Loucks: The ideal solution would be to identify the various issues and connect them with community-based resources. However, such work is incredibly resource intensive and, given the current level of overcrowding, the staff would find it physically impossible to take on such a responsibility.

The Convener: So you contend that it is wrong to say that nothing can be done with short-term prisoners. If resources are available, useful work can be done.

Dr Malloch: I think that we would still need to look beyond the prison to address such matters.

The Convener: I understand that but, given the current position and given that our ultimate aim is to ensure that these offenders receive the appropriate disposals, can anything be done with short-term prisoners?

Dr Loucks: Yes, but not with the current level of overcrowding and staffing numbers.

Elaine Smith: Your very comprehensive written submission addressed the five general questions that we asked. However, we are now looking for

specific details to back up some of your comments.

Your submission sets out how Cornton Vale has tried hard to address the failure of prison to prevent women from reoffending by, for example, putting various programmes in place. However, as you have made clear, you do not think that such an approach is appropriate. Your submission states:

“the average daily population of women in prison has increased by 90% in the last 10 years (v. 16% for men)”.

Given that the purpose of this session is to find out whether the subject of women offenders is a suitable inquiry for the Equal Opportunities Committee rather than the Justice Committee, why do you think that that has been the case? Could this issue be considered from an equal opportunities perspective?

Dr Malloch: It is very important to consider the issue on that basis. After all, as other countries such as Australia, Canada and even the United States have discovered, women have a distinctly different experience of the criminal justice system. That is an equal opportunities issue, because it reflects what is happening in the broader social and political context.

Dr Loucks: We should also note that the increase in the prison population does not parallel any change in recorded crime rates or levels of offending.

Elaine Smith: Why might that be the case?

Dr Loucks: There are many arguments as to why that might be. For example, support that used to be available in the community is no longer there. People with mental health issues might be remanded into custody for their own safety because there is nowhere else to put them, while others might have such a chaotic lifestyle that they simply would not show up at court. Looking at the current female population, I think that that certainly applies more to women than to men.

As for the question whether this is an equal opportunities issue, the gender equality duty that has just come into force is important in that respect. Given the criminal justice system's impact on women offenders in particular, we should remember that equal treatment does not necessarily mean identical treatment.

Elaine Smith: Prison fails to prevent reoffending and is likely to exacerbate problems such as lack of education and social isolation. Is that the same for men and women?

Dr Loucks: Both men and women are in similar situations, but I argue—I think that I can safely say that Dr Malloch would as well—that, because more women have child care responsibilities and

women are more likely to lose housing and to be in poorly paid work if they are in work at all, a much higher proportion of women are in that circumstance.

Elaine Smith: Did you receive the written submission that we were given by the governor of Cornton Vale? Did you get a copy of it?

Dr Loucks: No.

Elaine Smith: It contained 15 suggestions on possible interventions for female offenders. I was going to ask you what your thoughts were on those, but if you have not seen a copy of the submission, I could not ask you about that. The suggestions are based around the 218 centre, which you have mentioned, and other services. Will you say a bit about other services in the community that could be of assistance? You have mentioned 218, but do you want to highlight anything else to us?

Dr Malloch: A lot of research that has been carried out over the past 10 or so years has emphasised the importance of linking women into gender-specific rather than offender-specific services. That seems to be highly beneficial. It is also important for being able to link women into broader social networks of support. The Routes Out of Prostitution intervention in Glasgow, which is a social network across the city, is important in making available a range of different services that women access so that one service is able to link into the rest. They are not all focused on responding to offenders; they are about responding to women's needs. That seems to be effective. Various international research studies have emphasised that as being important.

Elaine Smith: Are prisons designed for men?

Dr Malloch: Yes. Historically, that is the case.

The Convener: I will ask a bit more about community service orders. Your submission—I make it clear that it is an excellent submission, but we are trying to get a lot of it on record and get it from you in oral evidence—does not seem to consider them as an alternative to custody for women and examines probation instead, but there is a problem with probation. Will you go into detail on that to try to flush out what the problem is?

Dr Malloch: Community penalties are being used increasingly for women, but their appropriateness is an issue. The difficulty is often that, because women come into the criminal justice system with a range of issues, they are put on probation to address them. The offence may not have resulted in custody in the first instance, but they may be unable to comply with the conditions of a probation order or another community penalty and end up in custody for a breach of the order. That is one of the challenges.

It was always considered that the advent of the drugs courts and some of the more innovative community disposals, such as drug treatment and testing orders, would be important for women because a large number of the women who come into contact with the justice system have addiction issues. However, we did not find large numbers of women being put on drug treatment and testing orders and, among those who were, the breach rate was much higher than that for men. That says something about the kind of support and facilities that are available to women to enable them to comply with the conditions of an order.

There is a suggestion that women respond to different forms of support anyway. Drug treatment and testing orders are quite prescriptive and based on rules, which seems to work less effectively for women. There are gendered issues that need to be taken into account.

Dr Loucks: The 218 programme is a female-focused programme that is based on support, relationships and strengthening the women's ability to cope with the type of issues that they have to deal with. It is a different type of support. I understand that a similar type of programme is being developed for men, which is fantastic. At the moment, women appear to respond to that type of support much more effectively.

Other research has come out of the United States on family addiction treatment programmes, which are treatment programmes for people with substance misuse issues that include families, not just so that families can learn how to cope with issues and recognise signs of relapse but because their involvement makes it more possible for women in particular to comply, as they do not have to worry about child care or all the other responsibilities that tend to make people breach such orders in the first place.

The Convener: A significant point that is made in your paper is that probation may be intended to help women but it has resulted in much worse outcomes—almost certainly custodial outcomes—because there has been no support for many things.

Dr Loucks: Yes.

The Convener: Do you have any more questions, Elaine?

Elaine Smith: No. I think that I have exhausted the topic.

Hugh O'Donnell (Central Scotland) (LD): As the committee requested, you have provided examples of where female offenders' experiences differ from those of male offenders. During your research, did you come across many instances of male offenders' needs not being met in which you could see parallels? Did you come across

examples in which divergence in support for male prisoners was needed, or did you specifically focus on the female prisoner population?

Dr Malloch: I have focused more specifically on women's experiences, but I have certainly had contact with services for male offenders. Similar issues arise but, as we emphasised at the beginning, women experience some challenges to a much greater extent than men with difficulties do. It has always been expected that good practice could be developed from the difficulties that women experience and that that good practice would also benefit men in the criminal justice system.

Dr Loucks: Men with substance misuse issues and men who have been victims of abuse tend to experience difficulties that are similar to those that we have said that women face. Again, the proportion of women who have suffered from difficulties has generally been much higher, but if, for example, community service orders that are more focused on treatment and support rather than purely on punishment were imposed, men would also benefit from those.

Hugh O'Donnell: I have an unrelated supplementary question. In the written submissions, Cornton Vale is mentioned as being used as a "place of safety" for women with mental health problems. In your research, did you explore whether there are other ways in which prisons are being used by prisoners as a place of safety? I am thinking about, for example, people who may have committed crimes in order to escape from an abusive relationship and who see being in prison—albeit with the obvious trauma that that entails—as a better alternative to their domestic or relationship situations in the wider community. Did you come across any evidence of prisons being used in such a way?

Dr Loucks: The 218 centre was set up exactly for that reason. The centre was originally called the time-out centre, as it provided an opportunity for people to have time out of their normal environment without having to spend time in custody. That is how it was used. It was not only for sentencers who had been put in a difficult position but for women who were trying to get some sort of escape. It provided the first respite that some women had had in years.

Hugh O'Donnell: Has there been time since the 218 centre was created to analyse the extent to which its use by women as a place of safety or refuge has had an impact on Cornton Vale and diminished its population?

Dr Malloch: We have not been able to do a follow-up study to show the centre's longer-term effects, but we have certainly been able to show that some women who have accessed it have had

the same characteristics as women who would have gone into the prison. Therefore, we suggest that there has been an impact.

Bill Kidd (Glasgow) (SNP): I would like to follow up on what Hugh O'Donnell said. Abuse and the prevalence of drug addiction mean that more women are entering prison. Is that increase correlated with recidivism, or is the prison population rising because a larger number of women find themselves in such situations?

10:30

Dr Malloch: A combination of both factors is involved. More women are using harder drugs, which is linked to patterns of offending. Sentences for drug offences are becoming longer, which also has an impact on the number of women who are in prison.

Dr Loucks: We need to link the increase to abuse issues, by looking at people's reasons for using drugs. Many women start to use drugs as a way of self-medicating, to block out much that has happened in their lives previously. So far, not much research has been done into the link between substance misuse and experiences of abuse, although there is much anecdotal evidence on the issue and some small research projects have looked at it. I am keen to explore the issue further.

