

**Commission on English Prisons Today
Visit to Scotland
26-27 February 2008**

Notes from lunch meeting with the Scottish Commission February 26, 2008

Much of the session concentrated on the differences between Scotland and England which seemed relevant to the current government's apparent desire for penal reform.

Unlike England, Scotland looks to smaller nearby countries, particularly in Scandinavia, but also Ireland. These countries generally have much lower rates of imprisonment as well as non-custodial alternatives. In contrast, England seem to be following the US which is driven by those who wish to expand prison population. Scottish prison reformers point to this tendency in England as a reason for Scotland taking a different path. This strategy is popular in the press and with the public.

Other differences were identified, including the absence of private prison lobbying groups in Scotland and a greater popular commitment to public service. The SNP's decision not to proceed with any more private prisons has bought some good will from the public sector prison service. Though there was some dispute over whether there was a real shift of culture within the Scottish prison service, it was pointed out that as an industry it has much higher educational standards than in England and Wales. Whereas England and Wales have no educational requirements for prison officers; in Scotland have 5 GCSEs.

Finally, although punishment is politicized in Scotland, it is perhaps not to the same extent as in England. Some wondered if this was an effect of the multiple parties in Scotland, and, in particular, to the current popularity of the SNP who are more radical in a number of policy areas than either Labor or Conservative or Liberal Democrat.

Nonetheless, as David Wilson pointed out, there is some dissonance between the relatively liberal political debate in parliament and the high prison population. This disparity, the Scottish Commissioners suggested, was a consequence of certain policies and social problems, particularly associated with knife crime. Scotland also has a considerable number of people on remand. As with England, the community sentences have a 'lack of currency'.

The Scottish Commission members pointed out that Scotland, as with England, was not short of critical reports and research into the penal system. Rather, the penal landscape is littered with good ideas. The roadblocks then, must exist somewhere within the judiciary, public opinion and press opinion. Since the SNP have indicated that they want to push through reform, the Commission saw their job as providing a 'road map' to help ministers go forward.

A key emerging theme seemed to be a belief that a large part of the problem in Scotland was a result of the atomized nature of the criminal justice system. The different parts of the system need to be integrated, rather than to continue to see themselves institutionally and culturally as separated. There also needs to be more structured community resources, and for early intervention. It is not, however, merely a matter of rearranging the deckchairs, nor is it about introducing 'NOMs' in Scotland, rather it is a cultural shift they seem to be advocating.

Following the meeting with the Scottish Commission, all of the Commissioners met with representatives from SACRO to learn about their Community Programmes. Three of the four programmes described had received Community Justice Awards from the Howard League.

1. The SACRO domestic abuse program

The SACRO program seeks to increase the safety of women and children and also of men. It also attempts to raise men's self-esteem. The program is based on research in the US into the significance of helping men to reduce their tendency to be violent to partner and children

The program takes a multi agency approach; managing each man's risk; sharing information, and conducting risk assessment

Group work; encourages men to think about their behaviour

Induction (weeks 1 – 4); form groups; masculinity; denial;

Then 5 – 12 offence accounts; get men to challenge each other's accounts

13 – 17 victim' awareness and empathy; encourage men to consider their victim's perspectives; role play

motivational, how can they repair the damage

18 – 19

process of their offending; benefits of equal relationships

20 -24

relapse prevention plan

As part of this scheme SACRO also offers service worker to woman and children

Importance of motivation; group alternative to custody [a bit unclear], or as part of their license post-release. As yet the program has not been formally assessed in terms of recidivism.

2. 'Another way' program for working with prostitutes in Leith area of Edinburgh

Recent urban regeneration in Edinburgh ended tolerance of prostitution area. In 2002, a 'tolerance zones' proposition failed. Since 2007 kerb crawling has been illegal. Under this new law if a man is caught paying for sex, the woman and the man are charged. Procurator fiscal can just fine the man, which does not go on his criminal record; woman is charged with prostitution, which does go on her record. Women now more vulnerable because they are not on streets, with no oversight from other women; but instead using mobile phones;

The SACRO program aims to provide referral and support service for street sex workers who are drug users. It attempt to get them into treatment, improve their health, safety and welfare; reduce their prosecutions and convictions for prostitution.

Scotpep – Scottish prostitution education program is Very critical of kerb crawling ban; says it is making women more vulnerable and they are being harmed more.

Sacro set up their 'another way' service in 2005; person-centred; no specific program; working individually with women. They do home visits; take the woman to the dentist, doctor and drug referral centre. This is because prostitutes generally have problems with authority, housing, benefits, debt, literacy, numeracy, employability, doctor's appt, drug treatment. Sexual abuse, pregnancy, children and so on. They work with partners, friends, Flatmates, siblings, household of the women

So far, there have been 35 referrals; 16 dropped out; currently 9 or 10 active participants, 6 or 7 in addition are in touch when need support; 5 closed cases

District court (to become JP court); deferred sentence model; woman found guilty of prostitution; given option to engage with 'another way service'; JP can defer sentence for 3 months to start with, if the woman agrees to take part in 'another way service'; at end of period if the woman has followed advice and service, addressed drug treatment, etc, SACRO places a report to the court, ideally court gives a further deferment; eventually, prosecution can abandon the case or 'admonish' the woman, ie it is a criminal offence, but no further punishment.

