

# scottish justice matters

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## POVERTY, INEQUALITY AND JUSTICE



# MAKE IT HAPPEN



**Baroness Vivien Stern** is an internationally recognised expert on justice and particularly on women and prison. She was for several years the chair and is now patron of the Scottish Consortium on Crime and Criminal Justice in Scotland. Vivien was guest speaker at a Roundtable event on 6 October in the Scottish Parliament initiated by Women for Independence, which had played a decisive role in the successful campaign to stop the building of the proposed new women's prison in Inverclyde. She was interviewed by **Maggie Mellon** on behalf of SJM.

**MM: Can you tell us about your reaction to the news of the Scottish Government's decision not to go ahead with the contract for the new women's prison at HMP Inverclyde?**

**VS:** I was delighted as were many others.

This was a project that had already cost £11m when it was stopped. It was stopped because the Minister responsible decided it was not a good idea. But he did not just wake up and decide this. He was helped to that conclusion because a lot of people did a huge amount of work to convince the Scottish Government that it would be a mistake to build what would have been one of the biggest women's prisons in Europe. So congratulations to all involved. It is difficult for politicians to abandon something that has cost so much.

It was a decision that reverberated round the world and really heartened a great number of people. I think that there was genuinely delight and a feeling that someone somewhere was going to try to get women's imprisonment right. There is real excitement that something different was going to be done, so that women are not sent to prison when it is not punishment that is needed.

**MM: Were they right to be excited?**

**VS:** The decision not to build the prison was taken without any dissent from any political party in the Parliament, or indeed from any other quarter. I think that is a sign of the maturity of the Scottish Parliament and Scottish society. It is worth remarking that Scotland now has a woman First Minister, and that both main opposition parties, Labour and Conservative, are led by women.

So this is definitely the right time to be doing something about the number of women in prison.

That being said, though, I also have to say that this is not before time. There have been broken promises on women and prison here for over 17 years now. And Scotland's rate of imprisonment of women is, at 7.4 per 100k of the population, higher than England and Wales, which imprison 6.8 per 100k. These British rates are more than twice that of Sweden, with 3.4 per 100k. Ireland, with a broadly similar population and size imprisons only 2.7 women per 100k.

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## **MM: What advice do you have to give us now about how we should go about reducing the number of women in prison?**

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**VS:** The first thing is to recognise that this is not the responsibility of the Prison Service nor is it within their power to deliver it. The Prison Service has no power to intervene in processes that lead women to prison.

The police decide to arrest and charge women. The procurator fiscal then decides to proceed with prosecution, and if the case goes forward, it goes to a court of law for verdict and if guilty for punishment. That is the function of courts of law.

I have been to many countries, unhappy societies where no one is safe and crime is rampant. No one wants to live without law and order. But very few of the women in prison are career criminals. They are troubled people whose situation leads them to commit acts that are against the law. The problem here is the same as anywhere in the world. Women in prison are mostly from poor backgrounds, and many have had lives full of violence and trauma, and have unmet physical and other needs.

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## **We would have better outcomes for families, for women, for society if we spent as little as possible on criminal justice, particularly prisons**

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The Scottish Prison Service needs to be resourced to do its job well for those very few women who may need to be in prison and it will of course need to liaise with services. I think that the decision against building the new prison seems to have put the SPS in a position that it should not be in - that is with the pressure on them to reduce the numbers in prison. This is something that the Prison Service has no control over at all\*. That responsibility lies elsewhere.

Meanwhile, the social, housing and health services are not under pressure to implement the Angiolini Report (*Commission for Women Offenders, 2012*), which actually made very little mention of prison.

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## **MM: Does the Angiolini Report offer us a way forward?**

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**VS:** The best starting place to answer that is to have a look at what Elish Angiolini said to the Justice Committee when she appeared to give evidence on the Community Justice Bill in September. She said: "If we lived in some fantasy land and had the resources for nurseries and housing and jobs etc we could close prisons" (Justice Committee, 2015). But that does not need to be a fantasy. It should be the starting point. Good health care and education can help to reduce crime, they can help to build and develop society and help people to become responsible members of society to an extent that imprisonment can never achieve.

We would have better outcomes for families, for women, for society if we spent as little as possible on criminal justice, particularly prisons which are relatively very expensive and should be used as little as possible, so that we can use as much as possible of the resources we have for positive interventions, for something that makes things better.

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## **MM: The Scottish Government has announced a consultation on amending the law on presumption against short sentences. What is your view?**

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**VS:** My initial reaction to the consultation was that tinkering with the length of prison sentences is not the answer. Without the existence of services like Willow in Edinburgh and Tomorrow's Women in Glasgow to offer diversion at every point of the woman's journey to court and then to prison, then raising minimum sentences from three months to six months runs the real danger of simply increasing the length of prison sentences. However the proposal from the Women for Independence action group to remove prison as an option for remand or sentence in the summary courts could be the radical move that is needed for force change. It was suggested at the roundtable event this would lead to the rapid emptying of prisons and force the system to think and act more creatively about how to help the women concerned. Resources could be permanently transferred to Willow and other services like it to ensure that women do not end up in court and in prison for want of the help and treatment that has been lacking.