Marlyn Glen: It seems to me—it must seem the same to you—that some of the evidence has been known about for a considerable time. It would be good if it were known about more generally. You mentioned the gender duty as a hook that could be used. How can we make a difference, apart from by recommending as general reading the research that you have submitted to us?

Dr Malloch: There is an argument for making the public more aware of the background of people—especially women—in our prisons, and of the purpose of community disposals and supports and what they can achieve. There should be education in what prisons aim to do, but it is more important that people should be aware of what resources are available in the community. It is also important that sentencers should be provided with information on what different community disposals involve. Initially, sentencers were slow to make referrals to the 218 centre but, when they became more aware of what it was doing, they were much more enthusiastic about sending women there. There is an argument for public education in many realms.

Dr Loucks: I can suggest a couple of ways of assisting sentencers, in particular. We could argue in favour of the presumption that social inquiry reports should be required for women offenders. A feasibility study that was carried out 10 years ago

indicated that the equivalent of one additional social work post for the whole of Scotland was needed to enable a social inquiry report to be produced for every female offender—no huge additional resource was required. It would also be fabulous if social inquiry reports included family impact statements, which show the impact of sentencing on the person to be sentenced. Such statements would apply to all offenders, male or female, but their impact would be greater for women.

Marlyn Glen: Those comments are useful.

Elaine Smith: I have read your written evidence. Last night, I also read again the Circle report "What Life after Prison? Voices of Women of Cornton Vale". The word "vulnerable" comes up a great deal in evidence on women in prison. In your submission you say:

"Women are vulnerable to exploitation by men."

That brings us back to the issue of whether the imprisonment of women is linked to discrimination, abuse and violence.

I want to pursue the issue that Marlyn Glen raised. What will it take to stop us putting vulnerable women in prison? It is hard to argue against the use of prison to deal with crimes of violence, but what will stop us imprisoning vulnerable women for crimes resulting from poverty or violence and abuse perpetrated against them? Is the problem resources or attitudes? Is a shift in the whole of society to tackle inequalities required? If the committee were to consider conducting an inquiry into the issue, would that inquiry have an impact? Has anything similar been done before in Scotland?

Dr Loucks: There have been previous inquiries. Baroness Corston released a report last year covering the whole of the United Kingdom. There was the Wedderburn committee in 2001, which covered mainly England and Wales. There was the report "Women Offenders: A Safer Way" in 1998 and the Cornton Vale research that I did in 1997, which keeps coming back. The ministerial working group on women's offending came up with the 218 proposal. Those types of reports seem to happen a great deal, so it is hard to know what will make an impact.

Sentencers will argue that violence among female offenders has increased and that that is why the prison population has gone up. The proportion of female offenders who have been sentenced for violent offences has doubled from 1 to 2 per cent. However, we are talking about a 1 per cent increase that involves only small numbers, which does not justify a doubling of the prison population.

Again, I would love to have the answer to the question of what would make a difference and what would make people understand the impact that sentencing has.

Elaine Smith: Given that the committee must prioritise its work, if we invested time in an inquiry and asked everybody else in the country from whom we sought evidence to do the same, would such an inquiry be necessary? Could it pull together the pieces of evidence and reports that you mentioned and would it be something useful for the committee and the Parliament to do?

Dr Malloch: It would be useful in the sense that it would be an opportunity to look outside the criminal justice system, which is the crucial point. Going right back to the turn of the last century, we can see that women were sent to prison predominantly for offences related to drunkenness. The same kind of vulnerability and social issues result in women being sent to prison today, and features of their experiences while they are in prison are the same. In Canada, a commission was set up to consider the prison estate for women, which produced a report and made significant changes in the organisation of prisons for women. It came up with innovative resources, including a healing lodge for women. However, the difficulties that are still experienced in Canada are linked to the fact that the prison system for women is a small part of a bigger prison system for men, and the broader social issues are still not being addressed. Scotland is well situated to start considering the broader issues and to do something about them.

The Convener: I can bring two members in again for questions, if they are brief. We are due to end this panel session at 10.40, and we have a tight schedule.

Hugh O'Donnell: Do you think that the population generally has a higher expectation of conformity to social norms for women? Is that reflected in the severity of the punishment that is meted out when women breach such norms? Anybody can answer, or both—somebody anyway.

Dr Malloch: Again, research evidence suggests that that view is characteristic of how women are depicted as offenders and as victims of crime.

Dr Loucks: That was perhaps more so in the past than now, but there is potentially still an element of that.

Bill Kidd: On non-custodial sentencing, I do not intend to be flippant, but house detention for some women might make things worse than otherwise. Is the 218 project being promoted or rolled out across the country to give more options for sentencers in different courts across Scotland?

Dr Loucks: That is maybe more a question for the Government to respond to because it has talked about rolling out lessons from the 218 project, without creating identical services. We hoped to do a follow-up on what has happened, but we have not been able to do so yet.

Dr Malloch: There are certainly lessons that can be learned.

The Convener: That brings us to the end of our questioning for this panel. I thank both witnesses, particularly for giving us the opportunity to put on the record some of the excellent but quite alarming material in your paper, which I am sure was an eye-opener for many of us. Thank you for attending—it is much appreciated.

10:39

Meeting suspended.

10:42

On resuming—

The Convener: I welcome our second panel of witnesses. We have with us Dr Fergus McNeill, who is a member of the Scottish Consortium on Crime and Criminal Justice; Netta Maciver, chief executive of Turning Point Scotland; and Jan MacLeod, senior development officer with the Women's Support Project.

We have a mixture of general questions for all our witnesses and more specific questions for Dr McNeill, given that he was good enough to submit a paper.

Bill Wilson: Will you give us specific examples of where you think that women's experience of the criminal justice system differs from men's experience of it? I want you just to highlight some of the most important points.

Jan MacLeod (Women's Support Project): It is hard to know where to start. My expertise is in working with women who have experienced violence and abuse, rather than specifically with women offenders, but there is an overlap there. I want to pick up the point that was made about social conformity. In both the civil and criminal justice system, we come across a lot of instances of where gender stereotypes and expectations of women's behaviour have led to inequalities in sentencing and perhaps even in arrests.

I turn to one of the great inequalities in the criminal justice system in Scotland. A large number of women in Cornton Vale come from the Glasgow area, have drug addictions and have been involved in prostitution. Given that the Government has recognised that prostitution is a form of abuse, I find it extraordinary that we continue to criminalise the victim. I cannot think of

any other area of abuse in which we would criminalise the victim along with the abuser or predator.

However, the situation is complex. Netta Maciver can give more details about the treatment issues, but many of the women in prostitution whom I have come across see Cornton Vale as a respite. The fact is that we cannot keep them safe in the community. By soliciting, they commit an offence, but the general public have sympathy for women who are involved in prostitution and realise that most of the women who end up in that situation have suffered severe childhood abuse and suffer on-going abuse.

So straight away, a huge and complex issue arises about attitudes to women, sex and sexuality and about a lack of early intervention in relation to child and domestic abuse. Another aspect is the lack of recognition of the links between involvement in prostitution and drug addiction. I believe that involvement in prostitution and sexual exploitation is one of the main reasons why women's drug addiction starts or escalates quickly.

10:45

Bill Wilson: Before the other two witnesses answer that question, I want to follow up your point about the perception that judges may give harsher sentences because they are meeting some kind of social norm or socially expected standard. Does that apply equally to male and female judges, or is there a difference?

Marlyn Glen: There are few female judges.

Bill Wilson: I appreciate that.

Jan MacLeod: I do not know whether other panel members can answer that, but I suspect that the point applies to male and female judges, to an extent. We hear anecdotally that some female judges have slightly more sympathy, but we could not say that there are completely separate views among male and female judges. We need input to the criminal justice system on the links between the experience of violence and involvement in the criminal justice system and drug addiction.

Bill Wilson: Would the other witnesses care to comment?

Netta Maciver (Turning Point Scotland): I can pick up on one aspect. The previous panel made the point that sheriffs have engaged with the opportunities to use the 218 service. When they see the benefits of it, they use it intensively. However, a woman must want to go to 218, because they do not have a locked door there—every day, they have to choose to stay and face their problems. We should immediately flatten any perception that that is a soft option. The hardest

option is for people to deal with the problems that they have carried through their lives. Each time that a woman chooses to stay in the 218 service, they become stronger. However, many women are not yet ready to deal with their problems and they are often the ones who say, "No thanks, I'd rather go up the road to Cornton Vale." So the issue is not just about how the judiciary deal with women; it can often be about the stage that a woman is at in dealing with her problems and what she is prepared to do.

Dr Fergus McNeill (Scottish Consortium on Crime and Criminal Justice): To return to Bill Wilson's original question, the criminal justice system deals mainly with men, because men commit the majority of offences. The criminological evidence is that women's pathways into and out of criminal careers are different from those of men—there is a different shape to that journey for women. To be frank, the criminal justice system is not well designed to support men's pathways out of offending, but it is even worse for women, for a variety of reasons. There is no intention to frustrate the process of change and to make it more difficult for women to move on and stop offending, but that can be the consequence of the way in which they are handled.

