



South West Scotland
Community
Justice
Authority

Reducing Reoffending:

**Guidance for organisations
working with victims**



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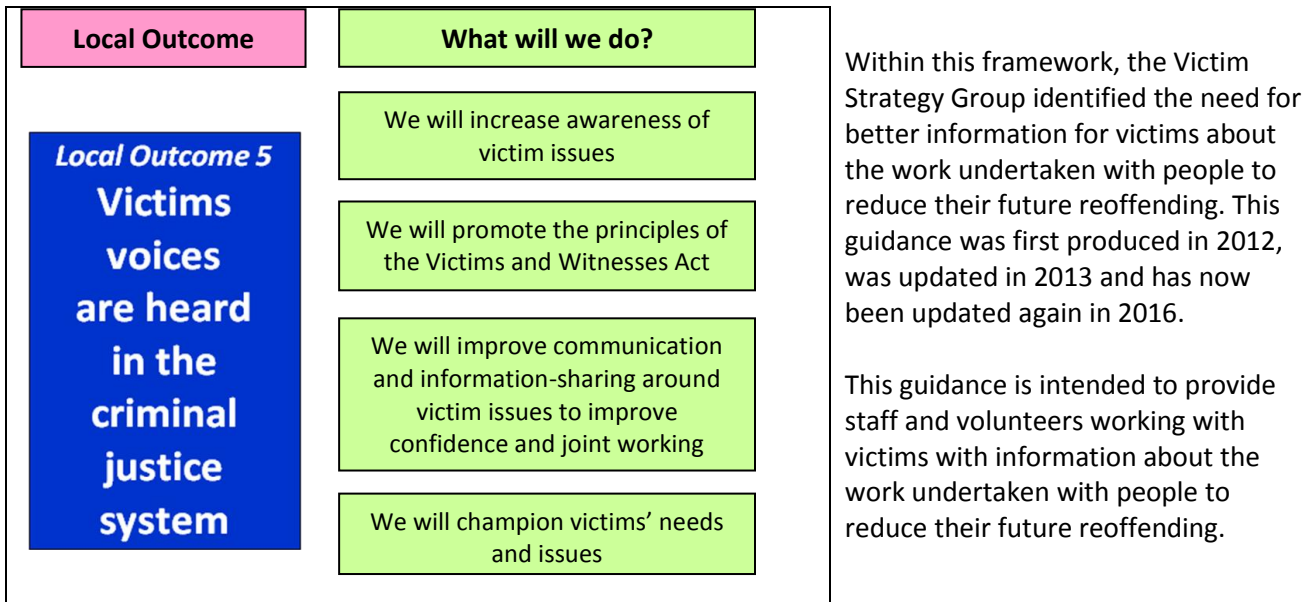
1. Introduction

This guidance for staff and volunteers working with victims has been produced by South West Scotland Community Justice Authority’s Victim Strategy Group. The guidance provides information about the work undertaken with people to reduce their future reoffending.

South West Scotland Community Justice Authority (SWSCJA) is one of eight Scottish CJAs established under the Management of Offenders etc (Scotland) Act 2005. CJAs are independent statutory bodies with planning, monitoring and reporting functions. We work in partnership to reduce reoffending and to contribute to a safer, stronger Scotland.

South West Scotland CJA covers the areas of Ayrshire and Dumfries and Galloway. It is governed by a Board of Elected Members from the four constituent local authorities of Dumfries and Galloway, East Ayrshire, North Ayrshire and South Ayrshire Councils. The board is supported by a wide range of partner organisations including local authorities, Scottish Prison Service, Police Scotland, Crown Office and Procurator Fiscal Service (COPFS), Scottish Courts and Tribunal Service, NHS, and third sector organisations including Victim Support Scotland.

The CJA’s Area Plan 2014-17 drives the work of the Victim Strategy Group, in particular Local Outcome 5:



The guidance can be used by staff and volunteers to:

- Increase victims’ understanding of different disposals, such as a Community Payback Order or diversion from prosecution.
- Reassure victims that work is being undertaken with individuals to reduce their reoffending – both in the community and in custody.
- Identify some of the challenges in reducing reoffending, and explain how these are being addressed.

This guidance for staff and volunteers looks at what we are doing to reduce reoffending in four ways:

- Through alternative or additional measures to prosecution (‘direct measures’)
- Through community sentencing
- Through custodial sentencing, and
- Through community integration.

Before this however, we outline why reducing re-offending is a priority, and look at how we know we are reducing re-offending.

2. Why is reducing reoffending a priority?

- The economic and social costs of crime are estimated at over £5 billion a year¹ with reoffending alone costing around £3 billion a year²
- Even a marginal reduction in reoffending could save £30 million over 10 years.³
- In 2010/11, 22% of all those convicted had 10 or more previous convictions. Less than a third, 29%, were convicted for the first time⁴.
- Audit Scotland found less than 10% of total criminal justice funding was spent on reducing reoffending.⁵

Community Justice Authorities were set up in 2007 with the aim of reducing reoffending by 2% by 2011. Although this target figure may seem small, even minor reductions in reoffending can have a significant impact, as reoffending accounts for two-thirds of all crime. Reducing reoffending therefore significantly reduces crime – and most importantly reduces the number of victims of crime.

The evidence suggests that many people involved in the justice system do re-offend, with a cyclical pattern of offending followed by community or prison sentences followed by further offending. In 2011, Audit Scotland published an overview of the criminal justice system in Scotland, and concluded that most people who are convicted in court have offended before, and most criminal justice spending is used to process cases through the system and implement sentences – not to support people to stop reoffending.