Sacro is part of arrest referral services. It can, therefore, have woman diverted from prosecution by procurator fiscal; anti-social behaviour investigation team.

other agencies in building using community links centre; housing workers, literacy workers; sounds a bit like the Liverpool set up.

It takes a woman many years to completely leave prostitution. SACRO can offer long-term support. It is, however, a slow process. The program seeks to motivate them by empowering them to decide for themselves

3. Alcohol education probation program

This has run for last 17 years and has strong findings of dramatic impact on recidivism.

The program asks whether alcohol is the problem. Is it instead, a matter of coping.

The program meets 1 day a week to do group work with single sex groups over a range of offence groups. In it, the participants are encouraged to think about why they offend when they're drinking. The aim is to help them not offend by putting controls into place; getting them to understand why they offend; look at themselves; self-awareness

It provides information about alcohol and effects on their bodies; trying to make them think about why they're committing offences. They break it down, analysing themselves when sober and drunk.

Overall, the program is not dealing with serious alcoholics, but rather 'typical' use. Often the triggers for alcohol use are boredom, stresses. Therefore, the program helps them to try to put strategies in place to help deal with stress. How can they block out things and put controls into place? Through exercises like cartooning, where they draw their offence, their offending behaviour is confronted, not minimized.

The program is only 8 weeks; Sacro would like it to be longer; but insufficient funding

Reconviction report; 71% not reoffended within a year; 68% after two years. [on the basis of one study]. They are planning a follow up service subject to funding. The success may be connected to age of people who take part in the program; 70% over 35. Participants are assessed to their suitability for program; youth do not fit.

4. Throughcare service and Community Link Centre

Sacro has provided voluntary throughcare service for the past decade through collaborative partnership working. Voluntary throughcare is usually provided by local authority and 10 years ago Sacro got money from Edinburgh city council.

The Management of Offenders, etc, (Scotland) Act, 2005 was particularly influential calling for the volunteer sector to help deal with the volume of work with the returning short-term prison population.

The Community links centre opened in December 2007, but had two years preparation. It is a 'one stop shop' for meeting people's needs for returning to the community.

The Community links centre monitors and supports offenders and families in community; core services under one roof for offenders in community to come and access. It exchanges information for more effective communication. It uses a case management approach to working with the short-term prison population and has recently been recognized as a centre of excellence.

There are varied referral routes into service. The service is based on case management. They assess the needs of the individual, help them to explore options, and set goals. They do this first when the person is still in prison and then again once they are released. In assessing their needs they use Homes Matrix which is a service user self assessment tool.

The goal of the program is to move people from a state of crisis to some form of stability. It has links with employment services, literacy and numeracy, housing, nhs service especially GP registering, psychiatric help, homelessness. It needs funds to conduct research into impact on reconviction rates

Kenny MacAskill cabinet Secretary for Justice

27/2/08

Prisons are bursting and unless we wish to replicate other jurisdictions we have to change. We accept that prisons have to exist. There are problems with knives and violent crime. We need a coherent penal policy.

We can't build our way out. We have to reward good citizens as well as punish bad. If we keep building prisons we can't afford new hospitals, schools and so on.

We postcode our prisoners. The main causes of imprisonment are deprivation, drink and drugs. We need to tackle the drinking culture.

The government believes they are well serviced by their prison service but they are impeded by overcrowding. They need to be able to deal with dyslexia, drink, drugs problems. There is something fundamentally shameful about locking up people with mental health problems. They need help taking their medication.

We have made it quite clear we're not going to build our way out of our prison problem. We don't have the money even if we wanted to.

[DW how do you get the public to engage with this message?]

What you say and how you say it. There is a perspective in the political culture that you couldn't say such things because it would spell disaster, eg Michael Dukakis. Yet, when you're prepared to step forward and speak out, others will follow. The Daily Mail is very critical, but some of the other tabloids are not.

Even in the most troubled areas of Scotland, every community can differentiate between cases. They can differentiate between the bad and the sad, the daft laddy, the bad laddy. You can get away with a bit of compassion. Some folk need a chance, some folk need a foot up the backside and some folk need to be locked up.

[DW so what is driving the prison population up?]

Nobody can quite work out how we got into this mess. We do face a problem in Scotland with serious crime. Because of heroin, drugs and generations of unemployment, we have sections who live in an almost social apartheid. We have difficulties that cannot be dealt with only by the criminal justice system. They need early intervention and education. There is also the value of the drug trade.

There has to come a time when some people do have to be locked up. Some may even have to be locked up for life. We can't blame sherrifs and judges in isolation, they reflect views from elsewhere.

