

JUSTICE 2 COMMITTEE

Wednesday 23 May 2001
(*Morning*)

Session 1

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2001.

Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now
trading as The Stationery Office Ltd, which is responsible for printing and publishing
Scottish Parliamentary Corporate Body publications.

CONTENTS

Wednesday 23 May 2001

Col.

WOMEN'S OFFENDING	226
PETITION	265
ITEM IN PRIVATE.....	268

JUSTICE 2 COMMITTEE

† 15th Meeting 2001, Session 1

CONVENER

*Pauline McNeill (Glasgow Kelvin) (Lab)

DEPUTY CONVENER

*Mrs Lyndsay McIntosh (Central Scotland) (Con)

COMMITTEE MEMBERS

*Scott Barrie (Dunfermline West) (Lab)

*Christine Grahame (South of Scotland) (SNP)

*Ms Margo MacDonald (Lothians) (SNP)

*Mrs Mary Mulligan (Linlithgow) (Lab)

Tavish Scott (Shetland) (LD)

*attended

WITNESSES

Liz Curran (Routes Out of Prostitution)

Ria Din (Routes Out of Prostitution)

Ann Hamilton (Routes Out of Prostitution)

Maxine McKenna (Turnaround)

Sharon Rush (Turnaround)

Jim Scott (Association of Visiting Committees for Scottish Penal Establishments)

Carol-Anne Soones (Turnaround)

Liz Taylor (Association of Visiting Committees for Scottish Penal Establishments)

CLERK TO THE COMMITTEE

Gillian Baxendine

SENIOR ASSISTANT CLERK

Claire Menzies

ASSISTANT CLERK

Fiona Groves

LOCATION

Committee Room 4

† 13th Meeting 2001, Session 1—joint meeting with Justice 1 Committee.

14th Meeting 2001, Session 1—joint meeting with Justice 1 Committee held in private.

Scottish Parliament

Justice 2 Committee

Wednesday 23 May 2001

(Morning)

[THE CONVENER *opened the meeting at 09:50*]

The Convener (Pauline McNeill): I welcome everyone to the 15th meeting in 2001 of the Justice 2 Committee. I remind members to ensure that they have switched off their mobile phones and pagers. This is going to be a long, hot meeting.

We have received no apologies.

At our previous meeting, Christine Grahame raised the issue of the *Official Report*, and members may have noticed that the report was published yesterday afternoon. That is still not a satisfactory time for the report of a stage 1 meeting, but the report was available before today's meeting. I still intend to raise the issue at the conveners group.

Christine Grahame (South of Scotland) (SNP): I received a substantial answer from the Presiding Officer, which was published in *Written Answers* this week. The production of reports is prioritised. I draw members' attention to that answer.

Women's Offending

The Convener: Agenda item 1 is women's offending. Members will know that we have a long-standing interest in prisons and, especially, in women offenders and that the Justice 1 Committee and Justice 2 Committee plan to visit Cornton Vale prison next week. Some of us will participate in that visit and today's meeting is by way of preparation for it.

Good morning to our first set of witnesses. We are quite a friendly committee, so there is nothing to worry about. If you do not want to answer any questions, just say so. I invite Carol-Anne Soones to introduce herself and to say whom she has with her.

Carol-Anne Soones (Turnaround): Thank you very much.

I am a project worker for the Turnaround project. I introduce Sharon Rush and Maxine McKenna, who have successfully completed the diversion from prosecution scheme that we run. I will give the committee a brief overview of Turnaround's work, then reply to the questions that you asked in the paper about the changes that have been made and the information that is needed in relation to drug use.

Turnaround is a Turning Point Scotland project that was set up four years ago. Given the number of women who were going through the criminal justice system and the number of women who were taking their own lives in Cornton Vale prison, it was decided that a project was needed that would meet the women at the points of entry to the criminal justice system. We work at Glasgow district court every day, in Cornton Vale and in the community. I will deal with each of those separately and explain a wee bit about what we do.

In the district court, we see all the women who come through on fresh charges and on warrants. At that point, we consider three things. First, there is a risk assessment for Cornton Vale to discover whether people have mental health problems or other problems that might cause them even more difficulties in Cornton Vale. Secondly, there is a general arrest referral scheme; we look for women who do not have contacts with drug projects or social work departments in the community and help them to get in touch with people. Thirdly, we look for people who would come on to our diversion from prosecution scheme.

Our diversion from prosecution scheme is a 12-week programme. The women volunteer to join the programme and participate in a variety of groups and one-to-one sessions. We look for women who come to us to stabilise their drug use

and get some stability into their lives. Often, the women with whom we work are chaotic and their lifestyles are traumatic. We want to see small but significant changes for them. We offer methadone prescribing and other medications that are pertinent to their needs. We run a comprehensive and intensive programme. Most of the women come every day and have a one-to-one session or group work session with the staff.

At the end of the 12 weeks, we send back a report to the procurator fiscal if the women have completed the programme and made some changes to their drug use and to the way in which they are offending. I am happy to say that all the women who have completed the programme have been diverted away from prosecution. The benefit for the women is that that takes them out of the criminal justice system completely. They do not even have to go to court and can leave without a criminal conviction. They receive a lot of help to stabilise their drug use and to improve their life chances and lifestyles.

We also work in Cornton Vale. We see all the women who come in and we work with them while they are there and when they come out. That takes me to the three main changes that have occurred in the four years that I have worked at Turnaround. First, there has been an increase in numbers in all age groups—especially, in the past year, among women aged 29 to 30 and 35-plus. Secondly, there has been an increase in the number of cocaine users. That has huge implications for treatment because, although there have always been a few cocaine users, there has been an increase in the number of users of both heroin and cocaine. To combat that, we took training from projects in England that have worked with many people with cocaine and crack problems. Those projects recommended acupuncture for helping with withdrawal symptoms and a few members of our staff are now trained in acupuncture. Cocaine is different from heroin. Methadone can be given as a substitute for heroin, but although antidepressants can be given for the depression, there is no substitute for cocaine. Acupuncture works, so we are building up an acupuncture clinic to get on top of that. I will be interested to see this year's figures. Last year, there was a 50 per cent increase in the number of women we saw who were using cocaine. This year, it will probably be a 100 per cent increase.

The third change, which has come mainly from Cornton Vale, is an increase in the number of people who come from outside Glasgow. In Cornton Vale, we work with women from Glasgow and the west of Scotland. We cover the area from Oban to the Borders. For example, I was at the prison on Monday and there were 20 women to be seen, five of whom were from Glasgow. The rest were from Dumfries and Galloway, Ayrshire,

Hamilton and Inverclyde. There has been an increase in the number of women from Ayrshire and Dumfries and Galloway, which have few services. The sheer number of services in Glasgow now is improving the situation for women there, but people have started moving to Glasgow because there is more on offer. That is a vicious circle, because less money will be available for women in those areas and it is becoming difficult to find appropriate services for them.

That is my bit over and done with—I am sure that you can hear my heart beating over the microphone. I introduce Sharon Rush and Maxine McKenna, who will give you an idea of their experiences of the criminal justice system, especially the diversion aspect. If anyone has any questions on those experiences, I ask, for the sake of Sharon's and Maxine's privacy and confidentiality, that those questions concern the present rather than the past.

Maxine McKenna (Turnaround): I found myself in court because I was offending to keep my drug habit going. I met one of the team from Turnaround and was given the chance to go on a diversion course, which I completed successfully. I am not using any illegal drugs now and have got my life back. The diversion course has really helped me and I think that it works.

10:00

Sharon Rush (Turnaround): Like Maxine McKenna, I was offending to keep my drug habit going. I found myself at the district court, where I met the Turnaround team. I was offered the programme, which I had never heard of before. I thought, "I'll give this a go." If a person goes on methadone, the charges are diverted and a lot of help is given.

The programme has been really good. If I had been sent to jail, I would probably have started offending again once I got out. Instead, I got help through the one-to-one sessions that happen two to three times a week and through the Narcotics Anonymous meetings that I go to. I am on methadone now and do not use any illegal drugs. That is all I have to say, really.

The Convener: A special thanks should go to Maxine McKenna and Sharon Rush for being prepared to come along to speak in public to the committee. I know that it must be difficult, but we are grateful that you have shared your experiences with us. Do members wish to ask questions or make comments?

Scott Barrie (Dunfermline West) (Lab): I thank the witnesses for what they have said this morning. I want to explore how the diversion scheme actually works. As someone who has had a bit of experience in youth diversion from

prosecution, I know how effective diversion can be in preventing people getting into the vicious cycle of repeat offending. How do you go about meeting people who are facing criminal prosecution? What liaison do you have with the Crown Office and Procurator Fiscal Service? How exactly does the scheme work?

Carol-Anne Soones: We liaise with the Procurator Fiscal Service in two ways. We see most people every day in Glasgow district court. We look for people who are on fresh charges, or who have been arrested the day before and who, having spent the night in custody, are appearing in the custody court—

Scott Barrie: Let me just stop you. What type of charges?

Carol-Anne Soones: Mostly, the charges are lower-tariff offences such as prostitution and shop-lifting. There are also some offences under the Misuse of Drugs Act 1971—mainly cannabis—and some fraud and begging. The charges can be any that come through the district court. If the offender is a woman and the offence is a result of drug use, we will approach the procurators fiscal to ask whether they will consider diverting the offender.

Scott Barrie: Have you tried to operate the same system at the sheriff court? I presume that most people who go to Cornton Vale prison go via the sheriff court, not the district court.

Carol-Anne Soones: More people go from the district court. The district court in Glasgow has stipendiary magistrates, who have the same powers as sheriffs. The anomaly is that the offences that are dealt with in the district court are the lowest on the tariff—such as public nuisance offences and other minor offences—yet the majority of people who go to Cornton Vale go from the district court in Glasgow. Glasgow sheriff court deals with higher-tariff offences, such as misuse of drugs, bigger frauds or shop-lifting, yet the people involved are more likely to be dealt with in a community way. The anomaly is strikingly huge.

Occasionally, the procurators fiscal will ring us up and ask whether we will go to the sheriff court to see a woman because they would like to divert her. We have a two-way conversation going all the time with the procurators fiscal. When the procurators fiscal get the papers in from the police and are marking them, they will sometimes ring us and say, “What about this woman? It says in her papers that she committed her offence for her drug use. Would you consider her for diversion?” On the other hand, we go to see all the women and we might ring up the procurators fiscal and say, “Miss X is here because of her drug use. Would you consider her for diversion?”

