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WOMEN AND JUSTICE ARE WE MAKING PROGRESS?

ANGIOLINI COMMISSION

AUDIT OF PROGRESS TOWARDS THE RECOMMENDATIONS

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IN 2012, the Angiolini Commission made 37 recommendations for improving outcomes for women in the criminal justice system. These recommendations focused around seven themes:

- ❖ Service redesign
- ❖ Alternatives to prosecution
- ❖ Alternatives to remand
- ❖ Sentencing
- ❖ Prisons
- ❖ Community reintegration
- ❖ Leadership, structures, and delivery.

To understand the progress made towards these recommendations and to identify areas of good practice, in 2016 the Criminal Justice Voluntary Sector Forum (CJVVSF) and Prison Reform Trust (PRT) mapped the activities mentioned in the Cabinet Secretary for Justice's annual progress updates against the original recommendations. This mapping exercise was then used to prompt discussion with a range of stakeholders at an event in March 2016. Here, we discuss some of the findings (CJVVSF, 2016).

1 Service redesign

By 2016, a number of services were using multi-disciplinary teams, key workers, and intensive mentoring support. Participants at the event highlighted the value of these in improving connections between services and delivering better outcomes for women. The Reducing Reoffending Change Fund evaluation also found mentoring to be an effective approach for supporting women in the criminal justice system. The lack of sustainability of services, however, continues as a barrier to improving court confidence in community options and creates a competitive environment for services, which can discourage collaborative working.

Published in 2012, the Scottish Government's Mental Health Strategy made further commitments, including work with NHS Lothian to test an approach to working with women with Borderline Personality Disorder (BPD) in the community, improving access to mental health services, and developing better identification of, and responses to, trauma in primary care settings.

2 Alternatives to prosecution

The Commission highlighted the importance of preventative work, and Scotland now benefits from a number of high quality diversion schemes. The voluntary sector plays an important role here, often filling gaps in statutory provision and supporting a whole system approach. In 2015, a national roll-out of Fiscal Work Orders (FWO) took place, providing constructive community work for offences that do not require a court hearing. Event participants noted, however, that delivery is currently inconsistent across the country and were keen to see this addressed.

The Commission also recommended Procurators Fiscal and Police should receive new powers to divert women away from prosecution although, at the last update from the Cabinet Secretary in 2016, little progress had been made in this area.

3 Alternatives to Remand

Some supervised bail projects are now in place and producing good results, although event participants raised concerns about the short-term funding arrangements for these, with some already no longer in operation because of changes to funding in Criminal Justice Social Work services. Three pathfinder projects (based around Dundee, Hamilton and Paisley Sheriff Courts) are also operating, which bring together stakeholders who have a role in influencing and delivering alternatives to remand and custodial sentences.

Electronic Monitoring has also made some progress. The Scottish Government established an Expert Working Group, which reported in 2016, which led to a consultation on the potential for increased use of electronic monitoring. The results of the consultation are expected shortly.

There is potential to reduce the use of custodial remand further, but this requires increasing confidence amongst sentencers of the options available to them. Challenges also remain around tackling the reasons for holding women on remand (for example, because court reports are not available, or because she has no fixed abode).

4 Sentencing

A problem-solving summary court pilot was set up in Aberdeen in November 2015. As part of this, a dedicated Sheriff, Procurator Fiscal Depute, and Clerk of Court are assigned to problem-solving cases. This approach also applies in Glasgow's Drug Court, and similar approaches have been deployed in other courts to support completion of Community Payback Orders (CPOs). The Aberdeen pilot also introduced expedited social work reports, in response to the Commission's recommendation to introduce a truncated report.

The Commission also recommended introducing composite sentences and suspended sentences. The Scottish Government initially deferred its decision on this recommendation before deciding not to implement it. Nevertheless, participants at the CJVVSF/PRT event were keen that the Government should continue to review how custodial sentences can be reduced. Delegates welcomed the consultation on increasing the presumption against short-term sentences and wanted the purpose of imprisonment to be defined to ensure its use only where appropriate.

5 Prisons

The levels of women experiencing self-harm, low confidence, and/or mental health issues that end up in custody remain a concern, and more joined-up working between prisons and communities remains a strong need, involving a wide range of services and better involvement with people with lived experience.