There is a particular problem with knife culture in Scotland. I don't want to lock these young men up, but we have to break the knife culture in Scotland. Kids are routinely carrying knives. As a government we can't roll back from hammering into the knife culture, but at the same time, the consequences are that we are remanding young men. Some of these places are academies for crime.

We have to have some logic for where we're going. We have to have a coherent policy that says where we are going. We have to have community programs.

We have to change sheriff and judicial culture. This is an issue particularly with women. The sheriffs lock up women because they thought they were doing them a favour or because they thought the women's behaviour was particularly inappropriate.

[Dick Whitfield asks a question about lack of confidence in community penalties]

Community service or community penalties needs to be rebranded. What we need is flexible community service orders, so offenders' needs can be addressed. Sheriffs should be able to focus in on individual. The majority of crime in Scotland is committed by a small group of people. They need to be addressed.

We need to engage more quickly with the needs of offenders. [At present in Scotland there is a delay when people are given community service orders before they take them up]. Yet, it is important to remember that this is Scotland, not Alabama. We will not countenance any humiliation. There will be no chain gangs and jumpsuits. We don't do that because we're a civilized people. We punish them fairly and efficiently.

The system fundamentally is right, it needs improving and help, not criticism.

[DW an optimism of Scotland, a sense of who the Scots are – is that giving you a platform for saying things about a civilized society?. Has punishment become a way we can all be English?]

For far too long Scotland was 'whingeing Jock', there is only ourselves to blame for drink, knives, domestic violence. Until we stop venerating the hard man and how men can hold their drink, this won't change. There ain't nobody else who's going to fix it. I think folk in Scotland do think things can get better.

One of the advantages of small governments is that we can look to Scandinavia.

How you can figure a society of large urban conurbation societies is much different than smaller groups. Scotland is less 'Atlanticist'. There are cultural and historical links between Scotland and Scandinavia and Scotland and Ireland. We're probably much more homogeneous. Though we welcome immigration as a government.

It's not about reorganization. Better to try to make it work. Important to break the culture of blame in the justice system.

[QN about RJ from Helen]

Scotland has pilots of restorative justice, but are impeded by cash. They are having to pay for improving the prison estate. RJ doesn't work for all, it's not a panacea, but it does work for some. What works for some will not work for others.

He is very keen that SPS should look outwards not just inwards.

It's about having options and layers.

[QN about media and public opinion]

Papers are in decline, politicians can relax. It all depends how you sell things. You can work the media if you pick your things. The conspiracy of silence breaks if someone stands up.

[Duncan asks about priorities for rehabilitation]

People can be saved. We need joined up government. We have a skills shortage and a labour shortage. Without Polish immigrants we wouldn't be able to run nursing homes. One third or one quarter of men in Glasgow don't work.

Some issues have to be dealt with by national health, employment, private sector.

Actually you can take a chance on some of these guys.

Adam Ingram, Minister for Children and Early Years.

Children's hearing system more of a welfare based system than a justice one. It seeks to support children who have been abused or neglected.

There has been a great increase recently in those in need of care and protection because of substance abuse. They are developing an early years strategy for early intervention. They are also building up parenting capacity and the community's capacity to look after children and families. A more holistic approach in terms of service provision and improvement in quality of programs available for children, enhance their skills for the workforce.

There is a current debate in Scotland about whether the age should be extended to 17 year olds (currently capped at 16). There is a tension in punitive sentiment and children's hearings.

The system wasn't designed to accept the numbers that are currently coming through it, which is why it needs reform.

Panel members need support and administration. The underlying principles will remain the same.

In Scotland the age of criminal responsibility is 8.

There is a lot of flexibility in the system, depending on the crime, a child can go to the hearings or to court, or even to court and back to hearings. There is considerable discretion.

Hearings have had a judicial review. Court sessions dealt with challenges. Some changes were made, such as legal representatives.

Only one child in Scotland on an ASBO. Asbos contradict the welfare-based nature of the children's hearing system.

The SNP believe in early years intervention, as early as pregnancy. Eg women who use drugs when pregnant. A child's development is significantly affected by the circumstances in which it is born. Need to take a multi-agency approach to this problem. Dealing with causes rather than just symptoms like crime.

Prevention and early intervention, to head off risks before they materialize. In time that will release resources. There is obviously a problem reconfiguring resources into early intervention from what is essentially a crisis intervention. [eg post crime]

Scotland is abandoning ring fencing of funding in local governments, to give them more flexibility in allocating their resources. They aim to work alongside local government colleagues in policy development as well. They are moving away from command and control approach. Trying to personalize services and also improve work and delivery in social work. There is a bit of a leap of faith. It is a real revolution. The prize is great if it can be done.

They agree outcomes with partners first. These outcome agreements will be monitored. It is a new world that we're operating. The kind of work that is being done in the children's hearing system is very much in line with this kind of approach that is being adopted across the whole system.

Until a few years ago school exclusions in Scotland essentially unheard of. Now it is up to the discretion of the head teacher. They are rising.

'More choices, more chances' policy – about children who have disengaged from school.