We have a continuous conversation with the procurators fiscal in the morning, then we

approach the women and ask whether they want to participate in our scheme, which is entirely voluntary. The good thing about the diversion from prosecution scheme is that if someone does not want to do it—or if they start it and for some reason cannot finish it or decide not to finish it—we simply send their case back to court. They do not suffer the same double whammy as people who do not do probation, who are both tried for their offence and refused the chance for probation. However, the scheme is not a get-out clause, because people still appear for their initial charge; they do not just disappear into the ether.

We also ask for report cases. If someone is arrested but is not kept in custody overnight, the police compile a report, which can take up to six months to come out. However, if a woman just turns up at our project at Glasgow drug crisis centre or at Cornton Vale with fresh cases that have not yet been taken to court, we can ask the procurator fiscal whether he or she will consider the woman for diversion. We are proactive in looking for people who can participate in the diversion from prosecution scheme.

Scott Barrie: How many women can be included in the scheme at one time?

Carol-Anne Soones: That varies, because we get folk at different times. It all depends on who is in court at the time. The maximum that we have had is 12 at one time, but the usual number is four or five. Sometimes it is fewer than that; sometimes it is more.

Scott Barrie: Have you ever been unable to offer the scheme because of the number of people who were already on it?

Carol-Anne Soones: No.

Mrs Mary Mulligan (Linlithgow) (Lab): I thank the witnesses for their helpful contributions this morning. My question is quite simple. You mentioned women with whom you come into contact in Cornton Vale. Will you outline your follow-up procedures for women who leave the prison and tell us how long those procedures last?

Carol-Anne Soones: Certainly. While people are in prison, we are always trying to plan for their release. For women in Glasgow, we have a throughcare programme, which has three aspects. First, there is a lib day lift service, in which we pick up people from prison on the day of their release and take them either home or to their first appointment. We found that, although we were making a lot of appointments for people, when they got to Queen Street station, their family and friends were waiting with drugs for them. Because they felt really bad about not making their first appointment—after we had done all the work to set it up—they decided, quite understandably, not to go to anything. When we met them again four

weeks later, they were in crisis. To stop that happening, we started the lib day lift scheme, which has been really popular. The female member of staff who takes care of the lifts goes as far as Stranraer—she has a good knowledge of Scotland now.

Secondly, there is the diamond service, which offers both a lift home or to the first appointment and a negotiated care plan that lasts for the necessary number of weeks to keep someone stable in the community. One of the women in Cornton Vale who knew that I was attending today's meeting asked me to tell the committee that the first three weeks after being released from prison are crucial. She felt that that period was the most vulnerable time for her. The diamond service is pretty similar to the diversion from prosecution scheme. It features one-to-one and group sessions and includes other practical aspects, such as taking people to doctors appointments and helping them with their housing benefits.

Thirdly, we are just about to print material for a project called Step-Forward, which is a prisoners' passport scheme that was developed in the north-east of England. Basically, Step-Forward is an information booklet that people can use while they are in prison, but it provides more than just information because it encourages people to be active about making their arrangements. The booklet includes letters about housing needs, for example, and a letter to send to a doctor. We are trying to get people registered with general practitioners, because it is difficult for someone in prison to register with a GP. We have brought in the general practitioner services to develop a system whereby the health centre can be supplied with the name of a GP with whom an appointment can be made before the person leaves prison.

We are also considering producing an identity card that would be accepted by the Benefits Agency for the first four weeks after a person has left prison. Often, women who leave prison are homeless or have lost all their belongings. They do not have documents such as their birth certificate, rent book, passport and driving licence. We are in the process of convincing the Benefits Agency of the advantages of such a card. For example, it would cut down on fraud because, at the moment, people can register with a practice, get a GP card in anyone's name and use it to sign on.

We are making links with agencies outside Glasgow and using those links to act as advocates for the women and to let people know what services they need. The biggest problem that many people face is getting a methadone prescription outside Glasgow.

Ms Margo MacDonald (Lothians) (SNP): I found the last part of your presentation impressive.

Of course, the presentations by Sharon Rush and Maxine McKenna were impressive too.

I want to return to the numbers that Scott Barrie asked about. The leaflet that you have given us says:

"The programme is making a small but significant contribution to reducing the number of women in the criminal justice system."

That is excellent, but we have to make judgments about whether your service, which might be ace in your area, could transfer to other areas, and about what adjustments might need to be made to ensure that it fits properly into the system. You know the procurators fiscal in Glasgow, but we know that the Procurator Fiscal Service is under terrific pressure. If the service was continually on the phone to your organisation, that would be just one more thing that it would have to do.

I do not say that to denigrate what you are doing, because I think that what you are doing is great. However, the leaflet describes the contribution that your programme makes as "small but significant". I note that 22 women are on the 12-week programme. Could you maintain the personalised service that you provide—ferrying someone from Cornton Vale to Stranraer, for instance—if your organisation was much bigger? We also have to ask how much it costs to have one person on the 12-week programme and to judge that in relation to other models for helping to keep folk out of prison or get over being in prison. I would like you to comment on that.

The leaflet also tells us that there is a 59 per cent success rate—I do not know whether Maxine McKenna and Sharon Rush are represented in that figure. The service worked for them, but can they tell us why it did not work for others? Every person will have a different story, of course, but it would be useful if they could tell us, from their personal experience, what is missing or what might not suit everybody.

Carol-Anne Soones: Fiscals from elsewhere might shoot me down in flames for saying this, but I think that the Glasgow fiscals are probably the busiest in Scotland. They just get the papers and mark them—they know that we are there. If the papers say "drug use", the fiscals pass the matter to us. Sometimes they say that they do not agree with the offence, and we barter and try to negotiate with them. If the fiscals in Glasgow can do that, the fiscals in other areas can do it; I cannot imagine that they are busier than the fiscals in Glasgow.

I do not know how much our service costs. I could get back to the committee with information about that. I read somewhere that it costs £30,000 to keep a woman in jail.

10:15

Ms MacDonald: It costs £28,000 to keep a man in jail. I imagine that it would cost more to keep a woman in Cornton Vale.

Christine Grahame: I think that it costs £37,000. I read something about Cornton Vale in our briefing.

Carol-Anne Soones: I cannot imagine that our service costs anywhere near that. However, I do not know and I shall have to get back to the committee about the cost.

Ms MacDonald: It would be worth while to work it out.

Carol-Anne Soones: In the short term, the service might seem to be costly, but in the long term it is not. People now work in the Glasgow drug crisis centre who were recipients of the service two or three years ago. The benefits of having staff at the drug crisis centre who went through the service two, three or four years ago—not Turnaround's service, because we are not old enough for that—outweigh the costs. The service might be expensive in the beginning, but that is what we can achieve. Prison does not achieve that.

Ms MacDonald: Please excuse me for butting in, but are some of the folk who work in the drug crisis centre on methadone, like Sharon Rush?

Carol-Anne Soones: No. They must have been drug-free for two years before they can work there—that is part of our policy. The long-term benefits of the service far outweigh the initial costs. I do not think that we cost anywhere near as much as it costs to keep somebody in prison, but I shall get back to the committee on that.

Ms MacDonald: On the issue of size—

The Convener: Hold on, Margo. A question was addressed to Sharon Rush and Maxine McKenna about the success rate of the service and why it is successful. Do Sharon and Maxine wish to comment?

Sharon Rush: The service did not work for some people because they did not want to put in the time and effort that we have put in. There is a group meeting once a week and a one-to-one session three times a week. We attend every day, which takes up a good part of the day. It gives us something to do and it keeps us away from shoplifting—although we are well away from that now. It has worked for us because we have put in the time and effort.

Maxine McKenna: I agree—the service will work only for people who want help. If people do not want help, it will not work for them.

Ms MacDonald: Excuse me, convener, but that

leads us on to the issue of Turnaround's attitude—

The Convener: Hold on, Margo. I have a follow-up question. I do not know how long you have been on the programme, but what do you think would be needed in future to ensure that you felt that your life was secure and that you would not feel vulnerable or tempted to return to offending? Can you tell us what might be missing or needed to ensure a permanent change for the future?

Maxine McKenna: Even although I successfully completed my diversion course four or five weeks ago, I am still attending. I finished the course, but that does not mean that I cannot go there any more. I still go there every day. I get acupuncture, I go to the group meetings and I have one-to-one sessions.

Ms MacDonald: Are you healthier?

Maxine McKenna: Yes.

The Convener: Do you feel that it is important to keep the link with the project?

Maxine McKenna: Yes, I think so. It has helped me.

Sharon Rush: The project prepares us for the outside world and, if we decide not to go back to Turnaround, the project will still have helped us get our life and our house in order. We were prepared for when the course finished. Twelve weeks is not a long time, but aftercare is available for those who want it, such as Narcotics Anonymous and the Easterhouse drugs initiative, which I choose to attend.

Ms MacDonald: My last question is about the size of the operation. What you have said has reinforced what I thought, which is that it is a personalised and tailored service. I am sure that the advice that Maxine McKenna and Sharon Rush were given was not the same. There would be certain things in common, but it seems that the aim is to tailor the service to people's personal circumstances. If that is the case, how big can the organisation become?

Carol-Anne Soones: Anything will work if it is tailored to individuals' needs. That does not mean that a lot of time must be spent looking after one person, but if everybody is treated in a general blanket way, many more people will not turn up. Why would people turn up to something that felt like they were merely fitting into a slot? This is the beauty of what we do: we treat people as individuals and we consider what they need. Sometimes that can be labour intensive, but I think that we work well as a team. We do not carry a caseload, so we do not have, for example, 50 people to look after.

Ms MacDonald: You do not have a caseload?

Carol-Anne Soones: No, we do not. We share

a lot of the groups, and so we share our work among the team. It is not the case that one person must carry everything.

I understand the question about how big we can get. I do not think that we would have to increase our staff size in order to extend to other areas or to increase the number of women who come through. It would be only sensible to increase in proportion to the number of people coming along, but we can still offer an individual service. We have offered that from the very beginning. We have increased in size every year, and it has always been our philosophy to examine people individually. We have never changed that, and we have not experienced problems with it yet.

Christine Grahame: Your presentation was very informative. I would like to know how many staff Turnaround has, and about the nature of your staffing. You may answer that now, or you might prefer to do so in a written reply. Secondly, how is the project funded, how much funding do you receive and for what period do you receive it?

What you are doing is wonderful, but it is a drop in the bucket for the requirements of women who are offending. That is what we understand from the figures; it is not to cast any aspersions on your work, but that is the situation simply because you are so restricted geographically. Therefore, thirdly, how do you feel your organisation could expand nationally?

I have a fourth question on mental health problems. You have addressed the issue of drugs, but the mental health aspect is very important and is often neglected in prisons. How do you deal with that, and what professional input and so on do you have for that?