In 2015, the Cabinet Secretary for Justice decided not to proceed with HMP Inverclyde, but instead to divert the resources to a new community-based prison estate, and upgrading and adapting HMP and YOI Cornton Vale. Some changes have already been made, including introduction of a Family Hub at Cornton Vale and plans for Community Custodial Units (CCUs). Four pilot sites have also been set up to test video conferencing for linking women with the courts, their legal agents, and their families, and the Scottish Prison Service (SPS) has introduced training for staff working with women along with a Strategy for the Management of Women in Custody.

6 Community Reintegration

A number of initiatives have been developed to help address housing, including: establishing protocols on prison discharge and homelessness, the 'Improving Offenders Housing Outcomes' project at HMP Perth, and research to map current housing provision, issues, and barriers. Statutory duties have also developed, for example, the Homelessness (Abolition of Priority Need Test) (Scotland) Order 2012).

Access to social welfare benefits continues to be an issue for women leaving prison. To address this, a project at HMP and YOI Cornton Vale was set up to help women apply for their relevant benefits entitlements before their release. Practitioner guidance has also been published on prisoners accessing the Scottish Welfare Fund.

At the CJVSF/PRT event, participants highlighted the importance of practical support (for example, ensuring that somebody is available to meet people at the gate) and the value of trusting and supportive relationships to increase chances of successful reintegration. Other actions to improve community reintegration includes introduction of the Prisoners (Control of Release) (Scotland) Act 2015, which allows release dates to be brought forward up to two days to benefit re-integration, and commitments by the Ministerial Group on Offender Reintegration (MGOR) to help strengthen community reintegration support.

Though many of these projects are indicators of a positive direction, work remains to establish standard operating procedures and integrate them into every day multi-agency practice. Early release to support resettlement, for example, was used only once in the year following its enactment, and the project at Cornton Vale to improve access to benefits has not successfully reduced these barriers.

7 Leadership, structures and delivery

The Commission recommended establishment of a new national Community Justice service and a national delivery board, with each key agency tasked with identifying a strategic lead for women who offend. The Scottish Government consequently developed the Community Justice (Scotland) Act 2016. This Act created a new national body, Community Justice Scotland (see McCluskey and McConnachie this issue) and dissolved the Community Justice Authorities (CJAs), replacing them with local Community Justice Partnerships. Various statutory bodies are designated as partners in delivering community justice, and they are required under the Act to engage community bodies and Third Sector partners in relevant community justice matters. The new model went live in April 2017, and responsibility now lies with all partners to ensure the needs of women within the criminal justice system are met effectively.

Conclusions

A number of encouraging developments are underway, with some clear progress made since 2012. There is now a need to consolidate and build on these, and avoid the risk of continuous new short-term pilot projects. Further, some attempts at improvement have been unsuccessful in effecting change. Crucially, in 2016 the Cabinet Secretary ceased his annual reports to the Scottish Parliament, leaving no means of monitoring national progress towards the Angiolini Commission's recommendations.

As a nation, we have to give serious consideration to the best use of limited resources, and event delegates voiced frustrations with short funding cycles and inconsistent support for initiatives that have proven effective. If we are to achieve the stated policy aims of reduced reoffending, greater use of community penalties in preference to custody, and improved outcomes for women, these ambitions need to be matched with appropriate resource. The recent resource transfer from SPS to Community Justice was a welcome step, but a substantial imbalance between investment in custody compared to community-based interventions/services continues. This needs to be addressed.

Joined-up approaches developed around individual women offer the greatest chance of positive outcomes. The value and strength attached to multi-disciplinary teams that take a person-centred approach was a recurring theme at the event. The responsibility to improve outcomes therefore lies with all of us, and we need to consider what steps we can take, both individually and collectively, to ensure that progress continues.

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A full summary of progress and a copy of the event report is available on the CJVSF website:

Summary tables: www.ccpscotland.org/cjvsf/resources/progress-towards-angiolini-recommendations/

Event report: www.ccpscotland.org/cjvsf/resources/event-report-women-criminal-justice-scotland/