

Justice Committee

Community Justice (Scotland) Bill

Written submission from the Prison Reform Trust

The Prison Reform Trust is an independent UK charity working to create a just, humane and effective prison system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform.

The Prison Reform Trust's main objectives are:

- Reducing unnecessary imprisonment and promoting community solutions to crime
- Improving treatment and conditions for prisoners and their families

Supported by the Big Lottery Fund, the Prison Reform Trust is renewing its drive to reduce women's imprisonment across the UK. This will include a dedicated programme in Scotland, working with our partner charity Families Outside,¹ promoting alternatives to custody particularly for women offenders with dependent children. We welcome the Scottish Government's commitment to reducing the female prison population and providing targeted support to tackle underlying issues.²

In conjunction with the Soroptimists UK we recently published [Transforming Lives: Reducing women's imprisonment](#), the report of their inquiry into provision for women in contact with the criminal justice system. Key findings of the Scotland country report include: the detrimental impact of imprisonment on women and families; the value of women-specific community services and the need to address their patchy availability particularly in rural areas; support for the community justice centre approach is tempered by concerns about future funding and sustainability of services.³ We welcome the opportunity to respond to this consultation and hope you will consider the evidence in that report, which we include as part of our submission. We respond below to certain questions only.

Q.1: Will the proposals in the Bill transform the community system in the way envisaged by the Commission on Women Offenders in its 2012 report, such as addressing the weaknesses identified in the current model, tackling reoffending and reducing the prison population?

1. As the Commission recognised, most of the solutions to women's offending lie outside prison walls in treatment for addictions and mental health problems, protection from domestic violence and coercive relationships, secure housing, debt management, education, skills management and employment.⁴ One-stop shops for

¹ www.familiesoutside.org.uk

² www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=9739

³ pp. 69-97, Prison Reform Trust (2014) *Transforming Lives - reducing women's imprisonment* London: PRT

⁴ www.prisonreformtrust.org.uk/Portals/0/Documents/why%20focus%20on%20reducing%20womens%20imprisonment.pdf

women in the community delivered along the community justice centre model, the Commission's preferred model for women's services, bring such services together under one roof. The Commission concluded "*that to deliver the very best outcomes for women offenders...a radical transformation of the existing structural and funding arrangements...is required*"⁵, and recommended "*community justice centres for women offenders...be available to every woman offender in Scotland*".⁶ We understand the need to ensure that practice is both locally driven and evidence based, but submit that the evidence base for the women's centre model is firmly established and there is a risk of delaying its implementation across Scotland. A robust national structure to drive reform is needed, but sufficient investment in the community solutions to women's offending will be essential to achieve the transformation sought. This will pay dividends.⁷

2. The Bill presents opportunities for improving the governance of women's justice in Scotland and the delivery of community services working with women offenders. We note that one of Community Justice Scotland's functions will be to review a national performance framework of outcomes and indicators, though the Bill gives no information as to what these might include. It is imperative that women-specific outcomes, including reductions in women's imprisonment and improving provision of women-specific community services across Scotland, are determined at the outset, and that Community Justice Scotland is given levers to drive improvements where local areas fail to meet key performance indicators and objectives.

Q.3: Will the proposals for a new national body (Community Justice Scotland) lead to improvements in areas such as leadership, oversight, identification of best practice and the commissioning of services?

3. We understand the intention of this approach, and welcome the creation of a statutory body with the potential to operate in a politically neutral and authoritative way. However, it is not clear what local structures will be put in place to bring together statutory and voluntary partners, alongside elected members of the local authority, to improve practice and co-ordinated commissioning and service delivery. Given the challenge of rural service provision for women offenders, how will Community Justice Scotland support individual local authorities to work collaboratively with others, for example to deliver regional services, or services delivered through virtual hubs or mobile outreach, as recommended by our report *Transforming Lives*?

4. A national body could play a key role in the development of a consistent service standard across Scotland. *Transforming Lives* notes the concern of the Scottish Working Group on Women Offenders that the preferred model of women's services identified by the Commission on Women Offenders is at risk of dilution because of funding shortfalls and inadequate oversight of local innovation. Co-location of women's services with generic services, for example, can be at odds with

⁵ pp.80, Commission on Women Offenders (2012) *Commission on Women Offenders* Edinburgh: Scottish Government

⁶ Ibid, pp.28

⁷ new economics foundation (2008) *Unlocking Value: How we all benefit from investing in alternatives to prison for women offenders* London: nef

the values underpinning women-specific services.⁸ Community Justice Scotland will need to address this at the earliest opportunity in light of the Scottish Government's determination to drive down the number of women who are imprisoned, which requires best-practice community-based provision. One option would be to develop national minimum standards for community justice centres for women, setting out for example, expectations for service design and delivery, and perhaps developing a quality mark programme. Such an approach could be used to improve consistency and give commissioners greater confidence when determining local services.

5. The policy memorandum states that "*the formation of Community Justice Scotland will also provide further opportunities to commission services strategically*". This function would be an opportunity to commission one-stop shops for women offenders nationally, rather than relying entirely on local discretion. It would also help ensure a less reactive and ad-hoc approach to funding of services for women offenders, and would fit with the Justice Secretary's commitment to invest in community alternatives rather than a new women's prison at HMP Inverclyde.⁹ National commissioning could ensure provision in rural, sparsely populated areas, and address concerns, noted above, that some newer services for women offenders are deviating from the Commission's preferred model.