Those are my four questions. I waited a long time to ask them.

Carol-Anne Soones: I will go home now, if that is okay.

The Convener: We will give you a break later, I promise.

Carol-Anne Soones: We have three full-time project workers, two part-time project workers, one full-time project manager and one full-time administrator.

We are 100 per cent funded from the Scottish Executive's criminal justice budget. Turning Point runs the Turnaround project, but Glasgow City Council's social work department is involved in its management.

Christine Grahame: How much funding do you receive?

Carol-Anne Soones: I do not know. I will have to come back to you with more details.

Christine Grahame: That would be useful. It is also important to know whether you must negotiate your funding yearly.

Carol-Anne Soones: We negotiate every three years for funding. We have a little bit of luxury in that we need not ask for money every year.

You asked about national expansion. Our project could be implemented throughout the country. Different areas would have to have different projects, because each area is different and has its own peculiarities in housing and GP prescribing, for example. Once somebody knows an area and its people, it is much easier to negotiate and advocate on service users' behalf.

We do not do anything that other people could not do, but our philosophy would also have to be transported. We respect the women with whom we work and we do not expect that they will be great after just one shot. We understand that opportunity goes round and that one must have different bites at the cherry.

Christine Grahame: Given your experience, and with funding, could you set up pilot schemes and train staff in other areas, taking into account the idiosyncrasies of sheriff courts, police and so on? Perhaps that was an unfortunate use of words. Taking into account the differences between district courts, which we know about, do you feel that you could proceed in that way? That would be an alternative to other projects erupting and setting up independently.

Carol-Anne Soones: Turning Point Scotland is growing. We have projects in Edinburgh, Aberdeen and the Borders, and a new project is being developed in Stranraer. However, some areas are left out. It would be feasible to utilise the experience of those workers to build similar projects in other areas.

Christine Grahame: My fourth question was on mental health problems.

Carol-Anne Soones: As I said, in the courts, we look for people who may be at risk because of their mental health. We look for folk who say, "I cannot cope. I feel like committing suicide." Mental health covers a raft of situations, not just suicide. In Cornton Vale, we liaise with psychologists and the community psychiatric nurses who staff the health centre. Other agencies also operate there. A psychiatric nurse from Ayr comes to Cornton Vale once a week and we refer people to her. We always look for opportunities to refer people to more specialised services.

Christine Grahame: You said that the situation had improved at Cornton Vale. Previously, a horrific sequence of suicides occurred there. Has the way in which women are assessed changed? One of our papers shows that only a small

percentage—about 12 per cent—of prisoners at Cornton Vale are not assessed as being at risk. The demand for services is huge. What is your view from being there in a professional capacity?

Carol-Anne Soones: Some positive changes have taken place in Cornton Vale. The Turnaround project is one of those positive changes, which include opening up Cornton Vale to outside agencies that bring in their specialities and different ways of working. Those agencies support the prison officers, who feel that although they do not have the skills to deal with an issue, they know somebody who does and who is there three times a week. Our project, psychiatric services, women's health services—including sexual health nurses—and housing services all provide support at the prison.

The community needs to be brought to the prison; we should not wait for people to come out of prison into the community, because that is too late. People in prison are part of the community, and they will go back into that community. A problem that we have is that most women in Cornton Vale are there for three or six months. That is too short a time to be allowed statutory services, but long enough for them to have their houses taken from them, to lose their script, and to have their children put into foster care. That is why the community must come to the women. Cornton Vale has been good at letting us in and letting us work.

10:30

Mrs Lyndsay McIntosh (Central Scotland) (Con): You said that people gravitate towards centres where they can get treatment and help, and that you think that your services could be provided throughout the country, with variations depending on local situations. I am especially interested in the view that methadone maintenance might be the key. That is not available everywhere—does that limit your options?

Carol-Anne Soones: Yes. Methadone is available in different ways. Prescribing has increased, but sometimes there are difficulties. For example, I talked in Cornton Vale to a young woman from Irvine. She was using about £100 worth of heroin a day, but when she went to services she was given 20 ml of methadone. Sharon Rush and Maxine McKenna will agree that 20 ml of methadone is no substitute for £100 worth of heroin. Some dedicated people are struggling away, trying to provide a service, but some of the philosophies seem to be a bit out of kilter. It is not enough to say to somebody that you are offering a service. You might as well not offer a service as pretend that you do. Smaller organisations have problems. They have smaller numbers so they do

not get the funding. They do not have the same numbers of people working for them.

Prescribing is a stepping stone to becoming stable. Once people are stable, they can move on more naturally. It is too much to expect people to change from a really chaotic lifestyle if prescribing is not offered. Something must be offered to help people move out of that situation.

Mrs McIntosh: Is prescribing the key?

Carol-Anne Soones: It is one of the keys. Offering access to services that are not bound by rules that make no sense would be very useful.

Ms MacDonald: You said that you do not always expect things to work first time round, which is important. If diversion is an option, how often—if they reoffend—should the 41 per cent of people who failed your programme be bumped back your way? Should they have to wait? How should the system work?

Carol-Anne Soones: They should come back every time. Our service is continually sifting. As Maxine McKenna and Sharon Rush said, people choose for themselves when it feels right for them, so there is a natural sifting process. We also have a sifting process. If people come again, we ask them what has changed.

Ms MacDonald: That is like Weight Watchers, believe me.

Carol-Anne Soones: Exactly.

Ms MacDonald: They have tons of time.

The Convener: Exactly. Where would people be if they were not allowed to be readmitted?

I thank Maxine McKenna, Sharon Rush and Carol-Anne Soones for what has been absolutely invaluable evidence. As you know, we will visit Cornton Vale on Friday and Monday with the inspection team, which we think is important. I wish you all the very best.

Our next witnesses are from the Association of Visiting Committees for Scottish Penal Establishments. Members will have noticed that they received quite a bit of information for this morning's meeting—my postman had difficulty getting it through the letterbox. It has been very useful. A submission from the witnesses is being handed round. It is a report dated 23 May 2001, so it is hot off the press. I welcome Jim Scott and Liz Taylor. Good morning and thank you for coming along.

Jim Scott (Association of Visiting Committees for Scottish Penal Establishments): On behalf of the under-21 visiting committee of Cornton Vale, I thank you for the opportunity and privilege of addressing the committee. I have prepared a précis of our

submission for all members, so you will get a chance to look at it properly when you get home tonight.

We have been asked to provide the committee with a brief explanation of the role of the visiting committee, to describe our interaction with staff and prisoners, and to comment on changes that have been made for better or worse over the past few years. We have also been asked to comment on alternatives to imprisonment for women.

The role of the visiting committee is described in guidance notes from January 1995, which were prepared by the Scottish Prison Service. Although I do not have time to go into it in detail, the general tenor of the notes is that

"The Visiting Committee acts as an independent observer on behalf of the Minister for Justice and must earn the respect and confidence of the prison community."

The visitor is required to be satisfied by the state and administration of the prison and, in particular, by the treatment of prisoners. The visiting committee is not part of the management structure, but is totally independent, reporting directly to the Minister for Justice. The visiting committee must preserve its independence and be totally unbiased in its review of any situations within an establishment.

The under-21 committee comprises five members, including a chairperson who is supported by a minute secretary. The committee meets bimonthly and attends various prison events, such as sports days and sales of work. The committee enjoys at its meetings the support and input of the governor. We also invite staff members to hear of developments for which they are responsible.

In addition to our regular meetings, we have our visitation rota, where no fewer than two members of the committee visit the prison fortnightly. A major part of those visits is communication between prisoners, staff and the visiting committee member. I have attached a document—document A—to the papers that members have received. It contains an extract from the minutes that go to the SPS legal policy department. When recording a visit, every visitor puts a note in the visiting book of what they found. The notes are typed up and sent monthly to the justice department.

Through those visits and meetings, the members of the visiting committee feel comfortable that they are able to satisfy the conditions of their appointments by the minister. Members of this committee should be aware that members of the visiting committee receive no payment for their work. It is entirely voluntary.

That was a broad-brush résumé of the role of a visiting committee. I hope that it has given a suitable response to the question that we were

asked.

I would like to talk about our interaction with staff and prisoners. On one visit, I received a poem from a 17-year-old who had been newly admitted to Cornton Vale. I would like to read it to you. The title of the poem is "Heroin".

At first it makes you feel so great,
In fact, it gets you in quite a state.
But the enjoyable buzz sticks in your mind
So you can then kiss your life behind.
Three years I wasted on the stuff,
Smoking then injecting, oh what a rush.
I admit there is no better feeling,
But it's easy to get into the everyday dealing.
Up at nine for the shops to open,
To make enough money to know you'll be coping.
But that's just the first hit of the day,
The last will be after the sun goes away.
Taking smack is a 24-hour occupation
And I promise it will lead to total devastation.
Your only care is your next hit,
Or you know you're going to be very unfit.
When I say unfit, I mean desperately ill
And nothing takes that pain away—no medicine, no pill.
But in the back of your mind, you know you'll feel great,
Even if you've just got to wait.
I've already lost one boy I loved,
His first hit sent him straight to God above.
Smack has ruined my life I can honestly say,
But away from it now I'm determined to stay.
To tell you the honest truth about me,
I could never have done it without my family.
One thought that never crossed my mind is that I'd end
up in jail
And look at me now in Cornton Vale.

That was written by a 17-year-old girl who had come to Cornton Vale for the first time.

Of the youngsters who arrive at Corton Vale, 93 per cent are, on admission, under the influence of drugs. That is a cruel statistic. The girls who arrive at the prison from court are usually unwell. Their minds are in a chaotic state, they have not slept and they have not had a decent meal for some time. That is down to drug abuse.

The role of the visiting committee is to be satisfied that the prisoner has been properly treated, that internal misdemeanours have been correctly dealt with and that any prisoner complaints—about bullying, for example—are brought to the notice of the prison staff and dealt with.

During my conversation with the 17-year-old prisoner, she felt free to share her poem. She had written the poem shortly after admission to the prison. Although the poem was of no great literary value, I felt privileged that her sincerity, honesty and the guilt that she carried were shared with me. The young lady has not returned to prison; perhaps listening to prisoners' agony helps.

Is Cornton Vale to be a prison or a drug rehabilitation unit? The staff are excellent, but they are not trained psychiatrists, drug counsellors or

nurses. They are prison officers who are asked to look after incarcerated prisoners who are drug addicts—that is the cruel truth. I am a citizen of the land and it seems to me that we must address the problem with more vigour.