There is a specific difficulty with sentencing that relates to what happens when the combination of women's life experiences bring them to a situation in which their lives are chaotic and it is extremely difficult for them to manage their lives or for the system to engage meaningfully with them. The justice system tends to read that as wilful resistance to well-intended efforts to help those women change. It is not wilful resistance; it is the consequence of their life histories and the way in which those play out in the present. Courts often offer people opportunities and then take a dim view when they are perceived to fail to seize them. As our written evidence points out, the difficulty is that, in reality, how meaningful those opportunities are depends on how we populate the services that we provide for women offenders with forms of engagement and support that are genuinely accessible and meaningful for them. We have not been particularly good at that, historically. The 218 project is now a notable exception, from which we have a huge amount to learn, but such services are not in place generally across the system.

Elaine Smith: I said to the previous panel that if the Equal Opportunities Committee were to conduct an inquiry, it would have a slightly different perspective from a Justice Committee inquiry. So I particularly want to ask this panel to what extent female offending is the result of discrimination and abuse faced by woman. Jan MacLeod touched on that in her answer to Bill Wilson's question.

Jan MacLeod: I will start, because I come to the issue from a narrower perspective, which is my involvement with both direct support work and policy and partnership working across the range of issues related to violence against and abuse of women and children. That violence and abuse are found in two main areas. I have already mentioned prostitution. As well as the inequality of it being a form of exploitation in which the victim is criminalised, it is widely acknowledged that women who have been sexually abused as children and have suffered severe childhood abuse and neglect are overrepresented in prostitution. The other area is domestic abuse. I have on many occasions come across women who have come forward for support as a result of on-going domestic abuse. A huge percentage of women who report to the police suffer repeat victimisation, so they have learned the lesson that the criminal justice system cannot necessarily help them; 57 per cent of women who reported abuse to the police suffered repeat victimisation and 39 per cent of those involved the police more than four times.

I am sure that you are all aware of such statistics on one level, but the reason that I bring them up is to indicate that, as Dr McNeill pointed out, it is not that people are being wilful—they are in a tight corner and do not necessarily have options. They may be offending in a situation in which they do not have control over how they lead their lives. One example of how women who suffer domestic abuse can become involved in the criminal justice system is through benefit fraud. They do not declare that their partner is staying with them because he is not reliable or trustworthy—that can be a form of abuse—and that can lead to them ending up with a criminal record. On the more serious side, some women will retaliate against abusive partners and there are women in prison for the murder or attempted murder of abusive partners. There is a lack of early intervention in such situations. It is also recognised across the UK that, among men and women, survivors of child abuse are overrepresented in the criminal justice system.

A problem is that, although the issue is recognised, it does not come up. There is a failure to have social inquiry reports done for women and, although my knowledge is somewhat limited, I understand from what I hear from women that when they are done there is not a consistent approach to the interaction between violence, abuse and offending.

Elaine Smith: Is it an issue about inequality and power relationships in society? In other words, is it an issue that the committee could legitimately examine?

Jan MacLeod: There is a need to bring the issues together and to intervene. It is sad that women often do not get the help that they need until they offend. As Netta Maciver said, because women are suffering abuse and are not necessarily in control, they are not always ready for a community facility and sometimes need to be given custodial sentences. There is a lack of a gradient, particularly for women who suffer from very complex problems—I include in that category women who end up in prison because they have not paid fines that they have gathered for soliciting. We need to look more at such situations.

Netta Maciver: I want to pick up on some equal opportunities issues that arise from information that has come from the 218 project about women who presented during the past year. They were asked to identify the main problems in their lives: 12 per cent of them identified the risk of violence; 10 per cent identified emotional abuse; 8 per cent identified sexual abuse; 6 per cent identified domestic abuse; and 6 per cent identified violent behaviour. Obviously, some of them identified more than one of those. Nevertheless, that is quite a useful set of figures, which gives you an idea about some of the issues that you are discussing in relation to violence.

Let me bring in some further equal opportunities issues. An analysis of the postcodes of women using 218 identified the issue of poverty. One of the key issues is that the people who use that service come from areas of deprivation.

A third issue is that an increasing number of the women who are referred to such services do not speak English. Therefore, they cannot access and use those services fully. Interpreting services are not quite enough. There are a growing number of individuals referred to us from the courts to whom we are not able to respond adequately. In addition to the domestic issue, there are issues of poverty and language.

The Convener: I will press you a bit further on the matter of postcodes. Are you saying that there will be different outcomes for two female offenders with different postcodes?

Netta Maciver: The people who come to 218 come from poor parts of Glasgow. We do not find people from G12 or the suburbs, for example, using the service. Primarily, women come from areas of deprivation. Focusing on equality of opportunity, I would also point out that women from other parts of Scotland cannot access the 218 service—it is available only to people in Glasgow, particularly if they come from a poor part of the city.

Dr McNeill: I would underline that point. The question of inequality lies behind the crime problem generally. That cuts across men and

women, but women experience particular inequalities, which flow through into their involvement with the justice system. There are particular inequalities in the way in which the justice system deals with women.

I will pick up on the issue of social inquiry reports. I know a fair bit about the subject, from professional experience and recent research that I have conducted with colleagues. I genuinely think that there is an issue around expertise. Nine times out of 10, criminal justice social workers deal with men. A relatively small number of them are involved in developing expertise. Nationally, some groups are trying to develop practice in this field, and they are doing excellent work, learning from the lessons that have been drawn from 218. The default experience in the system is male, however.

Unless and until we have resources for training and education for the professionals who work in the system—in addition to the public and community education that was raised with the previous witnesses—and unless we dedicate those resources and address the inequities in provision that arise from operating local pilot schemes that create inequalities in provision across the country, the problems will be perpetuated.

Jan MacLeod said that some women need custodial sentences. Although I entirely understand where that is coming from, people should never need a custodial sentence; they should deserve one. It is okay to say that someone deserves a custodial sentence, but it is never okay for them to need one. If someone needs a place of respite, we should provide a place of respite, but we should never send someone to custody because we think that they need it. We should never be in a position where people need custody to meet their needs.

The Convener: I suppose that Jan was thinking about the public safety aspect in a very small number of instances.

11:00

Jan MacLeod: I was really thinking about the lack of options. The point is a good one. I mentioned that, sometimes, women's experience of violence can lead to their committing serious crimes. I am not saying by any means that everything done by someone who suffers violence is excusable. I probably used the word "need" incorrectly. The issue is really about the lack of other options, because we are not able to provide the resources to catch the women at the point at which they are ready to interact.

Bill Wilson: In some circumstances, measures such as the home detention curfew would be difficult to use. You would not want to make

someone subject to such a curfew in the home in which they were being abused, because that would simply mean that they were being detained for abuse. Clearly, therefore, there must be more refuges or shelters. Is it possible to apply a home detention curfew to an individual in a shelter so that, if the court decides that someone should have a home detention curfew, it can be applied to a place in which they will be safe?

Dr McNeill: Technically, that is entirely possible. A device is installed in a given place and creates a radius in which the person can move without triggering the alarm. What you suggest would be possible, but whether it would help is another question.

Bill Wilson: Do you think that it would help?

Dr McNeill: I would be sceptical. Much would depend on where you were detaining someone. Your discussion with the previous witnesses about the nature of the prison establishments that we should have was interesting in that regard.

Recently, listening to colleagues from Scandinavia, I was struck by the realisation that their general prison system involves very small units that are dispersed through a very large country, rather than small numbers of very large institutions that people travel long distances to get to. There is no reason why we could not have a 10, 20 or 30-bed unit with some sort of open system that involved electronic monitoring as an alternative to razor wire and high fences.

There are all sorts of creative possibilities that one could use to directly replace prison sentences, as we currently understand them. The difficulty is that, when we innovate in terms of what we do behind bars, we invite more people into custody because we create a situation in which the sentencers see that there are resources and new money in the prison system and they think, "That sounds like a terribly good idea and the women obviously need the intervention, so off they go." My concern, therefore, would be to ensure that the resources flow to the community side rather than the prison side, as far as possible.

Marlyn Glen: Does the organisation of the prison service reflect the particular needs and backgrounds of female offenders, or does it reflect a service that was, historically, designed for male offenders? While I was listening to the discussion, it occurred to me that the system might be a continuation of the tradition of punishing young women who have been abused—I am thinking about pregnant women who were taken away for a long time.