By working together with a wide range of partner organisations, the Scottish Government and Community Justice Authorities are committed to breaking this cycle of reoffending. Some approaches to this include:

- Speeding up justice, so that action is taken as quickly as possible after a crime is committed.
- Supporting victims, to ensure their voices are heard within the criminal justice system.
- Ensuring that crimes are dealt with at the most appropriate level, including the use of ‘direct measures’ by police and procurators fiscal, freeing up the courts for higher tariff crimes.
- Promoting ‘community payback’ in community sentences, so that individuals can begin to redress the harm they have done to local communities through unpaid work and other measures.
- Improving links back into the community for people leaving prison, to ensure they are accessing the support which will reduce their risk of offending again (e.g. housing, learning, employment, health services).

¹ Scottish Government (2011) The Economic and Social Cost of Crime www.gov.scot/Resource/0038/00389519.ppt

² <http://www.gov.scot/Topics/Justice/policies/reducing-reoffending>

³ Scottish Government (2011) Reducing Reoffending Workshop for Community Justice Authorities.

⁴ Audit Scotland (2012) ‘Reducing reoffending in Scotland’ Exhibit 2, p8

⁵ Audit Scotland (2011) ‘An overview of Scotland’s criminal justice system’, Exhibit 10, p35.

3. How do we know we are reducing reoffending?

DID YOU KNOW?

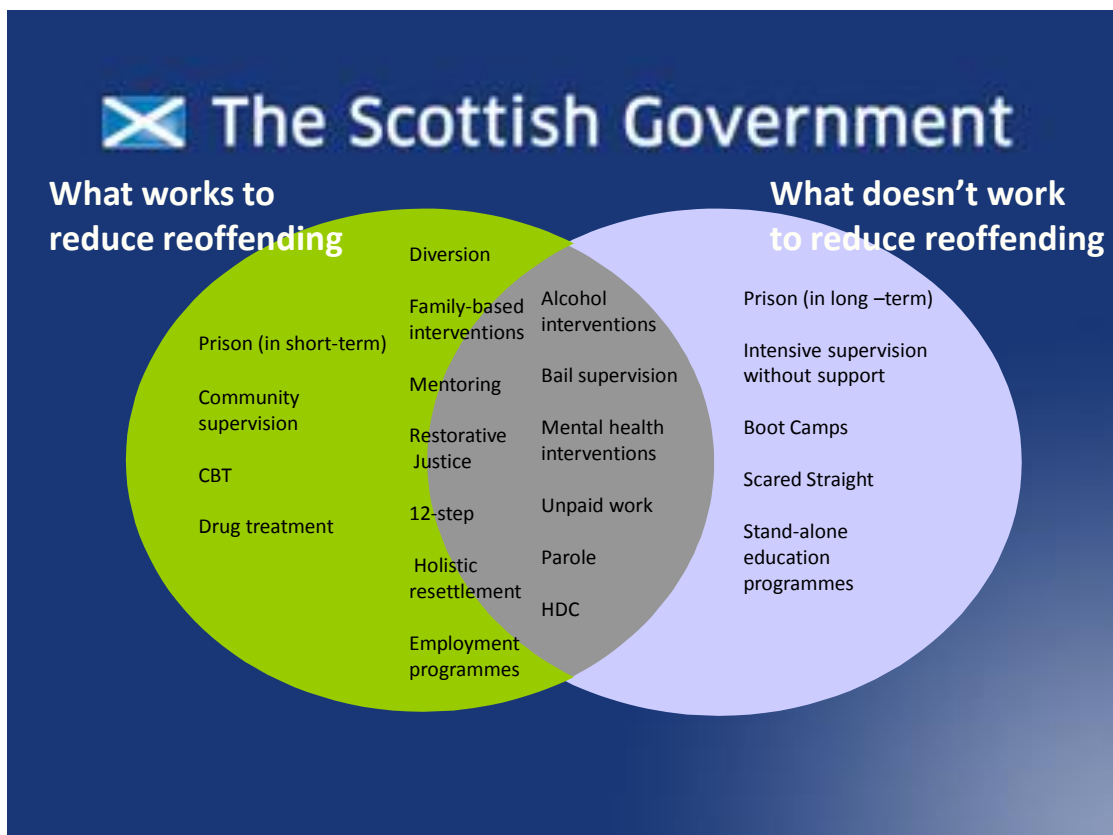
- In South West Scotland, partners have worked together to achieve a 7.2% reduction in reoffending between 2007-2015 – over three times the original 2% target.
- Whilst this is a very positive direction of travel, the reconviction rate at two years is still high at 39.6%.⁶

Reducing reoffending is measured as a reduction in the percentage of people being convicted again within two years of their offence. Whilst this is the recognised measure of reoffending, it is not a perfect measure. Research suggests that individuals committing crimes typically do so over a period of time, and similarly reduce their reoffending over a period of time. A common pattern of reducing reoffending is for individuals to begin to commit less serious crimes, or commit crimes less often, before stopping altogether.

A helpful parallel is with an addiction to alcohol or drugs, whereby a person may ‘relapse’ on more than one occasion before becoming drug-free or alcohol-free.

Our current measure of the reconviction rate at two years does not reflect this complex picture, and we are working to improve our own measurements, together with other Community Justice Authorities, the Scottish Government and academics. For example our National Performance Framework *also* reports on rates of recorded crime, victimisation, Community Payback Order completion, licence recalls and sex offender recidivism rates.