When I was appointed to the committee, I was appalled by the mental state of the children—many prisoners are children. Some cannot read or write properly and their minds are in such chaos that they feel abandoned and alone. It would not be unreasonable to say that in many cases, mentally they reflect the attitudes of very young children. They clearly become depressed on arrival at prison and many feel suicidal.

A reputation for suicides is—or was—unfairly attributed to Cornton Vale. The last suicide in the prison was in July, 1998. The rehabilitation work that has been done by the staff and governor to remove that blight from the prison is proving effective. I digress slightly by saying that there were two suicides at the weekend. Two people jumped off the Erskine bridge.

Statistics can be used for anything. However, incidents such as ligatures, cutting and bruising at the prison totalled 114 in 1999, 72 in 2000 and 13 so far in 2001. That is a tremendous improvement. All interested parties should cease to regard Cornton Vale as a suicide place. It has now become a good place.

I referred to our communication with prisoners. Similar conversations take place with staff. Cornton Vale is in the top two in the prison service for training and results from training as a result of the increased standard of training of our staff. However, staff morale is very low. Although I do not want to be political, staff see no career prospects because of the policies that are pursued by the Executive. We have good young staff who are 30 to 40 years old. They ask me with all sincerity what they can do outside the prison service. They are trained officers, so what will happen to them and to their families if cutbacks occur? I appreciate that there are job losses elsewhere, but my responsibility is to relay staff feelings to the minister.

We have found from our interaction with staff that food is a prime discussion point. The prison catering department is given a daily allowance of £1.57 per person for food. The allowance covers milk, tea and sugar. Other institutions cater with an allowance of around £2.78 per day. It astounds me that we manage to provide meals on such a low allowance. If male members of the Executive restricted their wives to £1.57 per day, their wives would quickly leave the house. I have submitted menus for members' information. Document B shows three choices of meal. An increase in the catering allowance would be not unreasonable.

During our conversations with staff, ideas have developed. One member of staff discussed with me the possibility of changing our catering policy from sending heated trolleys to each block of cells to having a central dining room. That would cut down the required number of staff, meals would be hotter and there would be a more varied, cafeteria-style choice. That information has been passed to the governor for review and I believe that it will be submitted to the Executive.

Before I address the important issue of alternative accommodation, I must highlight a failure in our system in respect of equitable representation for remand prisoners prior to their court appearances. Remand prisoners are innocent. Prisoners do not as a rule have visits from lawyers prior to court appearances. We are told that the accused arrives in court, the duty solicitor meets them for five minutes and their case is presented to the sheriff. That cannot be right. The accused cannot be tried within five minutes of evidence being taken. The youngster's mind might be chaotic. Our committee has great concerns about that inequity.

10:45

Can we honestly say that all the people who are in prison should be there? It is almost certain that if a prisoner is asked why they are in prison, they will reply, "Shoplifting." That means stealing to satisfy a drug habit. The dilemma for the court must be what alternatives to jail exist.

One alternative is the bail service that is operated at Glasgow sheriff court. The accused is placed on bail instead of remand. The downside of the system is that, should the procurator fiscal oppose bail, the bail officer—of whom there are six in Glasgow—must present a case on behalf of the accused. That falls down in most cases as the accused requires a domestic address or support from the Benefits Agency or from a general practitioner. Such support can rarely be provided and the accused lands up on remand at Cornton Vale. Again, the mental condition of the drugged-up accused should be borne in mind. Document C of my submission shows how the bail service works.

At Cornton Vale, we have developed a bail retrieval service whereby a prisoner can be placed on bail to live outside the prison, but the service is failing because women view custody as a safer and better option. In custody, they are not harassed by moneylenders or violent male or female companions, so prison is a good, secure option. The women want to go to prison rather than be on bail. That is sad.

How can jail be avoided? My view—and that of my colleagues—is that most youngsters in

Cornton Vale should not be there. The young offender intake at any one time has leapt from 12 to 15 to, currently, 50 to 60. That is a staggering increase. Most of the convictions relate to theft, drugs and alcohol abuse, which is also disturbing.

A facility such as a halfway house in which the regime is firm but not over-reactionary is required. Prisoners would have to sign a contract for the facility. They would be there on trust and prison would be a fallback. Specialist counsellors would make individual contact with inmates and proper healing advice would be given. Whether it should be a secure or an open unit and the locus of the facility could be debated. The unit would be domestic in scale and would be subject to the directives of the Scottish Prison Service. Such facilities are provided in the United States. They are donated by major drug companies—that must be their conscience—or pharmacies. Private finance might be required for the buildings, but there are many foundations—such as the Garfield Weston Foundation—that could be persuaded to participate for the good of the community. I do not know whether they would subscribe to a Government-sponsored agency.

Another route that could be taken is to make more use of the Scottish Association for the Care and Resettlement of Offenders. The Scottish Executive will be aware of the association since it provides grant funding for flats.

I apologise if I have exceeded my brief and time. I hope that the committee has gained an insight into our work and I thank the committee for permitting me to address it.

Liz Taylor represents the over-21s.

Liz Taylor (Association of Visiting Committees for Scottish Penal Establishments): I want to consider briefly how we are selected to be on the prison visiting committees.

All members of the under-21 committee are appointed by the Minister for Justice. Previously, they were appointed by the Secretary of State for Scotland. The over-21 committee is appointed by local authorities. Cornton Vale has three local authorities—Stirling Council, Clackmannanshire Council and Falkirk Council. There are 15 members on our committee. Stirling Council does not appoint any councillors to the committee, although it is within its remit to do so, but we have a number of councillors from the other local authorities.

The concerns among the adult population of Cornton Vale include concerns about overcrowding, especially in the new remand unit, which members will see when they visit the prison—it is a new facility that has been built inside an existing shell. There are also concerns

about sentencing policy. People feel that there must be a change in how women are sentenced, often for minor offences. The cycle of reoffending is another problem: women get out of prison and are back in within two or three weeks. Drug abuse is the biggest problem for men and women offenders, as we all know.

We also have a problem with PADs—people awaiting deportation. As the only women's prison in Scotland, Cornton Vale holds any women who have entered the country illegally. It is not the right environment in which to keep such women. They are not prisoners, yet they are kept in a remand unit, taking up valuable space that should be reserved for women who are remanded for committing offences.

The new remand unit is to be praised, as is the new drugs review. The £13 million that was taken from the Scottish Prison Service is being used to fund a drugs review. The review is in its infancy, but the committee will hear more about it when it visits the prison. Also to be praised is the work programme within and outwith the prison, which enables D category prisoners, of whom there are a number in Cornton Vale, to work in communities.

We receive a lot of minor complaints from prisoners, such as complaints that the food is rotten, which we must investigate. The quality of the food is one of the main complaints, due to the low budget for catering in prisons, which Jim Scott mentioned. We follow up any complaint that is made to us and try to resolve the matter by speaking to staff and the prison governors.

The over-21s visiting committee has a good relationship with the staff and management in the prison. We are responsible for speaking to staff as well as prisoners. Jim Scott mentioned the guidelines that we are given, which outline the role of the visiting committee. They are due to be renewed, but I will leave a copy of the current guidelines with the committee. A new version will be issued soon, which will be basically the same with a few points added. We work well with the chief inspector of prisons, who speaks to us every time he makes a visit. As the convener of the over-21s visiting committee, I have already had a meeting with him.

The Association of Visiting Committees for Scottish Penal Establishments, which we are here to represent, is an umbrella group comprising members of visiting committees from all the prisons in Scotland. We deal with all the different issues that come from all the prisons.

There are several mental health nurses in Cornton Vale, as the previous witnesses mentioned.

An alternative to custody would be tagging, of which not enough use is being made in this

country. Home detentions, bail hostels and community bail conditions must also be considered in greater depth.

There is a need to re-educate judges and sheriffs because of changes in how women are sentenced. That might not be the right way to resolve the problem, but that is what I suggest. Judges and sheriffs must re-examine how they sentence women. Most women who come to Cornton Vale are not violent; the majority of the violence that they commit is against themselves, because they are drug addicts. Women offenders tend to lose more than men offenders—they lose their children, their home and their family life, so prison has a traumatic effect on them.

Reoffending is a problem, especially among drug addicts—as we heard from the previous witnesses—who turn to prostitution, shoplifting and any easy way of getting money to buy drugs to feed their habit.

That covers most of a visiting committee's remit. Two of our members visit the prison fortnightly, although we are entitled to visit the prison at any time of the day or night.

The Convener: Thank you for that thorough report, for which we are grateful. You have raised some important issues, which the committee has addressed previously. Mr Scott poses the question: should Cornton Vale be a prison or a drug rehabilitation centre? That is pertinent to our work and I am sure that committee members will want to pursue that further.

I ask members to divide up the issues: there is the prison as it exists now and there are possible alternatives to custody, in which we are also interested. I do not want the two areas to be confused. I ask that members deal with them separately in their questioning.

Let us begin by talking about the suicide rate and the self-harm statistics that you have provided. You say that there has been an improvement since 1998. Is there still work to be done to prevent suicides in prisons or have all the lessons been learned? Secondly, what needs to be done to reduce the self-harm rate?

Liz Taylor: I will attempt to answer that. We do not work in the prison, so we do not see the everyday life of prisoners at first hand. Thankfully, there have been no suicides at the prison since 1998, although there have been several suicide attempts in the past couple of years. Luckily, the people were stopped before any real harm was done.

Many vulnerable women who have massive problems and who are self-harmers are brought to Cornton Vale. The prison has a full team of psychiatric nursing staff to take on those problems

and psychologists visit the prison daily. The nurses all work at the prison full time and doctors from outside agencies visit daily. The prison is now more of a care provider than a penal establishment.

The Convener: Is it important for a woman prisoner to share accommodation? Does that have an effect on self-harming?

Jim Scott: One of the reasons for the reduction in the suicide rate is the fact that there is now a strategy in the prison called ACT—I do not know whether the initials mean anything. If anyone in the prison sees a potential suicide or a potential case of harm of any kind, they can fill in a form that they get from the residential officer. The form is passed to the governor and the prisoner will be placed on a suicide watch or a close watch to ensure that they come to no harm. Prison officers can also fill in the form if they feel that someone has a problem or is suicidal, so that the problem can be dealt with. I have found the ACT strategy very helpful. I used it once when I felt that a certain 16-and-a-half-year-old who had just come to the prison was suicidal. She was taken to the suicide cell and watched for the next 24 hours. She was fine. The next day, she had got over the hump.