6. Whilst the Commission took the "*view that it makes economic and practical sense for the new Community Justice Service to cover the whole offending population*"¹⁰ we are concerned that, without a dedicated focus, the needs of women and provision of women-specific services will not be prioritised. We recommend Community Justice Scotland have a women-specific work strand, staffed by officials with expertise in the commissioning and delivery of services working with women offenders and a designated senior executive responsible for the women's strategy.

Q.7 Are the resources, as set out in the Financial Memorandum, sufficient to transform the community justice system in the way envisaged by the Commission on Women Offenders in its 2012 report?

7. The Commission on Women Offenders identified short term funding and inconsistent service provision across Scotland as barriers to reducing reoffending. This is reinforced by findings of the Prison Reform Trust/ Soroptimist UKPAC report [Transforming Lives – reducing women's imprisonment](#) in 2014.¹¹

8. Recent announcements¹² by the Scottish Government of funding for women's community services in addition to the £3million originally allocated in response to the Commission's recommendations are welcome. This needs to be consolidated to address continuing concerns about the long term funding security of many services working with women offenders. In 2012 the Commission reported that "*the short term and fragmented nature of funding, especially for women-specific*

⁸ pp.94, www.prisonreformtrust.org.uk/Portals/0/Documents/Ttransforming%20Lives.pdf

⁹ <http://news.scotland.gov.uk/News/New-plans-for-women-in-custody-announced-1a61.aspx>

¹⁰ pp. 87, Commission on Women Offenders (2012) *Commission on Women Offenders* Edinburgh: Scottish Government

¹¹ Prison Reform Trust (2014) *Transforming lives: reducing women's imprisonment* London: PRT

¹² www.theedinburghreporter.co.uk/2015/06/government-to-fund-projects-to-tackle-problems-of-women-in-custody/

interventions...makes it difficult to attract and sustain the right calibre of staff.¹³ This was echoed by respondents to Soroptimists' inquiries in Scotland into service provision for women in the criminal justice system in 2013-14, who favoured three-year funding cycles.¹⁴ Research on the funding of women's community services in England has also highlighted the negative impact of funding insecurity on their ability to deliver consistent services, including the loss of experienced, talented staff, and to command the confidence of local courts.¹⁵ Community Justice Scotland will not be funded to commission services itself, but rather to oversee local commissioning, which falls well short of the Commission on Women Offenders' recommendation for a Community Justice Service that *"take[s] overall responsibility for the management and delivery of criminal justice services in the community, including Community Justice Centres and multi-disciplinary teams...[and] commission[s] services (from both the statutory and third sector) and manage[s] contracts."*¹⁶

9. There is a lack of detail provided about future funding allocations. Whilst the policy memorandum states that *"local authorities will be in direct receipt of funding for the delivery of criminal justice social work services"* there is no information as to how funding levels will be determined, though we welcome confirmation of the intention to *"ring-fence the funding for delivery"*. We note that *"for the sixth year in succession there has been no inflationary uplift to the level of total grant"*¹⁷ made under Section 27, and that for North Strathclyde CJA, there has been an 8% reduction in the overall level of grant since 2010-11. We note *"the Government's intention is that section 27 funding will include an innovation fund...to incentivise best practice"*.¹⁸ We strongly recommend ring-fenced funding for services seeking to innovate with women offenders, to support progress towards the Commission on Women Offenders' vision of a *"radical transformation of...funding arrangements"* and of community justice centres for women offenders available to every woman offender in Scotland.

10. Finally, we recommend that the cost of imprisonment be analysed by local authority area, with a view to linking the success of locally driven practice to reduce crime, reoffending and the unnecessary use of imprisonment to the potential financial dividend of a reduced use of custody. We believe this would incentivise innovative and cost effective approaches locally, especially but not exclusively in relation to women. In the medium term, it also holds out the possibility of reinvesting a portion of the savings from a reduced custodial estate to secure further reductions in a virtuous circle of more effective practice. This approach proved fruitful in the Prison Reform Trust's *Out of Trouble* programme to reduce child imprisonment¹⁹ and

¹³ pp 83, Commission on Women Offenders (2012) *Commission on Women Offenders* Edinburgh: Scottish Government

¹⁴ pp. 92, Prison Reform Trust (2014) *Transforming lives: reducing women's imprisonment* London: PRT

¹⁵ Clinks (2014) *Run Ragged: The current experience of projects providing community based female offender support services* London: Clinks available at www.clinks.org/sites/default/files/basic/files-downloads/Run%20Ragged%20Interim%20Report%20February%202014.pdf

¹⁶ pp.88, Commission on Women Offenders (2012) *Commission on Women Offenders* Edinburgh: Scottish Government

¹⁷ 'Criminal Justice Social Work Section 27 Grant Allocation 2015-16' report by Chief Officer, North Strathclyde Community Justice Authority, 13th March 2015

¹⁸ pp. 19, Community Justice (Scotland) Bill Policy Memorandum

¹⁹ www.prisonreformtrust.org.uk/ProjectsResearch/Childrenandyoungpeople/OutOfTroublepublications

we would be pleased to discuss our plans to adapt this approach to support reductions in women's imprisonment across the UK.

Prison Reform Trust
12 August 2015