Whilst reducing reoffending is a challenging task, an evidence review carried out by the Scottish Government in 2011 suggested the following picture of ‘what works’ – in relation to the evidence available to date:



⁶Reconviction Rates in Scotland: 2012-13 Offender Cohort:
<http://www.gov.scot/Publications/2015/03/9783/downloads>

4. Reducing reoffending through alternative, additional and direct measures

A range of alternative and additional measures are available to the police, Procurator Fiscal, Reporter to the Children's Panel and courts. Different options are available for children, young people and adults. This section summarises some of these. When used appropriately, these can be effective methods of reducing re-offending. However victims' organisations have raised concerns that victims are not always informed by the relevant authorities that these measures are being used.

a. Arrest referral

The purpose of Arrest Referral is to access people committing low level offences as close to their arrest as possible and direct them to appropriate services or indeed offer a service to them immediately. This service receives referrals direct from custody suites at Police stations or more usually, at their court appearance and is entirely voluntary. The service offers all service users an alcohol brief intervention and, where appropriate a 6 week education programme covering various aspects of alcohol use, effects, consequences and so on.

b. Fixed penalties

Fixed penalties provide an appropriate response to a minor offence in circumstances where an officer can justify a less punitive response. A fixed penalty is less resource intensive for both the police and the criminal justice system and affords a swift resolution for the individual. In the majority of offences, the fixed penalty notice is issued at the time of offence and will only be held on their record for two years. This disposal allows an individual on the cusp of criminality the opportunity to address their behaviour without further involvement in the criminal justice system.

c. Recorded Police Warning

Police may also issue a 'Recorded Police Warning' to an individual aged 16 years or over where there is reason to believe that the person has committed certain minor offences. Previously known as the Formal Adult Warning scheme, the revised system is now known as the Recorded Police Warning Scheme. It means that crimes at the lower end of the offending scale may now be formally dealt with immediately at the point at which the individual is traced. It will not be applicable for serious crime, such as violence. The warning is an alternative to prosecution and is live for three months and will be held on a person's record for two years.

d. Fiscal Fines

If an individual has been reported to the procurator fiscal in connection with an alleged offence, the fiscal may (in certain circumstances) offer the opportunity to have the allegation dealt with outside of court, and without getting a criminal conviction. The offer will allow the individual to pay a sum of money as a "fiscal fine", or as compensation to someone who was affected by the alleged offence. If the individual accepts the offer, he/she cannot be prosecuted for the alleged offence.

e. Fiscal Work Orders

Following a successful pilot period, Fiscal Work Orders were rolled out across Scotland from April 2015. As with Fiscal Fines, this provides the Procurator Fiscal with an alternative to prosecution, by offering the accused person a period of between 10 and 50 hours of unpaid work in the community. If the person agreed to take up this offer and successfully completes the unpaid work, this discharges the Procurator Fiscal's right to prosecute. Fiscal Work Orders are delivered by the local authority, generally through the criminal justice social work department. Fiscal Work Orders benefit victims by more quickly resolving cases outwith the court process, and provide community benefit through supporting local unpaid work initiatives.

f. Adult diversion

Diversion from prosecution is a formal decision by the Procurator Fiscal to divert an individual away from prosecution in favour of a social work or other intervention. It aims to prevent individuals entering the criminal justice system prematurely; to stop the cycle of offending before it starts; and to address the underlying cause of the offending. Diversion is normally used with relatively minor offences, where there is sufficient evidence for a prosecution, but the Procurator Fiscal believes that such action would not be in the public interest. Participation is voluntary.

g. Youth diversion

A wide range of data highlights the disproportionate number of young people being dealt with by the criminal justice system compared with the proportion of young people in the general population. Significant research shows the earlier young people enter the criminal justice system, the quicker they will be propelled and 'up-tariffed' into more serious sentencing outcomes. Youth diversion aims to tackle young people's offending behaviour as per adult diversion above but aims to keep young people out of the adult criminal justice system. Participation is voluntary.

h. Bail Supervision

Bail Supervision schemes are designed to minimise the number of accused held on remand in custody pending trial or for individuals following conviction, who, subject to safeguards in respect of public safety, could be released on bail to the community pending their further court hearing. It provides a more intensive level of supervision to ordinary bail requirements and the individual is also supported to access relevant services and therefore reduce re-offending. This also avoids the disruption the individual faces should they be remanded in Custody i.e. potential loss of employment, loss of accommodation, financial loss and distress to family – all factors which support a reduction in re-offending.

i. No Further Action

The Procurator Fiscal may decide to take "no further action" on a case. This could mean that present measures are addressing the issues for the individual. It could also mean there is insufficient evidence to proceed.

NOTE: This Guidance explains different approaches to Reducing Reoffending – it is important to note here that "No further action" is not a disposal, nor is it a measure to reduce reoffending. However we have included it here to help victims understand what "No Further Action" means.

5. Reducing reoffending through community sentencing and community-based arrangements

DID YOU KNOW?

- The evidence suggests that on average, community sentences are more effective at reducing reoffending than prison sentences.
- In South West Scotland, 32% of those given a community sentence in 2011/12 had reoffended within a year, compared to 43% of those released from prison. Both figures are however on a downward trend.
- Reoffending rates for women are significantly lower following community sentences – 31% of women had reoffended within two years, compared to 43% of men.⁷
- In 2015, the Cabinet Secretary for Justice said:
“My vision for penal reform in Scotland is one which I believe reflects the values of a modern and progressive nation, in which prison- and in particular short-term imprisonment – is used less frequently as a disposal; where there is a stronger emphasis on robust community sentences focused on actively addressing the underlying causes of offending behaviour.”⁸

a. Community Payback Orders

Community Payback Orders (CPOs) can be imposed by the court for all crimes committed on or after 1 February 2011. CPOs replaced the previous community disposals of probation, supervised attendance order and community service.