That is one of the strategies that was not in place in 1997, because of which the suicide rate has dropped since 1998. The other strategy is doubling-up in cells, which your second question touched on. That works in as much as it gives one prisoner the comfort of having another prisoner there to talk to. Last week, one of the young girls was suicidal, but her pal, with whom she shared a cell, talked her round. There are also disadvantages of cell sharing, which the governor will go over in detail when the committee visits the prison. Lesbianism has increased, but I do not think that it is lesbianism; it is just comfort seeking—needing a pal and expressing that need. I have no problem with that at all. Putting two people in a cell is not a bad idea if a prisoner's mind is chaotic and they could be volatile.

Ms MacDonald: Thank you for your submission. I do not expect that my colleagues will ask you the following question, but I will. Will you explain why you said that the low morale of prisoner officers was due to Executive action? I am interested in which action or policies you have in mind. Given the fundamental matters that you raised about the role and intention of Cornton Vale, do we need to cast the net a little wider and examine the recruitment and training of prison officers? Is the job changing? Is different training required? Will that help prison officers' morale?

My other question centres on the different nature of the prison and the fact that an increasing number of people in custody have mental health

problems. Is that gender specific or is the same true in Saughton prison and Barlinnie prison? Is the trend increasing among men with regard to their mental health and ability to cope with prison? If it is not, how does Cornton Vale deal with something that must be engendered outside it? I accept your point about the standard of literacy, understanding and social development of prisoners. Will you explain the role of the prison officers? Are mental health problems peculiar to women in custody?

11:00

Jim Scott: I was particularly careful to say that I do not wish to be political about the low morale of officers. The Executive has been closing prisons. The prison staff fear that their jobs are in jeopardy. They are highly trained for one job—that of prison officer. I accept that people in Motorola are highly trained too, but I can report only on the morale among prison officers; it is not good. Prison officers complain about many issues and make petty comments such as, “I can’t get into the gym at 12 o’clock.” I put such silly remarks down to low morale, which is a problem that must be dealt with. The prison officers must be reassured about their future.

The Convener: Margo Macdonald asked you specifically whether you consider that the job of prison officer has changed and whether that has added to the pressures on prison officers.

Jim Scott: Yes, I was about to answer that question. The job has not changed since prison officers were first employed, but the prison population is changing the job. It is the cart and horse scenario. The prison staff are extremely efficient, but they are not trained in drug counselling or in handling volatile kids with chaotic minds.

Mental health is where the problem starts and stops. I can speak only for the under-21s. Liz Taylor can speak for the over-21s. The under-21s are just a bunch of stupid wee lassies, to use the Glasgow vernacular. They are in jail because they have committed crimes, but if someone has been bashed about by her father since the age of two and raped by her uncle at the age of three, her mental capacity to understand what is right and what is wrong will be extremely restricted. I do not think that officers should be trained differently. Prisoners should be accommodated in an alternative place to prison. As Christine Grahame said, I see no point in spending £37,000 a year when we do not have to. There is no real need for some of these kids to be locked up. They should be cared for in a hospital.

The Convener: Does Liz Taylor want to address the question?

Liz Taylor: It is appalling that children of 16 to 21 are locked up. Before the elections to the Scottish Parliament, Henry McLeish stated that no woman under the age of 18 would be locked up in prison, but nothing has happened on that yet. It must be addressed. I go into Cornton Vale, and although I do not deal with the under-21s, I see children sitting in jail. It is horrible. I am a mother. I do not want to see kids in jail.

As for staff morale, one thing that is happening is that shift patterns are being changed in the Scottish Prison Service, which has definitely had a major effect on staff morale. Many married couples work in the service, and if one is on back shift and one is on day shift, they can juggle the kids and family life. If their shift patterns change, it can change their whole lifestyle. The change in shift patterns in prisons has had an effect.

The job of prison officer has changed. Because the prison population is more in need of mental health care, the job of prison officer is becoming more like that of a mental health nurse. Prison officers who have been there for a long time do not see it like that, but some of the newer officers are more enlightened when they go into prisons. The officers who have been there for a long time probably still see themselves as turnkeys. That must change. The mental health aspect in male establishments is just as bad.

Ms MacDonald: I have a quick question.

The Convener: We have to move on, Margo. I might let you in at the end.

Christine Grahame: I have an observation. The point that was raised about the quality of food is important, because although food quality is a small matter if one has a busy life, it is a big thing in prison. I am grateful to the witnesses for raising that, because it is now on record and must be addressed.

I want to address two issues about the women in Cornton Vale. One is legal representation, which you raise on page 5 of your submission. You say that it is haphazard and casual. How do we change that? Secondly, were you here for the evidence from Turnaround?

Jim Scott: I heard some of it.

Christine Grahame: What do you feel about its role, and expanding that role to the courts nationally, which would deal with the problems that you have highlighted, particularly those associated with under-21s who are remanded in prison or are sent to prison?

Jim Scott: With regard to legal representation, the only way in which we will change the situation is if remanded accused—they are not prisoners—have a fair hearing before a sheriff, at which all the evidence is laid before them. That is not

happening. It does not happen for the two reasons that I have given. The kids are chaotic—they are gone—so from a five-minute interview lawyers are unable to understand what they are in for. Five minutes cannot possibly be enough time for a kid who ends up spending six months in jail. If I sat for five minutes and talked to a lawyer, then went into court and was stuck in jail for six months, I would not like that very much. That is wrong. We have to get the lawyers to interview kids in prison, because they are on remand and are still innocent.

Christine Grahame: I understand their status.

Jim Scott: If we can get the lawyers in there, or alternatively if the kids can be taken to a place where there are duty lawyers and proper evidence is taken and proper briefing given to the system, that will resolve the problem. However, as it stands now, the system just does not work. I know that duty lawyers in courts are under extreme pressure, and that they are all legal aid lawyers, but my interest is only in what is happening to the innocent person.

Christine Grahame: It is the system that is wrong, not the duty solicitor.

Jim Scott: Yes.

Christine Grahame: We have to have a system—in particular for the people to whom you refer, although it might be necessary for other people—to enable proper consultation and the giving of statements to a solicitor, so that they can appear on behalf of the person with reports and so on. It is about the whole works.

Jim Scott: Absolutely.

Liz Taylor: Many women are remanded for a long time just to get reports done, which is unfortunate.

Christine Grahame: How long are we talking about?

Liz Taylor: A prisoner can be remanded for up to 110 days, then they might be found innocent when they get to court. That is one of the biggest problems.

Christine Grahame: I will move on to Turnaround, because I was impressed by the 59 per cent success rate, which is darn good going compared with recidivism.

Liz Taylor: I have much praise for the work that Turnaround does. It is unfortunate that it works mainly in the Glasgow area. I accept that the majority of prisoners whom we get in Cornton Vale are from the greater Glasgow area, but Turnaround should move to other areas, because we are getting more people from the Highlands, the Edinburgh area and the Borders. They are all coming in.

In Scotland, we have three small units that hold women prisoners in the male prisons in Inverness, Aberdeen and Dumfries. The units hold women with sentences of less than two years or with non-violent sentences, but they will not hold women who are under 21. That is okay for those areas, but we need more. The likes of Turnaround should be spread more widely in Scotland. Some of the £13 million—which I keep going back to—which was taken off the Scottish Prison Service, and resulted in the closure of prisons, should be spent on things such as Turnaround. Alternatives to custody and drug rehabilitation are the areas that we want the money to be spent on.

The Convener: That is the reason the Executive has given for taking the £13 million.

Liz Taylor: The prison population is not getting smaller, yet prisons are being closed.

Mrs Mulligan: I am interested in your role as visitors. You said in your opening statement that you visit on a fortnightly rota, but you also said that you are entitled to visit at any time. What would cause you to visit more frequently, and have you had to do it in the recent past?

Liz Taylor: On a number of occasions, I have gone in for the night shift coming on. We see a totally different prison when it is locked down. There is no access to prisoners unless there is a problem. I have been in for the back shift at half-past 6 at night. Prisoners are more relaxed then because they are in their own areas, but if we go in during the day, they are in their work environment, and we see them in a different situation. It is useful to go in at different times of the day and night. We have access 24 hours a day. We do not even have to notify the prison.

Scott Barrie: I want to go back to the issue of the geographical spread of the prison population at Cornton Vale. In the past, we were informed that there was a disproportionate number of people from greater Glasgow and the west of Scotland. There has always been an interesting debate about whether that is because women are badder—that is not good grammar; I mean more bad—in the west of Scotland, or whether it is because of the sentencing policy in the courts there.

Twice this morning, we have heard that a change is going on, in that the population at Cornton Vale is more representative of the whole of Scotland. Has that caused added difficulties in the prison, given that it is having to cope with people from different parts of Scotland, who have difficulties caused by the distance that people have to travel to visit them, who might not have been in the Stirling area in their lives?

Liz Taylor: The distance factor is an issue. Again, I can comment only on the over-21s.

Convicted prisoners can apply to go to Inverness, Aberdeen or the Borders for a month. They can save all their visits up over the year and get a visit every week or every second day. It also depends on the category of prisoner and what their offence was, but a number of women from the Highlands and Islands and from Aberdeenshire have taken up the opportunity of going to those places for a short time so that their family can visit. It is a big trip, because those are massive areas.

11:15

Scott Barrie: Have there been any instances of gang-like association in the prison? I know that that has happened in other prisons not far from Cornton Vale, such as Glenochil. By repute, there have always been difficulties with people from different geographical areas of Scotland congregating together and picking on a small minority, which might include those from Fife. Do such things occur at Cornton Vale?

Liz Taylor: People who are friends on the outside will get together.

Scott Barrie: That is a positive thing, but I wondered about more sinister aspects.

Liz Taylor: I have never noticed that in Cornton Vale over the years that I have been involved, and I have been involved since 1993. I have never noticed any of the adult prisoners forming gangs and threatening other people. There are problems in some areas when prisoners are given their medication. I have seen and been told about people being bullied to give their medication to someone else. They take the medication while they are with the nurse and then bring it back up and hand it over. That happens in Cornton Vale.

The Convener: I want to move on to alternatives to custody, so we shall have final questions from Scott Barrie and Margo MacDonald before moving on.

Scott Barrie: Are things improving in Cornton Vale? If they are improving, is it a great improvement or a marginal one?

Jim Scott: Things are improving in Cornton Vale, as has been shown by the lack of volatility outside and within the prison.

Ms MacDonald: By coincidence, I heard only yesterday that the women who are held in Aberdeen prison are not in an ideal situation at all. People might have thought that we had got round that difficulty, but I am told that we have not and that the arrangements are very much ad hoc. In the longer term, if the committee agrees and recommends alternatives to prison, I presume that those alternatives would need to be in the areas that we have been talking about. There are now more drug convictions in Aberdeen and the

Borders, for instance, so that is where facilities would have to be located, rather than being centred on Cornton Vale.