Netta Maciver: The discussion is interesting. Sometimes, we look at prison as a place wherein effective treatment and rehabilitation can be provided, but that is not its primary purpose. If we

seek to reduce offending and improve the quality of individuals' lives, we should look at what gives the most effective outcome when we ask questions about prison or home detention. An effective outcome involves the relationship that a woman makes with a key worker, and the ability of that key worker to stay with that woman consistently throughout a programme, which could involve one-to-one work or group work. However, if that is what we seek to do, we do not have to do it within a custodial system.

Dr McNeill: An interesting question is whether a rise in the prison population—in particular among women, although this might also be true for men—is to some extent a result of a decline in other forms of institutionalisation. If we close mental health facilities and facilities that dealt with people who are on the border between being in what was regarded as moral danger and having mental health problems, do women find their way into the penal system instead, because we do not quite know what to do with them? As an historical analysis of part of the current difficulty, there is probably something in that.

The key point is to ensure that at every stage in the system the alternatives that exist for men are redesigned around the needs—and deeds—of women, so that women have an equal chance of being diverted at every stage. I am not convinced that an equal chance currently exists. That is where inequality and discrimination reside in the system.

Jan MacLeod: This is not exactly a response to the question, but I want to pick up on the point about community facilities. In my work we hear good reports about how the support that 218 offers has made a difference for the women who were able to access the service. I am not sure about the benefits of house arrest—if I can call it that—at a hostel or refuge.

There is an almost complete lack of appropriate support for women who have complex needs, whether or not they need a custodial sentence. That is a real problem. It is ironic that a woman cannot access 218 unless she has offended. Accessing services is also a big problem for women from outwith Glasgow. I have heard of women giving up their houses and making themselves homeless so that they can get into Glasgow and access support.

In my experience, short sentences often have a devastating impact on women and their families. Women are much more likely to lose their houses and the care of their children. To put it in a simplistic way, when men go to prison their women partners often hold together the house and family, but often when women are imprisoned everything gets lost. That seems a high price for everybody to pay for a short sentence.

The Convener: Would you welcome impact statements?

Jan MacLeod: I am not sure.

The Convener: Do other panel members have a view?

Dr McNeill: If you mean family impact statements in social inquiry reports, I favour the greater use of such reports. However, when social workers write such reports they are expected to address impact to some extent. Among the many other things that must be addressed, perhaps closer attention should be paid to the significance of the impact on the family and the impact of separation from the family on the woman. It would be good to bring such matters more closely to judges' attention.

However, I fear that ultimately judges and sheriffs will say that their principal concern is to do justice in relation to the offence and that they can take into account offenders' circumstances only to a certain extent. Judges and sheriffs always say that they want and try to take account of circumstances, but I know from long experience that researchers always run up against the attitude that leads judges and sheriffs to say, "The individual circumstances of this case and the nature of this offence compel me to impose a custodial sentence. There is no alternative." Other people often take a different view and would want to challenge a judge who arrived at that conclusion. However, any amount of information will not necessarily tip the balance significantly.

The provision of credible resources can play a small part, but the Government and the Parliament could take the lead in considering how to encourage sentencers to take family inquiry reports into account. They could set a legislative framework that compelled judges to do so and which, in some cases, did not give them the option of using custodial sentencing powers in the first instance. That is my personal opinion; it is not a view of the consortium.

The Convener: I notice that fine defaulting is a category of offence for which 7,442 women were sent to prison in 2006. Is that an area in which family impact statements should be weighed up?

Dr McNeill: Absolutely. The imprisonment of women for defaulting on small outstanding fines is incredibly harmful for them and their families, incredibly costly to the public purse and, frankly, reveals a lack of imagination in the system when it comes to finding alternative ways of allowing those women to make good the debt that they owe to society. There must be a more sensible way of doing that than by sentencing them to short periods of detention.

Netta Maciver: Could I introduce some figures on children—

The Convener: If you do not mind, I would like us to move on. You will have the opportunity to provide additional information after the evidence session, which the committee will consider in the context of the whole inquiry. We have a few more questions to get through and it is 11 minutes past 11.

Hugh O'Donnell: I will be quick. The cumulative impact of the evidence that you have given us thus far has been to suggest that the focus of Government policy as regards equal opportunities should be the preventive stage. As is acknowledged not just by the committee, part of the problem is the inadequacies that exist in the provision of access for women across the country to the 218 project and the inequalities that result from that. However, from what Jan MacLeod and Netta Maciver have said, it seems that it is hugely important that we create services for women before they come on to the radar of the criminal justice system. Do you agree?

Jan MacLeod: Netta Maciver's point about the need for women to have the chance to develop trusting relationships and to get access to information and support at an early stage is extremely important. Huge difficulties are experienced in cases in which women have complex needs, because there is a significant lack of resources. In many ways, the mental health services have failed to tackle women who are labelled as having personality disorders, which seems to mean that they do not get such services. That is a bit of a sweeping statement but, in my line of work, it is often the people who we think should be getting intensive services who seem almost to be banned from receiving them.

There is a need for more resources for women who have very young children. Resources used to be available in the community that people who were under stress could access at an early stage to obtain the help that they needed, but such resources are no longer available.

Netta Maciver: The greatest need is for services for young children. The bulk of the women with whom we deal are at the stage at which the abuse, the violence and the effects of a dysfunctional family have already kicked in. It is possible to have a reparative relationship with them, but if we want to engage in prevention, we need to focus on the youngest people who are being affected. I would never take away from the development of services for such women but, rather than develop such services purely for child care or other reasons, we should start at the beginning with the people who are being damaged.

Dr McNeill: I agree with that entirely from the point of view of reducing the level of involvement in offending and addressing the difficulties that are ultimately expressed in offending behaviour, but women offenders exist and there are inequalities in how they are processed. If you were to ask my view on a possible remit for an inquiry by the committee, I would say that there is evidence of inequality and unintended, indirect discrimination at every stage of the criminal justice process from policing to prosecution to sentencing and through into the prison system, and that that requires to be highlighted and addressed. I would not want the remit to be restricted to prevention.

11:15

Bill Wilson: If I said that perhaps the best way of reducing offending in this country would be to redistribute wealth so that the bottom 50 per cent of our population had a greater than 1 per cent share of that wealth, what would you say?

Jan MacLeod: There would probably be fewer women in prison.

Netta Maciver: I do not think that it is just about money; I think that it is about the quality of the relationships with which people grow up. Although you can put money into communities, you have to put money into functioning families as well.

Dr McNeill: I would have some sympathy with your proposal only in the sense that there is a great weight of criminological evidence to suggest that the issue is inequality, not poverty or disadvantage per se, whereby people share the same aspirations, which come to them from the mass media and from every direction in society, but the opportunity to fulfil those aspirations is blocked in a variety of ways. The blockages are, to some extent, different for men and women, and there are different social pressures on men and women. Inequality is a critical factor in driving and motivating offending behaviour.

Bill Kidd: My question is about equalities as human rights. Netta Maciver referred to the difficulties that non-English speakers have in accessing 218. Do specific groups of female prisoners face particular difficulties? I am thinking of, for example, black and minority ethnic prisoners. How are they provided for? Some services are sensitive to religion, such as those for Muslim women, and there is a range of people who constitute minorities within the prison population, including older and younger offenders. Are they well catered for or are they not catered for at all?

Netta Maciver: I have information only on those who come to us as an alternative to going to prison. However, I have heard staff in the prison service talk about catering for the walking

wounded, which includes all categories. I include people with learning disabilities in that; it is probably not possible to cater well for their needs in prison.

Age is also a factor. The oldest woman who has come to 218 was in her 70s. Alcohol is a growing feature—it is involved in more than 50 per cent of referrals to 218 and has gone ahead of methadone and heroin. Therefore, we are more likely to be dealing with an older group.

The number of referrals of people from non-Scottish, non-white backgrounds is extremely small. However, any organisation that is sensitive to need can provide religion-sensitive, diet-aware services. Our drugs services can do that, and there is no reason why 218 cannot. The complex cases involve individuals with mental health issues, learning disabilities or difficulties in communicating for any reason.

Dr McNeill: I do not know a great deal about the subject. I am sure that the next panel will be able to address the question more directly. However, there are difficulties with the present system's capacity to manage foreign national prisoners effectively and sensitively—that is based on contact with colleagues down south, rather than direct experience or knowledge of the situation in Scotland.

Women can be involved in drug trafficking, as mules—that is what they are called. Those women often come into the country without much knowledge of the English language or what they are involved in. In some cases, they can attract lengthy prison sentences and find themselves cut off from family in their countries of origin, cut off by language and cut off by culture and religion. That is a terrifying and difficult experience.

The more general point to make—it is a clear lesson to learn from 218—is that dealing effectively with women offenders requires a high degree of individualisation of response. It is not so much about considering the provision for different categories and types of offenders as it is about considering whether the entire system can respond flexibly on a case-by-case basis to deal with individual need by establishing the kind of relationships that allow people to progress. That speaks to age differences, differences in sexuality, differences in nationality and ethnicity, and any other differences that might exist.