CPO requirements

The CPO enables courts to impose one or more of a range of requirements on the individual. These requirements are:

- unpaid work or other activity requirement
- offender supervision requirement
- compensation requirement
- programme requirement
- mental health treatment requirement
- drug treatment requirement
- alcohol treatment requirement
- residence requirement
- conduct requirement.

Key Features

Some key features of CPOs are:

- Unpaid work or other activity requirements can be imposed for between 20 and 300 hours.
- Where the law would have required courts to impose short jail terms - or more recently supervised attendance orders - on minor fine defaulters, courts can now impose a community payback order including an unpaid work or other activity requirement of up to 100 hours.
- A community payback order which includes an unpaid work or other activity requirement may only be imposed on someone aged 16 or above.
- Justice of the Peace courts can select from: offender supervision requirement, level 1 unpaid work or other activity requirement, residence requirement, conduct requirement and compensation requirement. Where an unpaid work or other activity requirement is imposed by a Justice of the Peace court, it will be limited to 100 hours.
- An unpaid work or other activity requirement must be completed within 3 months (up to 100 hours) or 6 months (up to 300 hours) – unless the court states otherwise at the point of sentence.

⁷ South West Scotland Community Justice Authority (2011) ‘Annual Report 2010-11’, p5, www.swscja.org.uk

⁸ Apex Annual Lecture ‘Fairer Justice: A Vision for Scotland’ Michael Matheson 1 September 2015

- A court must impose an offender supervision requirement whenever it imposes a community payback order on anyone aged less than 18 years. It must also do so whenever it imposes any requirement apart from an unpaid work or other activity requirement, on a person of any age.
- A court may schedule periodic review hearings to check on an individual's progress during a community payback order.
- A court may decide to discharge an order early, in circumstances where an individual has made highly positive progress during a community payback order.
- If an individual breaches a community payback order, the court can vary the order and impose new or different requirements. It can decide to impose a restricted movement requirement (electronic monitoring). Ultimately it can decide to revoke the community payback order and impose a custodial sentence, or any other disposal which it could have used at first instance.
- Local authorities are required to consult local communities as to the nature of the unpaid work undertaken in their local area.

Further information about community payback orders is available at:

Scottish Government <http://www.gov.scot/Topics/Justice/policies/reducing-reoffending/community-payback>

South West Scotland CJA <http://www.swscja.org.uk/community-payback>

Unpaid Work

The 'unpaid work' aspect of CPOs (formerly known as 'community service') is perhaps the most visible part of community sentencing. People contribute hours of unpaid work across South West Scotland each year providing services to their local communities. Some examples include beach cleaning, litter picking, snow clearing, gardening, painting and refurbishing/ maintenance of community facilities.

You can find examples of local unpaid work projects at: <http://www.swscja.org.uk/unpaid-work-projects/> and in annual reports produced by each local authority. These are available on local authority websites and are summarised by the Scottish Government. The latest summary annual report for 2014-15 was published in February 2016 and is available at <http://www.gov.scot/Resource/0049/00493646.pdf>

Managing Compliance in a Community Sentence

Some community sentences are an alternative to custody – therefore a breach of a community sentence may result in the person being sent to prison. Supporting compliance is intended to:

- Protect potential victims and the general public
- Enable individuals to develop appropriate skills and understanding of their behaviour to reduce further reoffending
- Encourage and enable individuals to change aspects of their behaviour

Every incident of non-compliance should be addressed rigorously to reinforce the importance of participation. The individual must be held accountable for their behaviour and provide clear evidence for non-compliance if the reason is to be accepted. Should the individual continue not to comply with the conditions in the order, the case manager will advise the Court of this in writing and the person will be summoned to appear at Court and explain their behaviour. The Court then may take further action, including imposing a custodial sentence where this would have been an option prior to the community sentence being imposed.

b. Drug Treatment and Testing Orders (DTTO)

DTTO is a statutory Court Order that is a direct alternative to custody. It is primarily aimed at those individuals whose extensive offending history is directly linked to illicit drug use. It is expected that those deemed suitable for this relatively intensive order will have exhausted all other available community options.

A DTTO can last from 6 to 36 months and those subject to it have weekly contact with Addiction Workers, Social Workers and will also engage frequently with community treatment agencies. Monthly reviews are held in front of a sheriff to monitor progress which includes oral testing results and how well an individual is engaging with identified supports which may include peer-support groups, medical interventions, 1:1 'counselling' amidst others. As progress develops contact may reduce but court reviews remain as a central feature of the order.

c. Structured Deferred Sentence

Structured Deferred Sentence (SDS) is delivered locally across Ayrshire in 2 general formats; Alcohol Related Offending (ARO) and General Offending. It is an option used within a court setting to deal with adults who may be showing signs that a pattern of offending is starting. ARO consists of an alcohol education programme and General Offending acts as a support mechanism to appropriately challenge behaviours and monitor existing support packages (with health, for example). Both strands include a flexible approach to respond to emerging need, either directly and/or by signposting to more specialist agencies. SDS is aimed at those individuals who are motivated to engage with services on a voluntary basis and lasts for 3-6 months. At the conclusion, the Sheriff will then deal with the offence in light of any further progress made, using the full range of options.

d. Programmes

Caledonian Programme

A structured groupwork programme designed as a resource for the courts to deal more effectively with men who abuse women partners. The aim is for men to learn to end the abuse and be able to establish healthy non-abusive relationships. The Caledonian System also provides a support service to partners and ex-partners to those assessed for the programme.