Jim Scott: I support Margo MacDonald's logic. The type of unit that I see as the sensible option would be a domestic-type place, with about 20 rooms. I was going to say that it would be like a mini-hotel, but that is the wrong word to use in the Scottish Prison Service. It should be a mini-nice place as opposed to a mini-jail, where offenders could feel secure and be counselled properly. There would have to be room for about 20 people at a time, although I do not know whether that would be enough for us in Glasgow. The prison figures indicate that we have a lot of people from Arbroath and Stranraer.

Ms MacDonald: Aye, they are very bad.

Jim Scott: They are totally remote from the central area, so there would have to be about four centres scattered throughout Scotland.

Liz Taylor: I would like to comment on the other side of the equation—when a prisoner is due to be released from Cornton Vale. There is no progression for women prisoners; we do not have an open prison for women in Scotland. That is another area that must be explored.

The Convener: Thank you for making that point. We shall note that.

Mrs McIntosh: Do not they have TFF at Cornton Vale?

Liz Taylor: Yes, they do, but only within the prison itself.

Mrs McIntosh: Can you tell us what TFF is?

Liz Taylor: It stands for training for freedom. Women go through a progression and move round the prison itself as they do so. One can see that when one arrives at the prison. At the top end, so to speak, they live in their own flat in one of the blocks. They are all D category prisoners. They get money for their own shopping. They are all outside working in the community or in the staff café at the prison, which is outside the prison fence. The women can then apply for training for freedom and can get weekend leave and Christmas leave.

In a male establishment, a man can get open conditions. Two or three prisons are open and have no fence, and the men can go in and out all day to do their work. There is a need for similar facilities for women offenders. There was a trial open prison at Polmont, but it did not work. We need something closer to the prison.

Mrs McIntosh: In your opening remarks you mentioned tagging as an alternative to custody. Apart from tagging, which does not have universal support, although I support it, what other

alternatives do you have in mind? What do you think will have to happen to encourage the use of more alternatives and dispositions?

Liz Taylor: Tagging is the main alternative to custody that is being bandied about at the moment. Home detention is another option.

Mrs McIntosh: Can you explain the difference between tagging and home detention?

Liz Taylor: With home detention, offenders would have to be at home within certain times. They are not tagged, so the machine would not start blaring if they were not in the house at a certain time. However, if they want the scheme to work, they have to be responsible for being at home between the hours of 8 o'clock at night and 8 o'clock in the morning, for example. That is their responsibility and that is the sentence.

Other alternatives include bail hostels, rather than remand. Women would still be in the community and close to their families. Women losing their children is one of our major concerns. If a baby is born in the prison or just before a woman is convicted, the mother can apply to have the baby with her for up to a year. I do not think that that is always the best thing, as I do not see a woman with a major drug problem and a baby who also has a drug problem coming into Cornton Vale as a good thing. Sometimes it can be a good idea, as the baby will bond with the mother. However, it can also be bad, and some women have had their babies taken away from them in Cornton Vale. There is one baby there at the moment and another on the way, but we do not know whether the one on the way will stay in the prison.

Family connections are an important aspect when it comes to decisions about women not going into custody. Judges and sheriffs have to change the way in which they sentence women. They should definitely have alternatives.

The Convener: For the record, I would like to pin you down a bit and get a bit more detail, so that we are clear about your views on alternatives to custody. You have given us a few suggestions, including tagging, home detention and bail hostels, and you have said why you are particularly concerned about women losing their children. How would that all fit together? Jim Scott suggested that there should be four establishments. Are you talking about some women being in halfway houses with bail hostels attached to them? Even before getting to halfway houses, would you want to take some women out of the system by finding alternatives? Is that the picture that you have in mind?

Jim Scott: As you will note from our submission, we visited a bail hostel in Glasgow, the Dick Stewart hostel. Women will not go to the bail hostel; they just refuse to go, basically for the

same reason that women from Cornton Vale refuse to go on bail. There are rules in the bail hostel. For example, they have to be in by midnight, but they are all prostitutes—I apologise, I should say that many of them are prostitutes. As many of them are prostitutes and their business is conducted after 12 o'clock at night, they do not want to go to the bail hostel because they will not get back in after midnight.

From that perspective, bail hostels are not working for women. There is a very good one in Glasgow that is run by the Church of Scotland, but we saw only one boy in it and nobody else. I do not think that that is an "on"; I do not think that it works.

With home detention, one comes back to the basic problem: if the offender is at home, the offender is in the same environment as before. The offender's friends will come to the house. The offender will not need to go to a friend's house; the friends will come to the offender's place and have a damn good party there. I do not see that as an alternative. I believe that the only sensible alternative is a form of halfway house or some sort of hybrid, which could be either secure or insecure.

The Convener: Do you still propose that there should be a women's prison for serious offenders—only that it would be smaller than Cornton Vale?

Jim Scott: Absolutely. Quite frankly, I believe that only 10 per cent of Cornton Vale's population should have been incarcerated. The rest should be receiving medical treatment. If that were the case, millions of pounds a year would be saved. Diversification of treatment would be less expensive and more realistic. That is my view.

Christine Grahame: I was teasing out the difference between women on remand and women who have a custodial sentence as a disposal. Obviously, those things are different. You have addressed a lot by highlighting your concerns about bail hostels and home detention. I am not sure about bail hostels, but if offenders were given home detention, they would be back in the swim of where they got the drugs in the first place and among those people and so on. I would be interested in pursuing that.

You have said that Cornton Vale should be treated as a different situation entirely. The minority of Cornton Vale prisoners who require to be incarcerated to protect the public should be disposed of elsewhere.

Jim Scott: That is right.

Christine Grahame: However, I want to follow through on how that proposed regime—whereby women are incarcerated only for serious offences,

not for trivial and fairly minor offences—would operate. When the women who have committed the more serious offences come out from whichever prison they are held in, what would be your route for them coming out? When people are released from prison into the community, they lose the structure that they had. I have accepted your other proposal in its entirety, but what would be your route for those women?

Jim Scott: I will highlight what happens at Cornton Vale just now. Naturally, we have also addressed that item.

Six weeks before the prisoner is to be released, we take the prisoner into the care of the social work department, which tries to get a proper house and all the other things that the prisoner will need upon release. Normally, when prisoners walk out the door, they do not have a house; their pals are waiting for them and away they go. Six weeks before they come out, we interact and interface with the social work department to try to overcome the immediate problem of their walking out the door. That gives the prisoner somewhere to go and a chance of being secure.

However, that can fail. You are absolutely correct. The day after prisoners get out the door, they are interested only in one thing, which is getting among their pals and having a damn good night out. Unfortunately, it is inevitable that when a prisoner is asked, "What will you do on the night you get out?" the reply is, "I'm going to go for a damn good hit." That is a shame.

Christine Grahame: As a corollary to that, I want to suggest that we need something that is between remand and disposal. That is what I thought we were leading up to, although I might have got my wires crossed. We need something that would work similarly to the refuges for women who are victims of violence. We need something like that, which is intermediate and structured, for women who are released from prison. It could be a condition of their release—although every female prisoner might not need it—that they go to a middle house first. It would help them to restructure their lives. Perhaps they could still have a party with their friends, but there would be some kind of regulation to ensure that they did not simply go back into a spiral again.

Liz Taylor: You are talking about women who have had a long sentence, but most women who have been given a long sentence come out on parole and must report to the parole officer. People who are on shorter sentences can, basically, walk out the door. There are follow-ups, but they depend on what the prisoner has been doing inside the prison. Turnaround is one of the main follow-ups and it definitely has good follow-up facilities. The new drug reform system that is going through just now will have major effects on

follow-ups for prisoners who have been released.

Christine Grahame: You do not say that a hostel—

The Convener: I am sorry, but I must stop Christine Grahame there as we are running out of time.

I thank Jim Scott and Liz Taylor for giving valuable evidence. What you have said has been very clear, for which we are grateful. The points that you have made are important to the committee's work, and we will take the matters further.

Jim Scott: Thank you.

The Convener: I know that it is getting hot and steamy in here, but we will press on to our last set of witnesses, who are from Routes Out of Prostitution. I declare my interest as a board member of that organisation. We will hear from Liz Curran, Ann Hamilton and Ria Din.

I apologise to the witnesses for the long wait. I hope that listening to the other witnesses has been quite helpful to the contribution that you are about to make. Liz Curran may start by introducing the witnesses who are with her and by taking a minute or so to say what she does.

11:30

Liz Curran (Routes Out of Prostitution): Thank you, Pauline. I am the partnership manager with the Routes Out of Prostitution partnership in Glasgow, Ann Hamilton is a council representative on the social inclusion partnership board and my colleague Ria Din is the intervention team leader. I would like to outline briefly the background to the aims of the Routes Out of Prostitution partnership, our position on prostitution and how we focus on issues that relate to the criminal justice system that impact on the women we work with. Once I have done that, we will be happy to take any questions.

The Routes Out of Prostitution social inclusion partnership—known as a SIP to many people—is the only gender-specific SIP in Scotland. It is made up of a range of statutory and voluntary sector agencies and is funded by the Scottish Executive. The SIP's remit covers Glasgow, where it is estimated that well in excess of 1,100 women are involved in prostitution. We have figures for street prostitution, but a greater number of women are involved in prostitution in a range of other settings for which we do not have specific information.

In the main, the women involved in prostitution who we have been in contact with have lives that are characterised by first-hand experience of sexual and physical violence, poverty,

homelessness, drug use and mental health problems. The situation is further compounded when women become caught up in the criminal justice system and end up being jailed for non-payment of fines for soliciting. The SIP believes that that combination of factors contributes to the social exclusion of women. In turn, the SIP views prostitution as violence against women and as survival, not sexual, behaviour.

The Routes Out of Prostitution partnership aims to prevent young women becoming involved in prostitution in the first place. It also aims to support women to exit prostitution. The SIP has an intervention team, the role of which is to provide long-term support for women to exit prostitution. Alongside poverty, involvement in the criminal justice system is the most significant barrier that restricts women from exiting prostitution.

In practice, only women are arrested for soliciting, which is an offence under the Civic Government (Scotland) Act 1982. Before a woman's involvement in prostitution is established in law, it is necessary for the police to issue two warnings: one caution must be given to the woman on the street and one must be given in the office.

If, after she has received two cautions, the woman is apprehended again, she can be charged with soliciting and taken to court. Once at court, she is automatically identified as a common prostitute. I quote from Jane Calvert:

"This is a complete reversal of the basic principle of British Justice i.e. being seen as innocent until proven guilty. In other types of legal cases, reputation of past offences are strictly not allowed as evidence in court under the Judge's Rules. It would be inconceivable for someone to be presented to the court as a common thief and then accused in court of common theft. Evidence of previous offences is only permissible after conviction and before sentencing. Yet where prostitution is concerned, this process is reversed."

