

Prison Reform Trust and Scottish Working Group on Women's Offending evidence to the Scottish Justice Committee on the use of remand – January 2018

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective penal 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 provides the secretariat to the All Party Parliamentary Penal Affairs Group and has an advice and information service for people in prison.

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.

www.prisonreformtrust.org.uk

The Scottish Working Group on Women's Offending (SWGWO) was established at the start of 2011 and comprises a group of organisations and individuals concerned with all issues surrounding women's offending in Scotland. The group wishes to see true equality for all women across the criminal justice system, and to sharpen the focus of policy makers on those women with mental health and learning disabilities and those women from a background of sexual abuse, addiction and substance misuse, as well as support for their families. The group would ultimately like to see that these women and their families are supported to move away from the criminal justice system towards a healthier future.

The group's aims are:

- to address the issues of why women offend;
- to ensure that the appropriate support is given to women offenders and their families;
- to work to reduce the numbers of women imprisoned; and
- to reduce the numbers of women throughout the criminal justice system.

<https://swgwo.wordpress.com/>

Introduction

The Prison Reform Trust (PRT) and the Scottish Working Group on Women's Offending (SWGWO) welcome the opportunity to provide the Scottish Parliament's

Justice Committee with information in relation to the use of, and alternatives to, remand.

The numbers

The numbers of people on remand in Scotland is high, accounting for nearly one in 5 of the people in prison (18%) compared to 12% in England and Wales. An average of 1,370 people were in prison on remand in 2016–17, down from 1,494 in 2015–16.¹ On 29 December 2017 there were 7,334 individuals in prison, 17.5% of that population were on remand. In the women's prison estate 21.5% were on remand compared to 17.4% of men.² Statistics consistently show that women are more likely than men to be on remand, and that only 30% of women on remand go on to receive a custodial sentence.³

Remand accounts for a disproportionate amount of admissions to custody: across Scotland approximately 3,000 women are imprisoned each year, almost two thirds of these admissions are for remand. In 2013–14 there were 2,835 women admitted into prison, 1,805 were remands and 1,030 were sentenced.⁴

The effects

The effects of remand are just as disruptive as short term prison sentences.

“Short term imprisonment disrupts families and communities, and adversely affects employment opportunities and stable housing – the very things that evidence shows supports desistance from offending. That is clearly not a good use of public resources, and it is a waste of human potential.”

Michael Matheson MSP, Cabinet Secretary for Justice, September 2015

Discharge grants of approximately £75 are provided to all sentenced prisoners on release. Prisoners released from remand, by contrast, receive no financial support and if not in work will typically wait at least 4 weeks for benefit payments to be reinstated.

Remand – restricted regime

The HM Chief Inspector of Prisons for Scotland stated that those on remand ‘are frequently held on restricted regimes. It is a legal requirement for all prisoners to be able to have at least one hour in the open air each day. They should not be restricted unnecessarily in their cells as a result of any form of informal isolation.’⁵

¹ Appendix 3, Scottish Prison Service (2017) Annual report and accounts 2016–17, Edinburgh: SPS and Annual report and accounts 2015–16

² Scottish Prison Service (2017) SPS Prisoner Population, <http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx>

³ Commission on Women Offenders (2012) Commission on Women Offenders Final Report: Edinburgh: The Scottish Government

⁴ Scottish Government (2015) Prison statistics and population projections Scotland: 2013–14, Edinburgh: The Scottish Government

⁵ HM Inspectorate of Prisons for Scotland (2017) HM Chief Inspector's Annual Report 2016–2017, Edinburgh: HMIPS

The alternatives?

The underuse of requests for bail information and bail supervision

During 2015–16 the courts made 7,300 requests for bail information which may be used to implement bail supervision as opposed to remand. This is the second lowest recorded level in the last seven years.⁶ A total of 360 bail supervision cases were commenced in 2015–16, by far the lowest level in the last seven years. This would suggest that both requests for bail information and bail supervision are being under-used.⁷

Electronic monitoring

The Scottish Government are considering extending the use of electronic monitoring. Electronic monitoring could provide a useful alternative to remand, allowing individuals to remain in their family home or at a designated address and maintain employment.

Supervised bail projects

There are a small number of supervised bail projects across Scotland. One example is the Glasgow Women's Supported Bail Service which is a joint venture by Turning Point Scotland and Aberlour. The service aims to reduce the use of remand in favour of community options that are designed to address the underlying causes of women's offending.

Co-located within the offices of Criminal Justice Social Work at Norfolk Street, the service works with some of the most socially excluded, deprived and vulnerable women in Glasgow. Supported bail offers intensive support to women, to not only reduce the need for remand but ultimately reduce the likelihood of reoffending. Community based options are a more appropriate way to deal with women's specific needs as well as providing the stability of maintaining a tenancy and contact with children. Loss of a home and consequently access to children increases mental ill health and the risk of substance misuse and further offending. Support is provided to attend appointments in the community and comply with any conditions attached to bail. Staff attend Glasgow Sheriff Court on a daily basis and offer their support and services to women, particularly those in police custody. Outcomes are very positive with 75% of women engaging positively with the service and reporting reduced criminal activity, alcohol and drug use and improved physical and psychological wellbeing, living situation and parental capacity. This service is funded by Glasgow City Council Criminal Justice Service until March 2018. Glasgow City Council are to invite tenders for the provision of a supervised bail service from April 2018

Funding arrangements for bail initiatives is an area of concern. Sacro successfully ran a bail supervision service across South West Scotland for over 15 years, preventing more than 700 people from being remanded in custody. The service ran subject to rigorous national guidance, operating as a credible alternative to remand. The service monitored compliance with a range of bail requirements set to maximise public protection. The nature of the offences were often serious in nature and related to acts of violence, child protection and public safety. The outcomes from the service

⁶ Scottish Government (2017) Criminal Justice Social Work Statistics in Scotland: 2015–2016, Edinburgh: The Scottish Government

⁷ Ibid.

were positive. Due to financial constraints from the relevant local authorities within the South West Scotland area, the service was de-commissioned and ceased operations from 1 April 2017. The local authorities took the service in-house.

Sacro also established a bail support and supervision service for women in North Strathclyde covering the East Renfrewshire, Inverclyde and West Dumbarton local authority areas during the financial year 2016/17. The targets and outcomes exceeded planned requirements. The service worked with a number of vulnerable, at risk women with complex and multiple problems. Funding for this service came from additional funds the Scottish Government provided for women offenders. That funding in 2016-17 was allocated via the Community Justice Authorities. The same additional funds have been provided direct to all 32 local authority criminal justice services for 2017-18. As a consequence of these new arrangements the service was de-commissioned after 12 months due to differing local priorities and financial constraints.

There is clear evidence that supported bail services are efficient and effective. However, the current provision of these services is patchy and results in postcode justice. The Justice Committee may wish to consider how local authority criminal justice social work services can be encouraged to work in partnership to provide, or commission supported bail services. Alternatively consideration could be given to the merits of commissioning a national/ regional Supported Bail Service.

No Real Prospect

The Legal Aid, Sentencing and Punishment of Offenders Act (2012) in England and Wales introduced a restriction on sentencers remanding individuals into custody when there was no real prospect that a custodial sentence would be imposed. Since the introduction of this new legislation there has been an overall reduction in remand numbers although there has been some fluctuation. There has however been no robust evaluation of the effect of the no real prospect. Given the high remand numbers in Scotland a similar initiative could be introduced here and include ongoing monitoring and evaluation.