Constructs

A structured groupwork programme for adult men who have committed offences and are assessed as a medium or high risk of reoffending. It aims to help participants reduce the likelihood of being involved in further offending by helping them change the way they think and behave.

Moving Forward Making Changes (MFMC)

A structured groupwork programme for male sexual offenders who are assessed as medium to high risk of reoffending. The programme aims to promote accountability and responsibility, reduce reoffending and increase community protection.

Women's Group work Programme

A less structured programme where sessions include reflective activities where the women think about their past lives and offending, their strengths and where they want their lives to go. Attitudes towards offending and issues such as peer pressure, relationships, self esteem, assertiveness and self management are explored.

e. Multi Agency Public Protection Arrangements (MAPPA)

By law, Local Authorities, Police, Scottish Prison Service and NHS have to work together with other agencies, sharing information to manage registered sexual offenders. This process is known as MAPPA (Multi-Agency Public Protection Arrangements). The MAPPA arrangements in South West Scotland provide a framework for managing the risk of harm posed to the public by registered sexual offenders and restricted patients.

The agencies involved in MAPPA agree a risk management plan, based on rigorous risk and needs assessments using accredited risk assessment tools. The risk management plans reflect the use of a range of methods to manage offenders and reduce the risk of them committing further sexual offences, including:

- regular multi-agency meetings to share information, take action and reduce the risk of harm
- police and criminal justice social work visits, interviews and interventions
- ongoing reviews of the level of risk each offender poses
- surveillance of high-risk offenders
- engaging offenders in behavioural programmes
- recommending to the Courts/Scottish Government that an offenders is recalled to prison or back to Court for any serious breach of the conditions of their release/community order
- providing accommodation where high risk offenders can be closely watched, electronically monitored and/or put under an appropriate curfew
- controlling how information about specific offenders is shared with the public or key community representatives.

The MAPPA National Guidance states that MAPPA risk assessments and risk management plans must consider and respond to any possible impacts on existing and potential victims. This may include agencies sharing information relating to the victim(s).

Further information about MAPPA is available in the South West Scotland MAPPA Annual Reports, published at: <http://www.swscja.org.uk/mappamulti-agency-public-protection-arrangements/view-category.html>

f. Extension of MAPPA – Multi Agency Arrangements for Violent Offenders (MAAVO)

The Scottish Government has taken a decision to extend MAPPA to include some of the most high risk violent offenders. Robust guidance will be provided to target its application to the critical few offenders who are assessed to pose a risk of serious harm. The following was agreed as the definition for inclusion in the extension:

“any person who has been convicted of an offence if, by reason of that conviction, the person is considered by the responsible authorities to be a person who may cause serious harm to the public”.

and:

“by virtue of that conviction is required to be under supervision by any enactment, Order or Licence, and the risk of serious harm posed is high or very high, and assessed as requiring active multi-agency management at MAPPA level 2 or 3”.

This definition enables agencies involved to focus more readily on those offenders who are not adequately being dealt with under existing routine operational procedures, require active management of multi-agency resources at a more senior level and in a consistent, structured way across Scotland and where they display a degree of imminence in their offending. This will help ensure that resources are focused towards those that pose the greatest risk, and not expended towards offenders who have not been assessed as requiring an active multi-agency response to manage the risk they pose.

CJSW already manage these offenders either under a post custody licence or CPO. This means they are already subject to formal risk assessment through the Level of Service/Case Management Inventory (LS/CMI) approach and, if required, a formal Risk of Serious Harm (RoSH) assessment and a risk management plan. In anticipation of the extension of MAPPA to include violent offenders, the responsible authorities within SWS CJA area agreed a multi-agency risk management process (MAAVO) as an interim measure until the national extension to MAPPA takes effect on 1st April 2016 and this has been in place for the last 2 years. The MAAVO closely follows the MAPPA guidance in that, if an offender is assessed as meeting the RoSH threshold (a risk of physical or psychological harm from which the victim’s recovery would be unlikely or impossible), a MAAVO referral will be considered. These local arrangements should be used to form the basis of implementing the MAPPA Extension.

g. Circles of Support and Accountability (CoSA)

Circles of Support and Accountability (CoSA) is a service based in the community that supports sex offenders after conviction who are subject to MAPPA. Referrals have to be agreed by the MAPPA group responsible for the core member. The circle is run with volunteers from the community who meet with the core member (service user) to provide support to establish themselves in the community, support them to find employment, voluntary work or education appropriate to their offence. Volunteers are supported and trained by a Sacro CoSA co-ordinator who supervises the circle and supports the volunteers. Circles last between 12 to 18 months to meet the needs of the core member.

6. Reducing reoffending through custodial sentencing

DID YOU KNOW?

- In January 2016, 7,872 people were in prison in Scotland (274 on a Home Detention Curfew) – around 1 in 5 (19%) were being held on remand, awaiting trial, 1 in 21 (4.6%) were female, and just under 1 in 20 (5%) were young offenders (aged under 21 years).⁹
- The latest reconviction rate in South West Scotland for those released from custody is 41.7% - that is over 1 in 6 of those released from prison in 20011/12 had reoffended within two years.

a. What does a custodial sentence mean?

The purpose of the Scottish Prison Service (SPS) Service is to maintain secure custody and good order within prisons, whilst caring for prisoners with humanity and delivering opportunities which give the best chance to reduce reoffending once a prisoner returns to the community.

The main impact of a custodial sentence is to punish an individual through the loss of their liberty. However a prison sentence can have a wider impact for example the individual is likely lose their job, they may lose their house, they will be unable to claim benefits.