A woman cannot be sent to prison for soliciting, which is a civil offence. Instead, she can receive a fine of up to £500. If she is unable to pay the fine, she can be sent to prison as a custodial alternative.

In Scotland, soliciting is categorised as a sexual offence exempt from the Rehabilitation of Offenders Act 1974, which in practice means that a woman has to declare any conviction on an application for a job. Effectively, that debars women from accessing a wide range of training and employment opportunities.

To summarise, the law currently discriminates against women on the following bases: in practice, only women are arrested for soliciting and can be jailed for non-payment of fines; women are denied the basic principle of justice by being presented in court as a common prostitute; the classification of

soliciting as a sexual offence restricts a woman's capacity to exit prostitution and access employment. Further to that, women are often discouraged from reporting to the police crimes of violence against them because they have outstanding warrants. Thus, if a woman reports a crime, it is likely that the woman, not the perpetrator, will be arrested.

The number of women being arrested for soliciting and jailed for non-payment of fines has risen steadily over recent years. For example, during a six-month period in Glasgow last year, approximately 500 women were arrested for soliciting. The majority of those arrests took place in the east end residential area of the city. In contrast, although we are aware that men are the perpetrators of violence against women in prostitution, the law serves to maintain men's invisibility in this context.

The Routes Out of Prostitution partnership strongly supports the recommendations in the report "A Safer Way", which was published in 1998: specifically that the Scottish Executive should consult the courts and local authorities on what more can be done to reduce the number of women who default on their fines and the number of women who are received into custody as a result.

In particular, the Scottish Executive should examine the circumstances in which fines are imposed on women and the types of offence, particularly offences associated with prostitution and failure to buy a television licence. As is outlined in the report, the number of women who are imprisoned for those types of offence is out of proportion with the number of men who are imprisoned for them. In 1995, women made up 68 per cent of people who were jailed for non-payment of television licences and 100 per cent of people who were jailed for offences relating to prostitution.

The social inclusion partnership also supports the recommendations in the "Inter-agency Forum on Women's Offending Second Year Report". The only qualification that we would make is in relation to recommendation 10, which proposes addressing differing policing policies at a national level. We believe that the most effective way to address the discrimination that is experienced by women in prostitution is through a comprehensive programme of legislative reform. We accept that, in turn, such reform may impact on policing policies at a national level.

In the past year, we have been in discussion with Compton Vale about holding a range of consultation events with women. They would take place in the prison. Further to that, the intervention team is involved in a joint piece of work to examine the inside-out links so that we can make

contact with women in the first instance and link them into a range of services in Glasgow on their release from prison.

The Convener: As a member of the board of Routes Out of Prostitution, I am well aware of the task that you face and I think that the organisation is one of the most important social inclusion partnerships. You have highlighted a number of important points for the two justice committees; issues relating to sex discrimination and the law fall within our remits. I was interested in the point you made about prostitution being the only offence for which previous convictions must be revealed in court. The committee's papers inform us that more than 700 women, but no men, have been convicted of offences relating to prostitution. We might not get into the issue of men's invisibility in this context today, but we will do so in future.

I would like to hear more about the difficult task of getting women out of prostitution and to try to work out what we might be able to do to assist in that.

You said that the number of women being arrested for soliciting has risen steadily over recent years. Do you know why that is happening?

Liz Curran: Our social inclusion partnership has two aims: to help women exit prostitution and to prevent them becoming involved. Child sexual abuse and poverty are fundamental underlying factors in women's entry into prostitution. Further to that, women can become involved in prostitution through drug misuse, homelessness and the hostel culture. At the moment, we have a clear picture of the situation and are aware that no early-intervention mechanism is in place. Other people who have spoken this morning have outlined a range of issues that impact on women, including mental health issues. If the underlying issues are not addressed, women will continue to become involved in prostitution.

In the east end of Glasgow, women are becoming involved in prostitution at a much younger age than they did previously and are involved in prostitution during the day. We are trying to get information from the women about the ways in which trends are changing.

The Convener: You said that soliciting is categorised as a sexual offence. Presumably that means that women convicted of offences relating to prostitution are placed on the sex offenders register.

Liz Curran: Yes.

The Convener: That means that they will not be protected by the Rehabilitation of Offenders Act 1974, which means that they have to declare their conviction when applying for a job. Would amending that piece of legislation help

dramatically in helping women to get out of prostitution and into proper employment?

Liz Curran: It would be a partial measure, but it would make a massive difference. Our intervention work is long term. We work through the immediate issues that a woman faces and get her to a point of stability at which she is coping with her drug problem, is in safe housing, has child care arrangements and so on. Once a woman gets to that point and is seriously trying to find an alternative to prostitution, she finds that she is stuck as she must declare her conviction when applying for a college course or a job. If that requirement were removed, we would be much more able to support women to access employment.

Ms MacDonald: I can see that the basic objective is to persuade people not to become prostitutes in the first place. It is far too dangerous an occupation.

Since the women who are beginning to freelance are aware of the social results of prostitution and of the custodial sentences, it would appear that those factors are not deterrents. In light of that, do you think that there is any sense in having prostitution as a crime?

Liz Curran: That is part of a broader discussion that I appreciate we cannot go into today. The social inclusion partnership is examining such issues in relation to existing legislation. The only relevant legislation that we have found relates to peripheral offences. In England, for example, there are kerb-crawling laws and in Scotland there are soliciting offences. We believe that criminalising women for their involvement does not act as a deterrent. If anything, it compounds the issues that the women are already experiencing. Without a doubt, within a larger framework of legislative change, it would be useful to consider the decriminalisation of women's involvement in prostitution. That would have to be a thorough process, however, and would have to take into consideration all the pros and cons.

Ms MacDonald: Do you have an opinion on the matter?

Liz Curran: Fundamentally, we do not think that women should be criminalised for soliciting.

Ms MacDonald: Should they be punished at all?

Ann Hamilton (Routes Out of Prostitution): Our view is that women are damaged and harmed by prostitution and should therefore be protected. In our view, it is very much men's involvement in using women in prostitution that should be addressed by the criminal justice system and by society in general. It is a complex matter for women to get out of it. It is correct to say that prison is not a deterrent. That is one of the

frustrations among certain people who are involved in sentencing women, who find that they are struggling for alternatives.

11:45

We have been working with lay justices in Glasgow, considering increased advocacy for women and explaining the role of the intervention team, which is really about creating packages for women, but there are many things that keep women in prostitution, such as the benefits trap, having to declare previous convictions and homelessness. A range of elements have to be worked at together. To date, nobody has done that. Ria Din will be able to explain what the intervention team is doing, but I stress that working on several elements together offers a much better way forward for women. Men's involvement in prostitution is another issue.

Ria Din (Routes Out of Prostitution): I will try to illustrate the situation. I have been working on addiction and women's drug use in Glasgow for 12 or 13 years. A lot of people, particularly parents who have been involved in setting up groups and strategies, have been frustrated that things do not seem to have got any better. It is still shocking for me, coming back into practice after doing strategic work, even bearing in mind yesterday's work in our project. Even with all the money that we hear is being pumped into services, the problems that women face—not only those with a drug addiction, but those without—appear intractable. We are not joining up enough, either to provide enough services to deal with the issues that Ann Hamilton has highlighted or to tackle the intensity of the issues that surround homelessness and the absolute despair of women in such situations.

The benefits system presents real barriers—even to women who are stable enough to consider getting into jobs. Some people in Glasgow are trying to address those barriers, but there are considerable legislative obstacles in the way—there is a criminal justice element to that.

We are a young project—we are only six or seven months into the life of the project. We are working with women at a range of stages. Some of them are in real crisis; some of them, who are a lot more stable, do not have addiction problems, want to get out and are considering the possibility of jobs or training. We are spread quite thinly, but I think that we have highlighted the issues—we know what they are. Working as the SIP is working—with partners in the city on a strategic basis to change people's circumstances—might make a difference.

I have also been struck by the element of violence, which is apparent working in a project with women who are in prostitution. That includes

sexual abuse and violence in their early years. The continuing violence that is suffered through prostitution day to day is really shocking. I sometimes come away thinking that this is a society that thinks it is acceptable for women to go out and be involved daily in situations that cause them untold damage.

I mentioned a barrier in relation to prostitution. I think that more and more young women are becoming involved in it, not only because of the background of poverty and abuse, but because of a perceived acceptability. It is often viewed as the oldest profession, or what women do. Women may then internalise that themselves and think that it is an acceptable way to make money. They fight against the public perception that it is okay and will discuss that with us and try to be plucky about it, but as soon as the surface is scratched away they will crack up with the despair of it.

It has been shocking to have been in Glasgow for all these years, working in this area. I do not feel that we are making a lot of progress. We need to accept what the premises are, and to deal with them.

Christine Grahame: This is a complicated discussion, because we are moving away from prostitution and its link with Compton Vale to prostitution per se. I perhaps misheard, but I think something was said about very early intervention to prevent someone going into prostitution. That struck me as odd, because I do not know how you can work out that somebody is going to go into prostitution. Were you implying that there is a role for schools, particularly the senior parts of schools, in debunking the "Pretty Woman" image and in dealing with some realities, which might then lead to schoolchildren coming out and talking to the appropriate people—if they have been abused themselves, for example? That opens up the can of worms. Children might come forward. Is that what you were getting at?

Liz Curran: We have a prevention working group in the SIP. The prevention strategy is a key element of its overall work. Part of the work is about unpacking all the myths about women's involvement in prostitution. They say that it is glamorous—that it is about sex, about making money and about choice. Of all the women who are currently involved in prostitution with whom we have been in contact over the past year or so, none has said that it is a choice. Women hate it and they end up becoming involved through a lack of choice. The realistic picture has to be put across to people.

We are considering all the questions of peer education and so on. The "Action Against Abuse" pack—also referred to as the "abuse: there is no excuse" pack—is currently in schools. Through the prevention working group, we have designed a

supplementary exercise on prostitution, which—although some might panic about it—we are hoping some schools will take on board. We are also considering a range of options through the Zero Tolerance Trust.

Christine Grahame: I have a further point—although it might be a point too far. You have talked about decriminalising prostitution. Would you go so far as to say that to protect women—because you will not be able to eradicate prostitution entirely—you wish to legalise prostitution?

Liz Curran: Legalising prostitution would legitimise and—

Christine Grahame: That is what I thought you would say.

