



Redesigning the Community Justice System

A Consultation on Proposals

April 2013

Introduction

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy.

This is achieved in a number of different ways - through roadshow, round table, conference and celebratory events. Following each event a report is compiled and issued to women who attend and relevant policy and decision makers.

The SWC uses the views of women to respond to Scottish and UK Government consultation papers.

SWC Evidence Source

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events throughout Scotland, Thematic Conferences and regional contact groups. This submission paper provides the views of women and reflects their opinions and experiences in a number of key areas relevant to this consultation.

Purpose of the Consultation

Tackling reoffending is a key element of the Scottish Government justice strategy. Reoffending creates victims, damages communities and wastes potential. The Scottish Government want to minimise reoffending and deliver better outcomes for everyone. The Scottish Government's Reducing Reoffending Programme is leading this work with partners across Scotland's justice system, working with people who have offended persistently to reduce crime, victimisation and the negative effects these can have on society and the economy.

This consultation follows on from a series of reports which highlighted serious shortcomings in the existing system for delivering offender services in the community. It sets out three possible options for reform:

- Option A: Enhanced CJA model
- Option B: Local Authority model
- Option C: Single Service Model

These are based on discussions that the Scottish Government have held, over the past year, with key internal and external partners including COSLA, the Association of Directors of Social Work (ADSW), CJAs and the Programme Board of the Reducing Reoffending Programme.

Question 8: What do you think are the equalities impact of the proposals presented in the paper, and the effect they may have on different sectors of the population?

Opening Comments

The needs of women offenders throughout their time in prison, as well as support services to assist them when they exit the system, differ significantly from those of male offenders.

The criminal justice system in Scotland is not considered to be competent in the sentencing or punishment of women offenders. The majority have a history of drug and/or alcohol misuse problems, mental health issues or have been victims of sexual or other forms of abuse. They tend to come from deprived areas and live in poverty.

Too often they are given custodial sentences when they bear no threat to communities and for 'petty' offences such as non payment of fines. Many of the women who are currently in HMP Cornton Vale are prostituted women. For them, the only way to pay the fines that they have incurred for soliciting for sex is to go back out onto the streets and do the same thing again.

"It's such a vicious cycle. These women need real help and support to break it."

The needs of women offenders are not being taken into consideration.

"Family responsibilities of those due to be sentenced should be taken into account. Imprisoning a woman for a recurrent non-payment of fines is not justice for society as a whole or the children she may be trying to support."

It is vital, that these needs are met in redesigning of the Community Justice System. The proposals outlined within this consultation will undoubtedly impact on those women and must be taken into account when changing policies and practices.

Throughout 2012 the SWC held roadshows in Aberdeen, Anstruther, Dumfries, Glenrothes, Islay, Motherwell, Paisley, Peterhead and Stranraer. As part of the roadshow programme the following question was asked:

"Women are in contact with the justice system in Scotland on many levels. What services are available to support women in your community?"

Overall, women were considered to be sentenced more harshly than men. When women are given a custodial sentence they will be removed from family and support networks. This is particularly the case as HMP Cornton Vale, the only specific women's prison in Scotland, is situated in Stirling. It can be very difficult for the families and friends from other parts of the country to maintain regular, face-to-face contact with prisoners, due to the location of the facility.

The SWC fully supports the findings of the Commission on Women Offenders in its assertion that HMP Cornton Vale is not fit for purpose. The SWC welcome the recommendations put forward by the Commission, particularly with regards to replacing Cornton Vale with a smaller specialist prison and holding remand or short-term female offenders in local prisons.

The SWC also fully support increased use of community sentences, such as community payback orders, for women offenders. Not only would such measures ensure that women were able to remain in their homes and communities with their families and networks, but such disposals could also be used in conjunction with support services to encourage rehabilitation and reduce reoffending.

“Where is the sense in jailing a woman for the same offence over and over? More needs to be done to tackle the root causes of offending and to help these women get out of the cycle they are in.”