The Convener: That seems a good point on which to end. I thank the panellists for a comprehensive and insightful evidence session, which the committee will take a lot from when we consider the evidence that we have received. Thank you all very much for coming.

I suspend the meeting briefly to allow a changeover of witnesses.

11:20

Meeting suspended.

11:25

On resuming—

The Convener: I am pleased to welcome Elish Angiolini and Ian Gunn. Elish, the Lord Advocate, needs no introduction. Ian Gunn is the governor of Cornton Vale. We will kick off with general questions, starting with Bill Wilson.

Bill Wilson: I ask the Lord Advocate to summarise what she thinks are the main differences in the experiences of men and women in the criminal justice system.

Elish Angiolini QC (Lord Advocate): It is difficult to say that there are stereotypical differences on the basis of gender. An earlier witness emphasised the fact that the courts have to treat individuals as individuals, whatever the outcomes are. Each case that comes before a court is identified by its special facts and circumstances; it is not a question of processing cases rigidly. An assault might be similar to another assault, but there will be differences in the circumstances and vulnerability of the victim, in the circumstances of the accused or in the locality where the offence took place. If it took place in a hospital or had a racist element, or if the victim was an elderly person, the case would be aggravated by those features and it would be more serious because of the victim's vulnerability. The courts have to base their approach to each case on the individual facts and circumstances, and part of the difficulty is that a vast range of circumstances occur across the realm of offending.

As far as those who come into the system are concerned, the initial gateway is obviously the police investigation and reporting of the offence. Thereafter, the prosecution system process will determine further gateways and where individuals will go—for example, whether they will be subject to an alternative to prosecution or to direct action, as we now have under summary justice reform, or whether they will be prosecuted in court.

The differences in the experience will be dictated by the nature of the offence and by the circumstances that are peculiar to the case, as well as by the prosecution policies that are in place. My slice of the system has no responsibility for sentencing; it has responsibility for prosecution and bringing people into the system, and it does not differentiate on the basis of gender. The prosecution system considers the circumstances of the individual crime and the individual victim.

The Convener: The trend seems to be that two-thirds of the women who go before a court end up

on remand. Is that a bigger proportion than for males?

The Lord Advocate: Evidence shows that there has been an increase in the number of women remands. I suspect that that is largely due to the profile of the female offenders who are coming into the system. Many of them have mental health difficulties and severe addiction problems that result in chaotic lifestyles and an inability to obtemper the court's orders. If a female offender is placed on bail and then goes out and shoplifts again, she will come back before the court in breach of bail. She might get bail again but if she commits another offence, the result will be that she will be kept on remand because of her inability to obtemper the court's orders. That is also a feature of male offenders' behaviour, where drug addiction is prevalent across the board. However, the acute rise in the number of women who are incarcerated, generally as a result of acquisitive crime—dishonesty, fraud, robberies and muggings, some of which are linked to addiction problems—is a result of their inability to come to court or to respond to the court's orders.

The Government has taken action to address those behaviours through the use of supervised bail. Recent evidence shows that supervised bail has been successful in reducing the number of remands. However, it was rolled out only very recently, and getting the courts to use that option and be confident that it will protect the community from an offender who repeatedly fails to comply with a bail order requires a confidence-building exercise for both the judiciary and the community. If the community is suffering as a result of persistent offending, it wants relief from that and someone to be incarcerated.

The Convener: So it is not the case that when a female offender and male offender have more or less the same circumstances, the trend is to consider remanding in custody more women for their own safety.

11:30

The Lord Advocate: That would not be the prosecutor's position. A prosecutor has to follow set guidelines on bail, which were issued with the recent legislation. There is a presumption in favour of bail under the European convention on human rights. The decision has to be related to the seriousness of the offending, and factors such as a substantial schedule of previous convictions for dishonesty, breaches of bail, attempts to pervert the course of justice or interference with witnesses are taken into account.

It is important that we consider the issue of identical circumstances, which has not been the subject of a great deal of research in the Scottish

context. As part of my department's gender equality plan, we are considering the methodology for gathering data on gender in order to assess whether there is a disparity in the treatment of female offenders when it comes to bail. That will help to advise us whether steps such as supervised bail orders may prevent such a large number of remands. The remand population in Scotland is too high, but there has to be a balance. The courts have to ensure that they protect the community as well as the victims from repetitive or persistent offences.

Ian Gunn (Scottish Prison Service): I will answer from a prison perspective. I have been a governor in three prisons, two of which, including Cornton Vale, have female prisoners. Male and female offenders can be victims of abuse and can suffer from mental health problems, substance abuse and self-harm. However, those problems affect a much higher number of female prisoners and can be coupled with the fact that female prisoners are their family's main carer, which means that the family's lifestyle is very chaotic. If a man whose family's lifestyle is chaotic comes into prison, he can usually leave the care of the family to a woman, whereas a woman generally cannot do that. Women face complex issues, rather than the one or two issues that men face.

Marlyn Glen: I was going to ask the previous panel about the idea of a chaotic lifestyle. Will you tease that out for me? There is a tension if women do not turn up to court because they are supporting children. We explain behaviour by saying that someone has a chaotic lifestyle, and yet women offenders seem also to be able to support partners and children.

The Lord Advocate: If someone is engaging in persistent offending, such as stealing, that is part of a chaotic lifestyle. If someone has reverted to mugging old ladies or committing fraud in order to feed their addiction, that is a sign of disorder in their life. A common feature observed by prosecutors is that female offenders can become aligned with an individual who has a significant influence on them, such as a male partner who supplies them drugs initially and thereafter dominates their lifestyle. Many such women are forced into prostitution to feed their habit. While they may maintain children, it is certainly not at a level with which anyone else would be content. There is a certain hierarchy of priorities for those women. Matters such as seeking help with their addiction and dealing with their health and mental health problems are not among those priorities because of the chaos that reigns in their lives and because of the basics that have to be dealt with. Court is not necessarily high on that agenda, either. It is difficult for them to see a lawyer or to seek advice on debt. As a result, although they are looking after children, their problems accelerate.

Offending is a core part of the dysfunctionality that we see among many female offenders.

Ian Gunn: It is difficult for me to generalise, but most of the women whom I speak to do not just tell me about one problem—they give me a whole host of reasons why their life is chaotic, including their housing and the fact that they do not have a job. Sometimes they are caring not only for children but for people in their family who are disabled. They may not have a family at all; their chaos is therefore caused by having nowhere to live and no support. There is the issue of abuse as well. As a member of an earlier panel said, these women do not have a G12 postcode. You can identify almost straight away where they have come from.

The Lord Advocate: When I began as a prosecutor at the tender age of 23, I had a vision that people who committed crimes were the accused but that victims were a separate and distinct group. Of course, there is no such dichotomy.

I said that women who offend tend to have chaotic lifestyles and significant mental health or addiction problems, and many of them have also been victims of physical or sexual abuse and mental cruelty in their childhood. They also appear as witnesses and victims in other cases. We have similar problems even in attempting to ensure that those who are victims come to court to be supported through the process, which in itself can be traumatic. They might appear as an accused one day and as a victim another. That is a very common experience for procurators fiscal in courts throughout the country.

Elaine Smith: As I said to previous witnesses, we are the Equal Opportunities Committee so our perspective is necessarily different to what you might find in the Justice Committee. One of the questions to which we hoped to get a general answer is about the extent to which female offending is the result of discrimination against and abuse of women. You have touched on that. When I looked at earlier evidence, I noticed that the word "vulnerable" was used an awful lot to describe women. Is female offending the result of discrimination, abuse and inequality?

The Lord Advocate: There is no conscious discrimination in the approach to prosecution, although that is not to say that there is not indirect discrimination. An example of that is wireless telegraphy offences—or not having a television licence. For many years as a young prosecutor, I noticed that the subject of reports of such offences were predominantly women. Huge bundles of such cases came to us, and thousands of the people who were prosecuted and therefore brought into the criminal justice system were women. Over time, I made inquiries about why that was a

feature. It became obvious that the inspectors attended people's houses when women were at home with young children. Their husbands, who were equally guilty of the offence, were at work, so it was predominantly women who came into the criminal justice system. That indirect discrimination was a result of investigative practice that took place at a particular time of the day. New methods of paying for a television licence resulted in far fewer such cases coming to the courts: we have found a way of diverting people away from the system.

Diversion is equally important in the new summary justice reforms. We now have the opportunity to ensure that people who hitherto might have ended up in prison as a result of defaulting on fines and who were sucked into the system through the vulnerabilities and weaknesses of their disorganised lifestyles can be diverted away to social work services and treated on programmes for those who commit drink and drug-related offences.