Liz Curran: It would legitimise and normalise the violence. We have to be clear that we would support a decriminalisation strategy only within a broader framework that considered criminalising men who perpetrate the violence. It is men's demand for prostitution and the violence that is inherent in prostitution that we want to be criminalised. We have to be very clear: we would not decriminalise women's involvement to make it easier for them to be involved in prostitution.

Christine Grahame: That is why I asked the question. Such a move would be intended to prevent women from going into prostitution, not to make it somehow easier for women who are involved in it. The move would be to protect women, but we do not want them to go into prostitution in the first place.

Ms MacDonald: We should be clear that it is already a criminal act for anyone to attack or violently abuse another person. A prostitute who is beaten up or attacked has been criminally assaulted, and a man who carries out that assault is already culpable under the present system. You cannot divorce that from the sexual act itself. I do not know how you manage to decriminalise one part—the sexual act—without decriminalising the other part. That is the problem that I have with such a proposal.

Liz Curran: That is a much broader debate, which we are examining at the moment. Loads of issues are contained in that, and our partnership has a clear position on it. As I mentioned in my introductory remarks, part of the difficulty is that, in the main, crimes of violence against women involved in prostitution go unreported. Women are not able to report such crimes because they could have warrants served against them and because of the whole societal situation. It is difficult enough to get a conviction for rape in mainstream law, but if a woman who was involved in prostitution wished charges to be brought, she would have to declare that she was involved in prostitution, she

would have no anonymity and she would then have to give evidence to demonstrate that she was raped. Women think that the charge would never get anywhere, so they do not report it.

We are trying to form a profile of the scale of violence in the context of prostitution in Glasgow. When the SIP came into being in 1999, there was a dearth of baseline information. We are starting to put some information together, but there are still fairly big gaps. Much of the information is being made available for the first time through the intervention team and our partner organisations.

The Convener: I return to your opening comments about discrimination in the law in relation to the offences that we have been discussing—I want to make sure that I have got this right. You would like two main changes. The first is a change in the Rehabilitation of Offenders Act 1974 in relation to prostitution being a sexual offence. The other change relates to the use of the term “common prostitute”. You say that if there is evidence that a person has solicited on two previous occasions, that can be used against them. That is not usual for other crimes under Scots law and you feel that it is discriminatory.

Liz Curran: It determines women's position from the word go. Men and women can be arrested under the Rehabilitation of Offenders Act 1974, but in practice only women are.

The Convener: I know that this is an arduous task and that the work that the three of you do is amazing. How long do you have to make progress, or has that not yet been determined?

Liz Curran: The designation of the SIP is for five years—until March 2004. We are clear about the nature of the work on which we have embarked. It is very long-term work. We will probably have worked out a baseline position by 2004, when we will be able to recommend a future strategy.

Ms MacDonald: You will need to produce something more quickly than that.

The Convener: Thank you for attending. Your evidence has been very valuable to the committee.

Because it is so hot, I propose that we take a short break before dealing with petition PE306.

11:56

Meeting adjourned.

12:03

On resuming—

The Convener: Now that we are quorate, I will reconvene the meeting.

Petition

The Convener: The second item on the agenda is consideration of petition PE306, from Mr Thomas Minogue. We have considered the petition before, but we needed more information, which we have now received. The purpose of today's discussion is to decide whether we need to take any further action or whether we wish simply to note the petition. The clerks have prepared a note that suggests some options. First, we can note the response and agree to take no further action. Secondly, we can write to the Minister for Justice to ask him to consider whether the judiciary should be required to declare interests in the same way that members of public bodies are required to. Thirdly, we can write to the Minister for Justice to recommend further consideration of voluntary or compulsory declaration of membership of the freemasons as part of any judicial appointment reform.

Christine Grahame: I am attracted to the second option as I do not particularly want to focus on freemasonry. MSPs and our assistants are required to declare whether they are members of any organisations or have any interests, pecuniary or otherwise. It might be worth while exploring with the minister why members of the judiciary should not be required to declare that as well.

Scott Barrie: I agree with Christine Grahame. As I have said before, the issue is broader than freemasonry; it involves other organisations that might or might not have a secret basis. The paranoia over the secrecy within the freemasons sometimes puts people on edge, but it might be pertinent for people to place on public record their membership of certain other organisations. There might not be anything sinister about their involvement in such an organisation, but it should be out in the open, just as there has been greater accountability of people in many other areas of public life.

Ms MacDonald: In the United States, someone was up in front of a congressional hearing because they had indicated support for one side or other in the Israeli-Palestinian conflict. People will join groups called "Friends of" this, that or the next thing, so there is a wider issue to address.

The Convener: It should also be noted that there is a slight difference of opinion in the correspondence that we have received from the Sheriffs Association and the Scottish Consumer

Council. It is important to make it clear that the committee is not suggesting that there is a problem as far as sheriffs in particular are concerned. However, as the Scottish Consumer Council points out, the public have a certain perception of the matter. Whether that perception is justified or not is another question, but it is important to address the public perception problem. As Christine Grahame has rightly pointed out, the new Parliament operates in a spirit of accountability and openness, which includes declaring interests—although some might think that we declare too much. We should not drop the issue and I support Christine's suggestion that we should choose the second option.

Scott Barrie: We could be accused of being less than open ourselves. At the same time that we have a new and more open judicial appointments procedure, we seem to be closing the door on another aspect of openness. That is contrary to what is happening south of the border. It is interesting that, despite the much-vaunted opening-up of the public appointments procedure, the Minister for Justice does not consider this to be an issue, given what he has told us before and what the Sheriffs Association has said in its correspondence. The issue is worth further exploration.

The Convener: If we choose the second option and write to the minister about the petition, is it worth adding the suggestion that, although we will have to examine the whole area of the judiciary, that is not necessarily the only area of the system that we would ask the minister to address?

Christine Grahame: I am sorry—I did not follow that.

The Convener: Perhaps we should ask the minister why he is making a special case of sheriffs over everyone else in public life attached to the criminal justice system or judiciary.

Ms MacDonald: The question is why the judiciary is being singled out.

Christine Grahame: We need to be true to the petition, which after all is what we are considering. We have moved far enough away from it by extending its scope beyond freemasonry. The register of interests is the important point. I would like to keep the focus more narrow and concentrate on the judiciary, so that we can pin the minister down more. We could ally that with Scott Barrie's point about having a more open appointments system. If we are to have such a system, what is the problem with a register of interests? I had to declare an unpaid interest as a member of the Royal Zoological Society of Scotland, which it was not a problem for me to do. If a sheriff is a member of that society, I see no reason why he should not declare it. As we know,

everything in public life comes down to the perception of openness and any perception of impropriety lays foundations for the suspicion that there might be something to hide.

Ms MacDonald: In our discussions about the international criminal court, we established that that will be a non-starter unless everyone trusts the absolute objectivity of the judiciary. Membership of, or support for, the most innocuous organisations in one country might be seen as very significant in another country.

The Convener: Okay. It is of course in order for us to take the petition as the foundation for any issue that we want to pursue and there is nothing to preclude our adding anything to it. However, most members seem to agree that we should address the subject matter in the petition and choose option 2. Is that agreed?

Members indicated agreement.

The Convener: Are members agreed that the letter to the Minister for Justice should emphasise that we are writing to him in the spirit of openness and accountability and because he is specifically considering the issue of judicial reform, and not because any problem has been identified in the judiciary?

Members indicated agreement.

Christine Grahame: What is the position with the Public Petitions Committee? Do we simply deal with the matter or do we report back to that committee? The convener and I were both members of that committee.

The Convener: As you and I are previous members of the Public Petitions Committee, it is only right that we should not let a petition just disappear. We should advise that committee what we are doing as a matter of course anyway.

Item in Private

The Convener: Agenda item 3 is to agree to discuss a revised draft stage 1 report on the International Criminal Court (Scotland) Bill in private at our next meeting. Is that agreed?

Members indicated agreement.

The Convener: We will move into private session for agenda item 4.

Ms MacDonald: Before we go into private session, I want to ask why we are in committee room 4. The Social Justice Committee is meeting in private, yet it is in the chamber. I spoke to a clerk who said that committees must be rotated around committee rooms and that we all must take our turn at the rotten venues, but surely the rotation should be overridden by the importance of the work that a committee is doing and by the need to ensure the convenience of the witnesses whom we invite.

The Convener: As far as I know, we must rotate around committee rooms. We take our turn at all the venues, because we are pushed for accommodation. Sometimes, although we have a venue and a date, we do not know what evidence we will take. We would probably have to ask another committee to exchange rooms, which might not always be agreeable to the other committee.

Ms MacDonald: Far be it from me to tell the Parliamentary Bureau how to run its show. I just want a confirmation at the start of each week that accommodation is suitable.

Christine Grahame: I ask that the convener simply raise the issue at the next meeting of the conveners group. We do not want to cause war between committees. Sometimes the system will work for us, but sometimes we may be in a room that would be more appropriate for another committee that is taking important evidence. Are premises being used sensibly? Perhaps that is how the issue could be raised. It would have been useful to have had today's evidence on camera, as that would have provided footage for those outside. The situation that we faced must be faced by all committees occasionally. Perhaps that should be part of the considerations in choosing a venue.

The Convener: Absolutely.

Ms MacDonald: The only member of the press who was at our meeting was the representative from the Press Association, and he is fighting for space during the general election. The quality of the evidence that we took today was excellent.

The Convener: I am willing to raise the issue. I forgot that committee room 4 did not give us a television broadcast. The witnesses came here willing to give evidence in public, and we missed an opportunity. I will raise the issue. I am not sure where we will get with it, but I will report back. Agenda item 4 is discussion of our draft stage 1 report on the International Criminal Court (Scotland) Bill.

12:14

Meeting continued in private until 13:12

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Thursday 7 June 2001

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Meetings of the Parliament annual subscriptions: £500

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

Single copies: £3.75

Special issue price: £5

Annual subscriptions: £150.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at the Document Supply Centre.

Published in Edinburgh by The Stationery Office Limited and available from:

The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
0131 228 4181 Fax 0131 622 7017

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 020 7242 6393 Fax 020 7242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 028 9023 8451 Fax 028 9023 5401
The Stationery Office Oriel Bookshop,
18-19 High Street, Cardiff CF1 2BZ
Tel 029 2039 5548 Fax 029 2038 4347

The Stationery Office Scottish Parliament Documentation
Helpline may be able to assist with additional information
on publications of or about the Scottish Parliament,
their availability and cost:

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

The Scottish Parliament Shop
George IV Bridge
EH99 1SP
Telephone orders 0131 348 5412

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers