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WOMEN AND JUSTICE ARE WE MAKING PROGRESS?

Women and Criminal Justice

Anne Pinkman looks at the Commission on Women Offenders five years on

THIS edition of *Scottish Journal Matters* takes as its starting point the work and recommendations of the (Angiolini) Commission on Women Offenders (2012). It considers the achievements and progress made but also illustrates future challenges and opportunities. Is there anything to celebrate on this fifth anniversary of the Commission's publication?

In 2010, following the Apex Scotland lecture on women and justice (Stern, 2010) the Scottish Working Group on Women's Offending was established. This was timely. Just a few months later the Prisons Inspectorate reported on HMP and YO1 Cornton Vale stating it was not fit for purpose. The Justice Secretary, Kenny MacAskill, responded by setting up the Angiolini Commission, and pledged to develop a new prison estate for women. Additional funding was also provided to Community Justice Authorities to develop community based services for women.

Reporting in 2012, the Commission made 34 recommendations with all but three being immediately accepted by the Cabinet Secretary. These included alternatives to prosecution and remand, sentencing, prisons, community integration, and changes to community justice structures. The Cabinet Secretary also committed to providing an Annual Report to the Scottish Parliament on the progress made in meeting the recommendations.

In 2011-2012 the average daily female prison population was 469. In October 2017 the population was 367 (SPS website). The inexorable rise in prison numbers appears to have halted. However, recorded crime is at its lowest level since 1974. In the last decade alone there has been a 38% reduction, accompanied by a significant drop in convictions.

Women accounted for 17% of all convictions in 2015-16. There is a gender difference in the sentences imposed. Women accounted for 9% custodial sentences, 16% of community and financial disposals and 28% of other disposals (primarily admonishment) (Scottish Government, 2017a). These differences are attributable to gender differences in offending: women account for 33% of all fraud and 28% of all shoplifting convictions (Scottish Government 2017a). This is not surprising as women tend to commit economically-motivated crimes to support drug use or cope with poverty (Scottish Government 2015b).

The Scottish Government introduced a presumption against short term sentences (PASS) of up to three months in 2011 in an effort to reduce the prison population. In practice this had little impact on sentencing decisions. The present intention to extend PASS to 12 months, is very welcome. In 2015-16, 89% of women sent to prison received sentences of up to one year (1,077 women) (Scottish Government, 2017a). The extension of the presumption will undoubtedly lead to a significant reduction in women being imprisoned, as would following England and Wales in limiting custodial remands when there is no real prospect of a prison sentence being imposed. In 2013-14 there were 2,835 female receptions to prisons in Scotland, of which 1,805 were remands and 1,036 sentenced. Only 30% of women remanded go on to receive a custodial sentence (Scottish Government, 2015). This is both appalling and costly to the women involved and the public purse.

We know from the Scottish Prison Service (SPS) Prisoner Survey 2015 that 28% of women lost their accommodation as a direct result of their imprisonment and a third of women did not know where they would reside on release (SPS, 2016). Across the UK, women's imprisonment results in an estimated 17,240 children being separated from their mothers each year and only 5% of children stay in their own homes once their mother has been imprisoned (Families Outside, 2016). The impact of imprisonment on children includes home and school moves, poor academic performance, increased risk of mental health problems, and involvement in the criminal justice system.

The use of community sentences has increased. Community Payback Orders (CPOs) imposed on women has more than doubled since 2011-12 to 2,953 in 2015-16. Women are more likely than men to complete the order successfully. Proportionately more women than men were diverted from prosecution.

The annual cost of criminal justice in Scotland is estimated to be £2.5 billion. The cost of enforcement significantly outweighs the spend spent on primary prevention and early intervention. The need to shift resources is acknowledged by the Scottish Government strategy paper *Justice for Scotland: Vision and Priorities* (2017). Community based sentences are more effective at reducing reoffending and less costly than imprisonment. However, given the recognition that the solution to the root causes of women's offending lie outwith the criminal justice system, it follows that the resources similarly lie elsewhere. For example, in the excellent NHS Scotland's *Reducing offending, reducing inequalities, Achieving better health, better lives through community justice* (2017) the benefits of partnership working to achieve shared outcomes are recognised.

The holistic approach taken by womens centres such as the Willow Project (Edinburgh) and the 218 Centre (Glasgow) enables women to achieve positive outcomes in multiple areas, for example health, education, relationships, resilience, and social integration. This was recognised by the Angiolini Commission in its recommendation that centres for women offenders should be established across the country staffed by multi disciplinary teams including mental health provision. The need for supported accommodation was also highlighted.

With additional funding of £1.5 million annually since 2012 from the Scottish Government, Women's Centres have been developed across Scotland but they vary considerably in their size, locations and service provision. Resourcing is an issue especially following the introduction of a new funding formula to the 32 local authority criminal justice social work services. The additional funds of £1.5 million for women who offend are included but the amounts received by each local authority criminal justice social work service varies significantly from £4655 to over £233,000. Local Community Justice Partnerships are still being developed and their ability to encourage support and contributions from partners is mixed. Some local authority criminal justice social work services, such as the three Ayrshire Councils deliver services jointly and this is to be encouraged.

Funding for services, even when they can evidence positive outcomes is a real issue. Shine, the national mentoring project for women who offend, began in 2013 as a Public Social Partnership (PSP) with funding from the Scottish Government, SPS and Robertson Trust. Yet now funding is uncertain beyond 2018. At present there are no examples of joint or collaborative commissioning, yet the opportunity exists for Community Justice Scotland to provide national leadership in relation to commission services and the necessary collaboration across sectors (see Jackson, p.X). This should include services that appear to lend themselves to national provision such as mentoring, Supported Bail Services and specialist programmes.

The new custodial estate for women is currently being developed. The new national prison for women at Cornton Vale is due to open by 2020 and will accommodate 80 women. The first two of five Community Custody Units (CCU's) will also open in 2020 in Glasgow and Dundee. Each will accommodate up to 20 women. The SPS plans to incorporate lessons from these

units to in the development of the others. It may be that given the extension of the presumption against short term sentences to 12 months the numbers of women being imprisoned will render any additional units unneeded. Instead, resources can be invested in ensuring the availability of specialist community based services for women with complex needs which help to address the underlying causes of their offending.

The articles in this issue were commissioned to provide an overview of the achievements and progress made alongside the opportunities and challenge for the future. Contributions from academics, service providers and service user address each of these issues. Suggestions include new approaches such as the need to focus much more on the fact that women's lower level crime alone justifies low level sentencing, and the need to limit sentencing. The diverse range of services and projects, especially those developed and delivered by the third sector are successful in meeting the needs of women who offend. Above all it is abundantly clear that the solution to women's offending lies outwith the criminal justice system, and much more requires to be done on justice reinvestment and prevention.

On balance therefore, there is much to celebrate in the development of services for women who offend over the past five years. Nonetheless, caution must prevail. Resources must be directed at preventative measures to ensure women (and men) are not unnecessarily caught up in the criminal justice system. One women recently stated to me "I should not have had to break a window to get the help I needed".

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