Options for Reform

The SWC does not have the expertise in this area to show preference for any one of the three options for reform proposed within the consultation. There are, however, a number of gender considerations relating to each of the options, and in some cases all three, which must be taken into consideration.

Option A: Enhanced CJA Model

Under this proposal, the CJA (Community Justice Authority) would be managed by a Board and the Board would be led by a Chair.

If this is the chosen option for reform, there must be a gender balance on the resulting Board. CJAs must be encouraged to have women, with the relevant skills and expertise, involved at the highest level in order to accurately reflect the needs of female offenders.

Placing a statutory duty on partner bodies to work with CJAs to develop a local plan for reducing reoffending, including input from areas such as health, housing, education and employment, would be an extremely positive step.

There are not enough services to assist women who exit the prison system. A ‘joined-up’ approach is particularly lacking. It is vital that services such as those outlined above, as well as the Department of Work and Pensions (DWP) and further education colleges, are part of the process to encourage rehabilitation and reduce reoffending.

Mental health services are considered to be *“essential”*, as this is one of the main reasons for reoffending. Drug and alcohol misuse services, information on welfare benefits including housing options and access to education and employment will all give women the opportunity to become properly integrated back into their communities.

Option B: Local Authority Model

Under this option, CJAs would be abolished and power would be conferred onto Local Authorities.

The current financial climate has had an extremely detrimental impact on the public sector in Scotland. Budgets have been slashed and jobs, the majority of which are undertaken by women, have been reduced and in many cases removed altogether. The concern with this model is whether it could be effectively delivered against this backdrop.

Public sector services are “*stretched to breaking point*” in many parts of the country. Women, who make up the majority of the public sector workforce, are continuously expected to take on more work, whilst the pay freeze continues, and working hours either stay the same or are reduced. There are no guarantees that this model would create new jobs and could lead to roles being “*absorbed*” into existing departments and services, thus placing additional burdens on Local Authority staff members.

This could also apply in the case of a Local Authority being able to decide what services would be conferred onto the voluntary sector. While there is undoubtedly a wealth of experience and knowledge in these organisations, they are also subject to funding cuts and job losses as a result of the recession. Again, further burden could be placed on the workers in the voluntary sector, a large number of which are women, who may not be able to deliver the levels of service provision they would like to. This could, in turn, be detrimental for the rehabilitation of offenders.

There is also a danger that a “*postcode lottery*” will be created if individual Local Authorities are able to decide how best to deliver their duties. The community justice system will be, in the main, geared towards the needs of men. This could have a detrimental impact on women offenders, whose needs will be allocated fewer resources than their male counterparts to begin with. Parts of the country where women are deemed “*less likely to offend*” may not provide the same resources as other areas, which would seriously disadvantage those who require support. This option may not, therefore, be the fairest way to deliver community justice services in Scotland.

A positive aspect of this option is the statutory duty conferred onto Local Authorities to carry out the functions of a community justice system. This could lead to more accountability, which would be a way of ensuring that services etc are not only seen to be working effectively but are doing so in practice. This type of accountability appears to be lacking with the current CJA system.

As with the Board of Directors proposed in Option 1, the Leadership Group which would be established under Option 2 must have a gender balance.

Option 3: Single Service Model

As with governance structures proposed in Option 1 and Option 2, the Board of this model should also ensure it takes all necessary measures to encourage women to become involved. Regardless of which option is chosen, it is vital that the needs of women offenders are considered and factored into any strategies, procedures and policies introduced to reduce reoffending.

The reliance on 'positive relationships' with partners in e.g. health, housing and education, rather than a statutory duty on these bodies, may not be the most effective way of rehabilitating offenders. Women leaving the prison system not only have complex issues, such as mental health or drug and alcohol misuse issues, but also are faced with *"the stigma of having gone to court, been convicted and imprisoned for something as small as non-payment of a fine"*. They need to be assured that when they leave the system, joined-up services will provide the basic assistance and support necessary to ensure they do not reoffend.

"If you have to go looking here there and everywhere for help then you're much less likely to seek it than if everything is in the one place where you can get to know the workers and start to build positive relationships."

For further information, please contact
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