A custodial sentence will also affect their relationship with family and friends who may or may not continue to support the individual. In particular a prisoner's family and children are likely to be negatively affected by a prison sentence although they themselves are not guilty of the crime.

In admission to prison every individual goes through a 'core screen' process. This is designed to identify any immediate risks and needs which needs to be addressed but also identifies other issues which could be addressed during their time in custody, such as health issues, addictions etc.

Scotland has 13 publicly managed prisons and 2 privately managed prisons (HMPs Kilmarnock and Addiewell). An adult male prisoner could be held at any of these establishments. However all male young prisoners are held at HM YOI Polmont and most female prisoners are held at HMP/YOI Cornton Vale (there are also smaller women's units at HMPs Edinburgh and Greenock, HMP & YOI Grampian and HMYOI Polmont, and a Community Integration Unit for women at HMP Inverness).

The Scottish Prison Service is committed to developing community facing prisons in order to improve family contact and access to community based services. HMP & YOI Grampian which opened on 3rd March 2014 is the first purpose built community facing prison within Scotland, capable of housing over 500 prisoners, both male and female, adults and young offenders from the North of Scotland Community Justice Authority.

b. Categories of prisoners

There are three main categories of prisoners: remand, short term and long term prisoners.

i. Remand Prisoners

Remand prisoners are those individuals held in custody during a court case (usually where they are accused of a serious crime or have previously breached bail conditions). Until the outcome of the court proceedings they must be regarded as innocent until proven guilty and they are therefore held in conditions and subject to a prison regime appropriate to this status

⁹ Scottish Prison Service (2016) SPS Prison Population as at Friday 15th January 2016 <http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx>

Remand prisoners are held separately from convicted prisoners however they are able to work and to attend education classes. Remand prisoners are also entitled to visits from family/friends every day of the week. Remand prisoners will not be involved in any programme work.

Any time spent in prison on remand may be deducted from a custodial sentence subsequently imposed by the court.

ii. Short Term Prisoners

Short-term prisoners are those sentenced to less than four years in prison. The Criminal Justice & Licensing Act (Scotland) 2010 introduced a presumption against very short prison sentences (3 months or less) in favour of community sentencing.

Short-term prisoners are able to work and to attend education classes. They are also entitled to limited visits from family/friends. Where their sentence length permits, short-term prisoners will also be involved in programmes to address their identified risks and needs.

Several CJA areas (including South West Scotland) are developing pathways or protocols which are designed to improve short term prisoners' access to the services which they are entitled to as part of their preparation for release. The pathways cover issues such as healthcare, housing, addictions and employability.

The Prisoners and Criminal Proceedings (Scotland) Act 1993 provides for the automatic release of short-term prisoners at the halfway point of their sentence (i.e. someone sentenced to 1 year in custody will be released after 6 months). Sex offenders will be subject to licence conditions on release.

Home Detention Curfew (HDC)

The Criminal Justice & Licensing Act (Scotland) 2010 introduced a Home Detention Curfew (HDC) scheme. This is a form of conditional release, allowing certain short-term prisoners to serve part of their sentence in the community. They are subject to a curfew, and electronic monitoring (tagging) and other conditions, and can be recalled to custody if any of those conditions are breached.

Voluntary Throughcare

Short term prisoners are entitled to access voluntary throughcare from criminal justice social work services – this applies to those who are not subject to any statutory supervision on release. Any person can request this voluntary throughcare guidance, support or assistance during their sentence or for up to one year post-release.

Throughcare Support Officers

The Scottish Prison Service have invested in 41 Throughcare Support Officers (TSO) based across 11 establishments and 3 area Managers. TSOs will work with people on a short-term voluntary basis where there are no statutory conditions placed on them. They will work in partnership to support people on their journey into desistance by working with them to prepare for and successfully make the transition from custody into the community and will where required act as an advocate on their behalf with partner agencies and encouraging their motivation to change through sustained engagement with key services.

Prisoners (Control of Release) (Scotland) Act 2015

The Prisoners (Control of Release) (Scotland) Act 2015 introduces new powers for Scottish Ministers to bring forward a prisoner's release date by up to two days where they consider it would benefit the prisoners' reintegration into the community for them to be released on the earlier date than they would have been released. With the exception of any prisoner sentenced to 15 days or less, all prisoners in custody, regardless of when they were sentenced will be eligible. Applications to exercise the discretion will only be accepted when a prisoner's liberation date is within 6 weeks of their application being submitted.

The exercise of the discretion to release a prisoner 1-2 days earlier than their Estimated Date of Liberation (EDL) will be managed on an individual case basis, their application will be considered against set criteria and must be supported by the Governor and SPS HQ where final approval may be given on behalf of Scottish Ministers.

iii. Long-term Prisoners

Long-term prisoners are those sentenced to more than four years in prison. They are able to work and to attend education classes. They are also entitled to visits from family/friends. Long-term prisoners also have the opportunity to access programmes to address their identified risks and needs.

Where a long term prisoner is sentenced to a fixed sentence e.g. 12 years, they will be eligible to apply for parole at the halfway point in their sentence and in any event will be automatically released at the 2/3 point in their sentence. In other cases the sentencing judge will apply an indeterminate sentence (e.g. life imprisonment) specifying a minimum period of imprisonment before that individual is eligible to apply for parole. Those who are released on a non-parole licence will be subject to statutory supervision.

Parole is a system that enables individuals to be released on licence in the community under the supervision of a community based social worker. If an individual is released on parole, they can be recalled to prison at any time if they breach the terms of their licence. Parole is only granted where the Parole Board is satisfied that the risk presented by the individual can be managed in the community. The Parole Board for Scotland is an independent body appointed by the Scottish Ministers.