With the new fines on time that we are about to pilot in four fiscal areas, we can look at work orders that might be suitable not only for the vast majority of the offending population, who are male, but for females. For example, many community service orders tend to be suitable for males because they involve physical labour. I am not suggesting that women cannot serve those orders, but they are not necessarily designed to take account of the small number of offending females.

The fines on time represent the type of creative measure that we as prosecutors can use to try to prevent women who have significant mental health problems from coming into the system by diverting them away from it. Such measures have to be part of the process so that we can focus the energies of the court on persistent offenders, who have a corrosive effect on the community, and on ensuring that much more intensive work is done with them. Those efforts could include female offenders—there are persistent female offenders, too. We could do more work of a problem-solving nature than the court is able to do at the moment because of the sheer bulk of the cases that go through on a daily basis. We have a real opportunity to address the issue.

However, there is evidence that although most of the crime committed by women is acquisitive in nature, there are women who commit violent offences. From my experience as a prosecutor over 25 years or so, I have seen that many women are not simply collaborators who go along with a dominant male partner—for example, being an accessory, carrying knives for the boyfriend, assisting in clearing up after a murder or hiding weapons—but prime movers in some cases.

We have seen appalling acts of murderous torture by women against women and an increasing number of groups of young girls using knives, predominantly against other young girls who are vulnerable. We might traditionally have seen such violent behaviour as male behaviour. The increase in that behaviour among women seems to be allied in some way with the growing problem of binge drinking by young women. A kind of machismo features in some behaviour by women. A small but conspicuous number of women are leading gangs that are involved in drugs.

It is not the case that all the women in the criminal justice system are there simply because they are vulnerable; there are worrying signs of women adopting aggressive behaviour, which was not common hitherto. However, only a small number of women are involved in such behaviour in comparison with the number of male offenders who are involved in it.

Ian Gunn: In Cornton Vale we see a number of vulnerable women who behave bizarrely at times. Our staff know how to cope with such behaviour, so its repercussions for a woman in the prison setting are completely different from what they would be outside. When anyone behaves in such a bizarre way in the street, they are likely to end up in the criminal justice system. Those women do not know how to behave in a way that we would consider normal. When they go before the court, it is likely that their bizarre behaviour will be seen for what it is—they will not necessarily be seen as vulnerable women who have mental health difficulties and who do not know how to behave differently. When they get to us, we can take the time to address those issues. We know that we are not dealing with people who we think should behave normally; we realise that they do not know how to behave differently. That is one of the main issues for me.

Elaine Smith: Perhaps we should take a step back. I understand the issues within the criminal justice system, but perhaps we should have asked the police for evidence.

We received evidence previously that, over the 10 years to 2007, the number of women in prison increased by 90 per cent. Do you have any figures for the percentage increase in violent crime? Is there an explanation for the 90 per cent increase in the number of women prisoners?

The Lord Advocate: It depends how you define violent crime. An assault is a straightforward example of violence. However, violent crime might also include abductions and threats, such as malicious or threatening letters to individuals, although the threats might not be carried out. Carrying knives is not a violent offence per se, but it is preparatory to violence and is therefore

embraced in another group of crimes. However, the fact that people carry knives more liberally than they did in the past is a manifestation of something sinister in society.

There is also a large amount of antisocial behaviour. As Ian Gunn said, such behaviour is often the manifestation of profound mental health difficulties or a personality disorder, the effect of which can be fairly acute for the community. A common example is that of a vulnerable female living on her own who attracts a number of males into her home for parties that carry on until 3 or 4 o'clock in the morning. Her neighbours might be elderly people or families with young children. People who the woman has invited to the house might urinate in the close or out of the window into a neighbour's garden and cause huge disturbance by shouting and swearing, which can be frightening. The woman might also be participating in such behaviour as a prime mover.

Although such behaviour is not violent as such, victims of it feel violated and find it threatening and intimidating. It is not embraced in the definition of violent crime, but it can create a violent environment for people to live in and can therefore become increasingly serious. Prosecutors are attempting to tackle such behaviour with the police on a problem-solving basis. They are considering how to deal with such problems in communities to ensure that they do not result in a disproportionate response to women who might be extremely vulnerable but who might attract serious misbehaviour around them.

11:45

Marlyn Glen: My general question is about the organisation of the Scottish Prison Service. Does it reflect—indeed, is it able to reflect—the particular needs and backgrounds of female offenders or the fact that the service was historically designed for male offenders and, perhaps, continues to be designed for them?

Ian Gunn: The problem is that Cornton Vale is a central prison that takes almost all female prisoners. It was built as a female establishment some 30 years ago and is significantly different in design to most prisons.

That is our current model, but the new community justice authorities and other bodies would like the SPS to change to a more community-facing model, which is happening with some of our male establishments. The SPS considers that females require specific services and that those services require quite large numbers of offenders. In my written evidence, I gave the example of part of Greenock prison being used for a while to house up to 75 women.

I was governor and deputy governor of Aberdeen prison for a total of five years. There, we had a female unit that could house 10 women. In some cases, the women were grateful to be near their families and social workers, but the prison's regime did not do much to help them address their offending behaviour. Therefore, it is clearly better to have women in larger numbers, so we need to consider that. As you know from my evidence, consideration is being given to including a female unit in the new north-east prison because the next two prisons to be built will house male offenders.

The Convener: Does the Lord Advocate have anything to add?

The Lord Advocate: No. Prisons are obviously not part of my portfolio generally, but I agree with Ian Gunn.

Hugh O'Donnell: What Ian Gunn just said about the need for a critical mass for provision of services seems to suggest that the economic imperative takes precedence, as far as the Scottish Prison Service is concerned. As he said, the service has a small unit in Aberdeen and one, I think, in Inverness, which is not currently being used.

Ian Gunn: The Inverness unit is open, but the Aberdeen one is not.

Hugh O'Donnell: Is there, as far as the Scottish Prison Service is concerned, an economic imperative for critical mass in provision of services?

Ian Gunn: I know Aberdeen prison quite well. It has a house block that could be used for females, but the number of male prisoners there is significantly higher than it has ever been—there are way more than 200 prisoners in the prison—and it is better to keep all the male prisoners in that area. We would probably have only 10 women from the Aberdeen area at the moment, if that, and fewer than 30 from the northern community justice authority area. As far as I am concerned, it is far better to give the services that we have at Cornton Vale to that small number of women than it would be to spread them around the estate as it stands. When we changed the use of part of Greenock prison, it did not significantly change the cost of running the establishment; it was just a reconfiguration of its population.

Hugh O'Donnell: Would there, however, be a cost implication for the SPS in delivering the services beyond Cornton Vale if you were to do that for a small group of women prisoners with the expectation that, although they were not located in Cornton Vale, they would have the right to access the facilities that you have there?

Ian Gunn: Yes, there would.

Hugh O'Donnell: Given that fact, given the profile of female offenders—who, by and large, tend to be on shorter sentences—and given the SPS's role in reducing recidivism, to what extent do prisons provide adequate services and treatments, some of which are long-term programmes, for female prisoners?

Ian Gunn: As previous witnesses have said, a lot of women are with us for short periods. I will correct something that was said earlier. Very few women now come into Cornton Vale for non-payment of fines—the problem is almost non-existent now. Offenders may come in for that and another offence, but not many come in specifically for non-payment.

Many women are with us on remand for significant periods. I suspect that over 10 or 12 years some women serve a life sentence on remand, with few custodial sentences. On average, they are with us for three weeks or so. Apart from making them better physically and—we hope—mentally, tidying them up and dealing with their drug addiction, there is little we can do. Many women who have been convicted of offences are in prison for six months or less. In that time, there is little we can do other than deal with their physical and mental issues and keep them safe. As has been mentioned, being in prison gives them some respite from what is happening to them in the community. If we have more time with them—I am not asking for women to be sent to prison for longer—we can provide appropriate interventions.

Marlyn Glen: It was suggested that a modular approach that can be continued by agencies outside prison, following release, is more helpful for short-term prisoners. Would it be a good idea to apply to male prisoners the good practice that has been developed for women prisoners in Cornton Vale? I hope that you are in a good position to answer that question.

Ian Gunn: Across the SPS, there is much sharing of expertise between the people who research, put in place and deliver interventions. Lessons that are learned from programmes that have been developed for women can be applied to men, and vice versa. We have tried to adapt some of the programmes that were delivered specifically to men, with greater or lesser success. Marlyn Glen is right to suggest that we should not have gender-specific programmes, but we need to take into account the different learning styles of men and women. My five years at Peterhead prison, in charge of sex offenders, indicated to me that the intensive and confrontational way in which we deliver—for specific reasons—the Peterhead sex offenders programme would not work with female offenders. I know that there is only a small number of female sex offenders.

Marlyn Glen: I suggest that programmes should be transferred mainly from Cornton Vale to other prisons, rather than the other way around, in order to break down the undeniable machismo in such environments.