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## **MM: Are you optimistic or pessimistic about the possibility of real change?**

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**VS:** The issuing of official reports, of another inspection report, holding meetings, saying we will do something while the numbers of women in prison continue to go up: I hope that we have come to an end of that cycle. After 17 years we really hope that at last these matters are going to be dealt with and I will be extremely happy to do anything that I can to help make it happen . . .

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\*See also McConnell and Carnie's *Sent Homeward Tae Think Again': Scale and Perspective Revisited in the Reform of Women's Custody in Scotland* on page 21 of this *SJM*.

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Commission for Women Offenders (Angiolini Report) (2012) <http://www.gov.scot/About/Review/commissiononwomenoffenders/finalreport-2012>

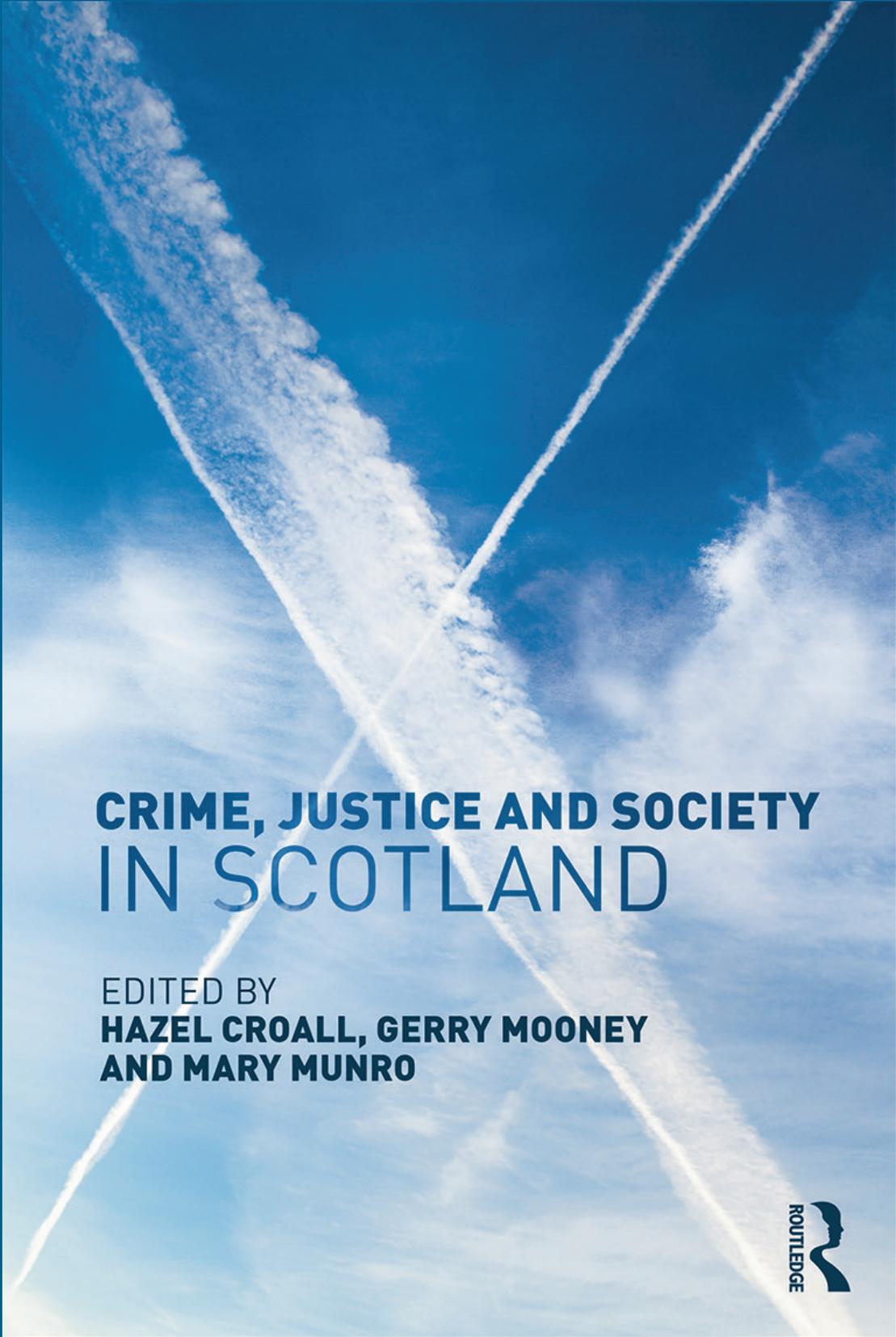
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# **CRIME, JUSTICE AND SOCIETY IN SCOTLAND**

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