The Prisoners (Control of Release) (Scotland) Act 2015

The Act amends the current system of automatic early release for long-term prisoners at the two-thirds point of their sentence, with a system of automatic early release six months prior to the end of their sentence, other than those with an extended sentence. All long-term prisoners will continue to be able to be considered for discretionary early release by the parole board from the half way point of their sentence.

The Act introduces new powers for Scottish Ministers to bring forward a prisoner's release date by up to two days where they consider it would benefit the prisoners' reintegration into the community for them to be released on the earlier date than they would have been released.

The new provisions apply to long-term prisoners who are:-

- Serving a sentence imposed on or after 1 of February 2016 only.
- Any sentence of 4 years or more created through a process of single-termining, but only where the initial sentence has been imposed on or after 1 of February 2016
- Not subject to an extended sentence
- Prisoners serving a sentence prior to 1 February 2016 and who receive a further sentence post the provisions coming into force will remain subject to the pre-commencement rules i.e. if no decision is taken by the Parole Board to release the long-term prisoner they must be released at the two-thirds point of the sentence.

This means that for a period of time, SPS will effectively operate two systems of release for long-term prisoners, i.e. those in SPS custody who were sentenced prior to 1 February 2016 and for those sentenced after.

Integrated Case Management and Statutory Throughcare

Long-term prisoners are also subject to an enhanced Integrated Case Management process including an annual, multi-agency case conference and the provision of statutory throughcare to support their resettlement and re-integration on release from prison.

c. Services and Support in Custody

i. Prison Learning Centres

Further Education Colleges provide vocational training and education services under contract to the Scottish Prison Service (with separate arrangements for the privately run prisons). The service provides a comprehensive learning service for prisoners and is focused primarily on literacy and numeracy development. The service targets three priority groups: prisoners serving 6 months and over, convicted young people (under 18 years old) and females serving 31 days or more. However, where capacity permits, provision will be made to all other prisoners serving (or remanded) for 30 days or more. A screening tool helps identify those with a priority learning need and those identified as lacking functional literacy/numeracy.

ii. Prison Industries

Prisoners can engage in production workshops which provide opportunities to gain realistic work skills which could enhance their employability prospects upon release. Examples of this can include work in kitchens, painting and decorating, joinery, Life Skills and Tenancy & Citizenship.

iii. Prison-based Programmes

Programmes provide a range of activities to address risks and needs identified as part of the 'core screen' process or the multi-agency integrated case management (ICM) process. A Generic Programmes Assessment (GPA) is used to identify needs, a Programmes Case Management Board (PCMB) is the forum in which information from individual Generic Assessments is discussed, with a view to developing intervention plans for the assessed prisoners. Many of the programmes are subject to independent accreditation and ongoing monitoring to evidence their effectiveness. Accredited programmes also include modules which support individuals to consider the impact of their offending on their victims. The Scottish Prison Service currently provides a range of programmes including:

<i>CARE (Controlling Anger Regulating Emotions)</i>	Designed specifically for those who experience difficulties managing negative emotions. Whilst the most common negative emotion is anger, others are explored. The programme identifies why people experience these emotions and introduces ways of controlling emotional arousal and a variety of skills to deal more effectively with anger-provoking situations.
<i>Constructs</i>	Designed for persistent offenders, with a specific focus on addressing the poor problem solving skills typical of this particular group. There are 4 stages to the programme: motivation, problem solving, skill acquisition and Relapse Prevention.
<i>Female Offending Behaviour Programme</i>	Developed specifically for violent/non-violent female prisoners. An in-depth cognitive behavioural programme targeting criminogenic need and improvement of well-being. Rolling format design with mandatory and optional stages that can be tailored to individual needs using a process of collaborative formulation (with the participant) to determine optional stages required/relevant. Example treatment goals: increase insight into offending pathways, challenge thinking patterns, develop self-management and relapse prevention plans.
<i>Health</i>	Anxiety & Sleep Management
<i>Inter Personal Skills</i>	Relationship Skills, START and Connections for Women
<i>Moving Forward: Making Changes (MFMC)</i>	Targeted at individuals who have committed sexual offences and who have been assessed as medium or above using the Stable and Acute (SA07) Risk Assessment. Rolling format design with essential and optional modules that are tailored to the individual's specific treatment needs based on what

	individuals require.
<i>Parenting</i>	Parenting for women who have a substance misuse problem
<i>Preparation for Release</i>	Sense of Balance for prisoners who are about to access the community through Community Placement or Home Leave
<i>SCP (Self-Change Programme)</i>	Designed specifically for prisoners at highest risk of future violent re-offending. A history of violent convictions is a pre-requisite for participation on this programme. Targeted at the adult, male population. Delivered in a rolling format, the programme contains a range of modules which explore and challenge the individual's use of violence.
<i>Substance Misuse</i>	Alcohol Awareness, Drugs Action for Change, First Steps, SMART Recovery. Control of Violence for Angry and Impulsive Drinkers (COVAID) and Managing My Substance Misuse (MMSU) are both available only at HMP Addiewell.
<i>Substance Related Offending Behaviour Programme</i>	Designed to provide the opportunity for medium to high risk prisoners to address their substance related offending behaviour. Rolling format design with essential and optional modules that are tailored to the individual's specific treatment needs based on what individuals require.
<i>Youth Justice Programme</i>	A rolling programme which targets general offending behaviour in medium-high risk 16-17 year old prisoners. There are essential modules required for behavioural analysis and plans upon release There are optional modules which are used to directly target individual treatment needs and include: anger management, car crime, developing positive relationships, emotional management, fire-setting, problem solving, resisting peer pressure, substance misuse, and violence.