The Convener: Are women still going to prison for breach of probation?

Ian Gunn: In my experience, the number of such prisoners is quite small. I examined the issue in February, when I was looking into why so many women are in prison on remand. I was surprised—although I should not have been—at how many women are in prison for breaching bail not just once, but many times. I suspect that the number of women who are in prison for breach of probation is not as high. Separate warrants are not often used unless a charge is very serious. With many acquisitive crimes, a bundle of charges appear on one or several warrants.

The Convener: Is the marked drop in the number of prisoners who are fine defaulters a result of the new summary justice legislation, or was there already such a trend?

Ian Gunn: The trend already existed—the number of fine defaulters in prison has been falling for some time.

The Lord Advocate: The national roll-out in September 2007 of supervised attendance orders is contributing to the fall in numbers of such prisoners. The orders were piloted in several areas, in particular Glasgow, which brought the figures down. Now that the orders have been rolled out across the country, the number of fine defaulters in prison should continue to fall.

The Convener: What kind of support is given under the fines in time disposal? How does that work?

The Lord Advocate: It has not started yet. The disposal comes from the new legislation and will be piloted in four procurator fiscal areas. It will be based on community service but will be much more straightforward. It will require fewer hours and will involve direct action in response to offending. It is intended to take individuals out of the system and to prevent the escalation that inevitably results in their going to prison. Such community penalties—I think that the formal title for the fine on time is a work order—would be carried out close to when the offence was committed.

It is important to design the work orders pilot so that work orders are also suitable for female offenders. I understand anecdotally that community service can involve a group of male offenders with one female offender. Community service can be an uncomfortable experience for female offenders, who can be the subject of

abuse. We must examine that to ensure that women are not excluded from such measures because the measures are designed predominantly for the vast bulk of the offending population.

The Convener: That is helpful.

Bill Kidd: My first question is for the Lord Advocate. Are sufficient alternative remedies to prison available for people who have mental health problems? We heard that many people who end up in Cornton Vale display bizarre behaviour patterns, which might be because they are mentally ill.

My second question is for Mr Gunn. Are trained staff and physical resources available to deal with the minority groups in prisons, such as minority ethnic people and people of different religions, and with the differences between younger and older offenders?

The Lord Advocate: I suspect that we need to increase the armoury of alternatives to custody. Very few people believe that the number of people who are incarcerated in this country is the right number. A very high number of people are in prison, of whom a significant number have short-term sentences. As Ian Gunn said, little can be done in the short term other than restoring a person's health to an extent. Short-term work on rehabilitation or encouraging people to address their offending behaviour has a limited scope.

Given that, we must ensure that the alternatives to custody are robust and that they have the community's confidence. That is part of the problem. It is not for me to ask the committee questions, but committee members could put up their hands if they remember seeing community service at work where they live.

Hugh O'Donnell: I have.

The Lord Advocate: There we are: only one member has seen it. When I ask audiences of 200 or 300 people that question, one hand will go up. Community service is happening, but if we do not see what the criminal justice system is doing to ensure that those who offend remove graffiti from walls, people will not have much faith in community service. It is important that community service becomes visible, that it is robust and that it is seen as a substantial alternative to custody and not as a soft option. We must build confidence about the alternative remedies.

That relates to people who may have mental health issues. "Mental health" is a simplistic term for a vast range of complex variables—the range of mental health difficulties is significant. Mental health problems could be mild depression, chronic depression, manic depression, paranoid schizophrenia or psychotic behaviour. A person

could be a psychopath—that personality disorder is untreatable. A sophisticated range of offending by people with mental health problems occurs and a significant number of victims of crime have similar mental health problems. There is no one-size-fits-all solution. The sophistication with which the criminal justice system addresses those issues depends on experts and the resources that are available to support the information on which decisions are based.

We have for several years had diversion from prosecution for mental health treatment and support, but the number of people involved is fairly small. We depend on reporting—many mental health conditions are not florid and are not obvious, but they might be deep rooted. For example, if a male or female offender has suffered chronic physical, mental and sexual abuse as a child, the manifestation of that might be deep but might not emerge until later in life. Detection of mental health issues is difficult.

12:00

That is why I hope that there will be problem solving, decision making and searching for what creates offending behaviour in the new summary justice system, when we do not have to deal with that vast bulk of minor offenders who have dipped a tentative toe into criminal offending. People will perhaps commit one or two crimes and thereafter straighten themselves out by getting a job and never again offending, so we will never see them again in the system. The ability to deal with people with mental health problems will be much enhanced by the new system that we are about to put in place.

In the meantime, it is incumbent on us to ensure that diversion from prosecution of people who have mental health difficulties is enhanced as far as possible, and that a consistent approach is taken throughout the country. There are difficulties in some rural jurisdictions in ensuring that the same standards that are applied elsewhere are applied. The forensic psychiatry services in Glasgow provide wonderful services that allow diversion from prosecution, but diversion is not as readily achievable in some areas because of the distances that are involved. If the accused lives some distance from a centre, things become more difficult. It is important that we address that, but because of the complexity of mental illnesses, there is no off-the-shelf remedy.

Ian Gunn: The SPS takes seriously its equality and diversity responsibilities. The prisons directorate, for which all governors work, has a structure in place that prisons are now replicating and which enables us to address the cultural and religious needs of all minorities. In Cornton Vale this month, there are 32 women who do not

describe themselves as being white Scottish, including 11 women of Chinese origin, three women from the Caribbean and two black African women. The prison therefore contains a range of nationalities. Two chaplains are employed as part of our families team, and we have access to a Muslim chaplain who is employed by the SPS. We try to deal with all the various issues that arise and all the problems that are caused as a result of women not being able to speak English, for example, and we try to promote other cultures—not only to ladies who do not come from Scotland, but to our indigenous prisoners—to make them understand the problems of other cultures.

We hold prisoners aged between 16 and 65, which is the age of our oldest prisoner. Obviously, we must keep young offenders and adults separate, but peer tutoring is one of the most positive things that we can provide. Older women can help younger women with literacy and numeracy, for example. However, with reoffending, the main difficulty is not so much the person's age, but their needs and the risk that they pose, with which we need to deal.

The Convener: The witnesses have covered many of our specific questions in answering our general questions. Members may now ask questions on any issue that has not been covered.

Elaine Smith: The purposes of this meeting are to ascertain whether it would be legitimate to inquire into female offenders in the criminal justice system, and to ascertain whether the committee would want to prioritise such an inquiry. Baroness Corston's "The Corston Report: a review of women with particular vulnerabilities in the criminal justice system" has been mentioned. The report on that inquiry mentions the new gender equality duty, which has arisen in this session—I think that Elish Angiolini mentioned it in the context of the new community penalties. Baroness Corston's report states:

"Equality must embrace not just fairness but also inclusivity. This will result in some different services and policies for men and women. There are fundamental differences between male and female offenders and those at risk of offending that indicate a different and distinct approach is needed for women."

Would it be legitimate for the Equal Opportunities Committee to make it a priority to inquire into equalities in respect of women in the criminal justice system?

The Lord Advocate: Consideration of that in the Scottish context would be well merited. The committee has spoken to witnesses who have recently produced papers on women offending, but there is a paucity of research. We do not have a great deal of information on what has happened historically, how things are developing and what

the trends are, so such information would be helpful.

As part of our gender equality action plan, we are considering how we negotiate pleas, how we make decisions to prosecute at the beginning of the process, and the effect that that has across the genders. As a result, we will be able to provide the committee with information on such things, including on bail, in 2008-09 as our process continues.

The three areas that we identify in our gender equality action plan as being the ones that we want to prioritise and consider are the marking decision and how it affects gender, bail and plea negotiation. We will also consider whether the plea negotiation system has an effect that is opposite to what is intended, because very often in cases in which there is a male and a female offender, the male offender may offer to plead guilty on the basis that the female offender's plea of not guilty to the charge be accepted. In a sense, the system is discriminatory against men in those circumstances. We need to analyse whether that approach is correct, balanced and fair.

There is concern about the number of women in prison and concern that they are suffering. About two months ago, I visited the 218 project and had a tremendous experience speaking to the women there. One issue that featured highly was that the women to whom I spoke were the same women who are the victims of crime that I have been speaking to as a prosecutor. Many of them bear scars from self-harming. They described their mental health problems and difficult childhoods. It is incumbent on us to study as much as possible how we can minimise the number of women who have to be incarcerated, particularly when that breaks up families and impacts on another generation.

We must ensure that the women who need to be incarcerated to protect the community and themselves against offending are incarcerated and that, for that smaller number of women who are imprisoned, the standard of services is enhanced, although I must say that I have been impressed with the services in Compton Vale when I have visited it. The short answer to the question is "Yes—an inquiry is justified."