iv. Other Activities and Support

Prisoners can also access a range of other support services and activities. These can include Prison Based Social Work, addictions support and counselling, physical activity and Links Centre activities. Links Centres provide an opportunity for prisoners to meet with the community-based services which they need to access and to plan for release.

v. Community Integration Plan

A Community Integration Plan is developed by the Scottish Prison Service taking account of the risks and needs identified for each individual, alongside the range of work and activity they have undertaken whilst in prison. It identifies the agencies that the individual should engage with post-release.

vi. The Open Estate

The Open Estate (based at Castle Huntly, near Dundee) provides a specific opportunity, primarily for long-term prisoners, to build and maintain family and community relationships as part of their preparation for release. They do this by taking on responsibilities, undertaking work placements in the community and through Home Leave which allows them to stay with their family for a weekend or a week before returning to The Open Estate. This allows the individual to be 'tested' prior to release.

7. Reducing reoffending through community integration

Although the criminal justice system can (and does) do much to reduce reoffending, the research suggests that many other factors are also influential. The majority of people who end up in the criminal justice system have experienced multiple disadvantages in their lives, often from their early years. This includes problems with housing, learning, employment, mental and physical health, poverty and substance abuse.

We are working to improve the ‘community integration’ of people who have offended. This means improving access to mainstream support services which are available to all members of the community, but which people with an offending background may find difficult to access – such as alcohol and drug services, employability services, learning opportunities and parenting and family support.

These can act as a ‘protective factor’ in reducing re-offending – for example people are six times less likely to re-offend if stable family relationships are maintained, and around half as likely to re-offend if they get a job. Audit Scotland has produced this useful diagram of all the community-based support which can help reduce an individual’s risk of future reoffending:¹⁰



Community Justice Authorities are working with local community-based partners, such as Community Planning Partnerships, Alcohol and Drug Partnerships, local authorities, health boards, colleges and third sector organisations to ensure that there is equality of access to these mainstream services in the community, for those with offending backgrounds.

‘Pathway’ agreements or inter-agency protocols are being developed to help identify respective roles and responsibilities for each organisation (and for individuals themselves) at the end of a community or custodial sentence. Partners in Dumfries and Galloway have produced a set of pathways for short-term prisoners leaving HMP Dumfries¹¹ and similar developments are underway for Ayrshire.

¹⁰ Audit Scotland (2011) ‘An overview of Scotland’s criminal justice system’, Exhibit 10, p35.

¹¹ Download from <http://www.swscja.org.uk/dumfries-and-galloway-community-integration-pathways.html>

Mentors and life coaches – including people who have past experience of the criminal justice system – can also play a very positive role in helping people to access these services, to begin to live a different life and to create a new identity (a process known as desistance).

There are currently two national mentoring public social partnership (PSP) services for those leaving custody, to try and ensure a smooth transition back to communities. New Routes works with men (under 25) serving short term prison sentences for 6 months pre release and 6 months post release, whilst the Shine Women’s Mentoring service will work with all women, regardless of sentence length and also those women at risk of breaching a CPO, for a 6 month period. There are also a number of smaller, local and regional mentoring services throughout Scotland. The evaluation of these schemes has been very positive.¹²

In 2015 the Scottish Prison Service invested in the provision of Throughcare Support Officers to focus on those people in their care who are about to be released. The Throughcare Support Officers can now be accessed at every prison in Scotland, linking in with local service provision and the national mentoring services already described.

¹² <http://www.sccjr.ac.uk/publications/evaluation-of-the-reducing-reoffending-change-fund/>

8. Useful contacts

Local Authorities – Criminal Justice Social Work

Dumfries and Galloway Council – Criminal Justice Social Work
124 Irish Street, Dumfries, DG1 2AW, Tel: 01387 262409
www.dumgal.gov.uk

East Ayrshire Council – Criminal Justice Social Work
The Johnnie Walker Bond, 15 Strand Street, Kilmarnock, KA1 1HU, Tel: 01563 554200
www.east-ayrshire.gov.uk/SocialCareAndHealth/CriminalJusticeSocialWork/CriminalJustice.aspx

North Ayrshire Council – Criminal Justice Social Work
Criminal Justice Office, 157 New Street, Stevenson, KA20 3HL, Tel 01294 463924
www.north-ayrshire.gov.uk/resident/health-and-social-care/criminal-justice-services/criminal-justice-services.aspx

South Ayrshire Council – Criminal Justice Social Work
Criminal Justice Office, 34 Charlotte Street, Ayr, KA7 1EA, Tel: 01292 289749
www.south-ayrshire.gov.uk/criminaljustice/

Police Scotland

Tel 101 (non-emergency), Twitter @policescotland
<http://www.scotland.police.uk/contact-us/>

Scottish Courts and Tribunals Service

<https://www.scotcourts.gov.uk/coming-to-court/location-information>

Scottish Government – Reducing Reoffending

www.gov.scot/Topics/Justice/policies/reducing-reoffending, Twitter @RRPScotland

Scottish Prison Service

Tel 0131 330 3500, Email gaoinfo@sps.pnn.gov.uk, Twitter @scottishprisons
www.sps.gov.uk

South West Scotland Community Justice Authority

Tel: 01294 277968, Email: info@swscja.org.uk, Twitter @swscja
www.swscja.org.uk

Victim Support Scotland

Tel: 0345 603 9213 (National Helpline), Twitter @vsscotland
<https://www.victimsupportsco.org.uk/how-to-find-us/>
<http://www.victimsupportayrshire.org.uk/>

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