Ian Gunn: I see no reason why such an inquiry should not be carried out. I want to make a plea on behalf of my colleagues who run male prisons. Similar issues arise about the number of men who come to prison for short periods and who have mental health and substance abuse problems. The issue is not simply about gender; it is more about why we send so many people to prison for offences that could be dealt with in the community.

The Convener: That brings us to the end of the evidence session. I thank the Lord Advocate and Ian Gunn for their valuable evidence, which has given us a practical insight into the prison experience and the prosecution service. Thank you very much for attending.

12:07

Meeting suspended.

12:08

On resuming—

Reporters

The Convener: Agenda item 4 is an update from our reporters on visits and meetings. I invite Bill Kidd to update us on his visit to the new Donaldson's school in Linlithgow.

Bill Kidd: I must apologise, because my reproductive facilities broke down yesterday.

Hugh O'Donnell: That is rather unfortunate.

The Convener: Too much detail, thank you.

Bill Wilson: Are you a eunuch now?

Bill Kidd: My printer was not working. There are no copies of my report, but I will distribute them at some point. I will quickly read out my report. If anyone has questions, they can ask me or Marlyn Glen, who was on the visit, too.

On 19 March 2008, two members of the Equal Opportunities Committee, Marlyn Glen MSP and Bill Kidd MSP, visited the new Donaldson's school. The old Donaldson's school, in the Playfair building near Haymarket, had long since ceased to provide a satisfactory environment for teaching or residential purposes. The new complex is sited on the edge of Linlithgow but is not separated from the general community, which allows for regular visits to Donaldson's by local groups to use the high-quality facilities, such as the pool and the halls. That has led to a good degree of integration of the school into the community in a short space of time.

Donaldson's takes day and residential pupils from nursery age up to the age of 19. There is a wide range of hearing loss among pupils and several members of staff. Those staff, as well as bringing their professional capabilities to the job, provide role models for the pupils. Less well known is the fact that the school takes a number of autistic children who present with speech, language and comprehension difficulties.

The facilities are of a high quality, in terms of the materials that are used and the design specifications, even down to light levels and reflection qualities of the painted surfaces. There are intelligent whiteboards—more intelligent than me, otherwise I would be able to remember all of this without reading it out—and sound-absorbent ceiling and wall tiles and carpeting, to avoid the sound distortion that would confuse partially hearing pupils and those with cochlear implants.

The school has top-quality sports and leisure facilities, including the aforementioned pool, and fitness equipment. There is a performance hall

and indoor and outdoor play areas. There is also a well-stocked library.

As Donaldson's is a school with a full residential remit, it sees pupils through to pre-college and independent-living stages, and has facilities for engineering, art and catering training. The headmistress and staff, including an educational psychologist and a first-class chef, are committed, professional and welcoming; are demonstrably well liked by their bright, cheerful and disciplined pupils; and are greatly appreciated by the parents whom we met.

Donaldson's has the capacity for around 120 pupils but, at present, only around 70 are attending. The school is keen to prove to local authorities that the service provided is of the highest quality and is value for money.

Having spent an enjoyable few hours touring the school, viewing the facilities and speaking to the staff, Marlyn Glen and I endorse the referral of children with hearing and/or communication difficulties to the new Donaldson's school for the deaf.

The Convener: That is a worthwhile and encouraging report. Do members have any comments?

Elaine Smith: Can we thank Bill Kidd and Marlyn Glen for making the visit and reporting back to us?

The Convener: Yes, it was very encouraging.

I invite Bill Wilson to update us on his meeting with the lesbian, gay, bisexual and transgender groups.

Bill Wilson: Roy McMahon obligingly took some notes, which he has collated into a summary that will be handed around to members. I will highlight a few small points.

There was some disappointment that there was little press coverage of the hearts and minds agenda group report. Various individuals felt that it had not been well represented in the press. There were concerns about how the press report LGBT issues. The people to whom we spoke accept that some newspapers have upped their game, but feel that some still tend to publish homophobic articles, use outdated stereotypes and draw unnecessary attention to an individual's sexual orientation, in that, if an article reports on a story to which sexual orientation has no relevance, but the story features a member of the LGBT community, the sexuality of that person will make a gratuitous appearance in the article.

There was also concern about a third group of newspapers—which is not as bad as the second group—that simply ignores all LGBT issues

entirely. That is perhaps why there was little press coverage of the hearts and minds agenda.

The other major issue that was raised during the meeting was domestic abuse, which appears to be no less common in the LGBT community than it is in the wider community. However, there were some concerns that it can be more difficult for members of the LGBT community to seek assistance, particularly if they are in their first relationship, as they might be more isolated than a heterosexual person in their first relationship might be—there are lots of other people in heterosexual relationships, which might mean that it is easier for them to seek support from friends and relatives than it is for someone who is a member of the LGBT community. That is particularly true for someone who is not openly LGBT, because seeking assistance also involves outing oneself, in a sense. Further, if the abusing partner has not declared himself to be LGBT, that might be used to pressure the individual into not talking about the problem, because doing so would out the abusing partner.

Another concern was that, if someone overcomes those difficulties and seeks assistance, they might be put off because a lot of the assumptions are heterosexual. For example, if a gay man seeks assistance following problems in their relationship, the person they talk to might refer to "your female partner" or "her", which would be rather off-putting. The reverse situation applies to lesbian couples.

The people we spoke to were concerned about the fact that the problem of domestic abuse exists in their community, but they were also concerned about the fact that people in the LGBT community face unique difficulties when seeking assistance.

The Convener: That raises some important issues. Do members have any questions?

12:15

Marlyn Glen: In the section on Westminster legislation, you talk of

"the provision for the names to be placed on the birth certificate."

Is that provision United Kingdom-wide? I am aware that the Family Law (Scotland) Act 2006 provides for that.

The Convener: Yes, we made provision. We will seek clarity on that and get back to you, Marilyn.

Elaine Smith: I have a question on the section on domestic abuse. Women's aid centres are set up not because they are required statutorily, but because women decide to organise a service that is specific to need. Funding for that has been made available and the number of such centres

has grown. Did anyone indicate that a group might be set up to assist LGBT people who suffer from domestic abuse?

Bill Wilson: No group was mentioned. However, groups such as LGBT Youth Scotland provide advice and assistance. Of course, the problem for someone who is in their first LGBT relationship is that they might not be aware of such groups and they can become isolated. Even if assistance was available, the person might not be aware of it. I do not recollect any new group being mentioned, but my impression is that the groups that were represented at the meeting would offer assistance.

Elaine Smith: People who have had experience of domestic abuse can assist others. I am thinking along the lines of the growth of women's aid centres. That could be the most comfortable way for those in the LGBT community who experience domestic abuse to gain assistance—counselling, advice and so forth.

Bill Wilson: I honestly do not recall people saying that they planned to set up something like that. As Elaine Smith rightly says, the idea is a good one. I could draft a letter to some of those who attended to ask if there are any such plans.

The Convener: Perhaps you will follow up in that way, Bill.

It is disappointing to note that the hearts and minds agenda group report did not get more coverage. It is an excellent piece of work that takes a comprehensive look at the problems facing the LGBT community.

Elaine Smith: I have another question on the paper, convener.

The Convener: We are running out of time, Elaine. I ask you to be brief.

Elaine Smith: In the section on the proposed sentencing of offences aggravated by prejudice (Scotland) bill, you say:

"It was noted that there were different views, including amongst women's groups, on whether the bill should include a gender provision."

Can you shed light on the phrase "including amongst women's groups"? The committee may decide to lodge an amendment that deals with the gender issue. I am interested in the use of that phrase.

Bill Wilson: The matter came up in discussion, albeit that it was general in nature. My impression of what was said is that there are mixed feelings on the subject. Some thought that it might be a good idea, but others were not convinced of the argument. I think that people are open to the argument; no one present said that it was a bad or a good idea.

Elaine Smith: But you said "including amongst women's groups". Which women's groups feel that it is not a good idea?

Bill Wilson: It was more of a general comment that stemmed from group discussion. One of the representatives may have mentioned some groups and said that there were mixed feelings, but I do not remember who said it. No one said, "This group said no," or, "That group said yes." The discussion was much more open than that. My impression of what was said is that, when the various groups have discussed the matter, there may be mixed feelings.

Marlyn Glen: It is really important that the discussion is minuted properly. The feeling is that violence against women possibly needs a broader response. We are not just talking about whether it will be included in this small piece of proposed legislation—a huge response is needed. That is where the disagreement comes from. It would be good to amend the note of the meeting.

The Convener: Thank you for your report, Bill.

It is important that the committee liaises with the various equalities strands. Both reporters raise important issues in their reports. We will take no decisions on the reports today. If anyone feels that we need to examine anything further, we can make a decision as part of our work programme discussions.

12:20

Meeting continued in private until 12:37.

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