The Committee will meet at 9.00 am in Committee Room 3.

1. **Emergency Workers (Scotland) Bill (in private):** The Committee will consider a draft stage 1 report.

   *Not before 10.00 am*

2. **Inquiry into the effectiveness of rehabilitation programmes in prisons:** The Committee will take evidence from—

   Alec Spencer, Director of Rehabilitation and Care, Janice Hewitt, Head of Inclusion, and Dr Andrew Fraser, Head of Health, the Scottish Prison Service.

3. **Emergency Workers (Scotland) Bill (in private):** The Committee will consider further a draft stage 1 report.

Alison Walker
Clerk to the Committee
Tel: 0131 348 5195
Papers for the meeting—

Agenda item 1

Note by the Clerk (PRIVATE PAPER)(TO FOLLOW) J1/S2/04/28/1

Agenda item 2

Note by the Clerk (PRIVATE PAPER)(TO FOLLOW) J1/S2/04/28/2
Scottish Prison Service response to the inquiry J1/S2/04/28/4
Scottish Prison Service – background information (hard copy – members only) J1/S2/04/28/5

Documents not circulated—

Copies of the following have been provided to the Clerk:


Copies of these documents are available for consultation in room T3.60. Additional copies may also be obtainable on request from the Document Supply Centre.
These comments by the Scottish Prison Service (SPS) on the issues raised in "Re:duce, Re:habilitate, Re:form - A consultation on Reducing Reoffending in Scotland" were prepared in response to a request from the Scottish Executive (SE).

**Some key issues**

<table>
<thead>
<tr>
<th>Accountability:</th>
<th>The issue of accountability must be addressed in order to achieve a step change in performance. Establishment of a common management reporting line can achieve such accountability.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structure:</td>
<td>The primary task is to make an effective impact on reoffending. Structure is secondary – but should support achieving an effective offender pathway.</td>
</tr>
<tr>
<td>Vision and Purpose:</td>
<td>There is no shared vision, no nationally agreed strategic direction and no common purpose nor combined targets for the organisations delivering the service and, therefore, a tendency for confusion between the agencies over what should be the different priorities for custodial and community services.</td>
</tr>
<tr>
<td>Continuity:</td>
<td>A central weakness of the current arrangements is that the roles and responsibilities of the SPS stops at the prison gate – but the need to support change in prisoners does not.</td>
</tr>
<tr>
<td>Duty of SPS:</td>
<td>SPS accepts the very real duty of protecting the public by holding high risk, long term and dangerous offenders in secure conditions. We also recognise that we must work with these offenders to reduce the risk they will present to the public when they are released.</td>
</tr>
<tr>
<td>Prisoner Numbers:</td>
<td>Prison numbers recently exceeded 7,000 for the first time and are projected to rise further. Reducing reoffending and the prison population would assist SPS to rid itself of over-crowding and the unacceptable practice of slopping out, freeing up elements of the prison estate and staff resources to undertake rehabilitative work with offenders.</td>
</tr>
<tr>
<td>Information Sharing:</td>
<td>Good information sharing is central to effective cooperation between agencies and work with offenders. Without it, public safety is put in jeopardy.</td>
</tr>
<tr>
<td>What is possible:</td>
<td>Crime (and associated social ills) cannot be cured by the intervention of the Criminal Justice System alone. Prison has a role in working with offenders to reduce their propensity to offend, but by itself, without the support of the community and a range of agencies, little will be achieved.</td>
</tr>
<tr>
<td>Cost and Value:</td>
<td>Each new 700 place prison will cost in excess of £500,000,000 during its first 25 years of life. To build new prisons is one way of spending Scotland’s resources. We know that community remedies can be more effective and less costly – so it is possible to deal with more offenders at less expense in other ways.</td>
</tr>
<tr>
<td>Short Sentences:</td>
<td>Short terms of imprisonment may meet needs of punishment, public deterrence or offer respite for communities but what it does not do is offer an opportunity for offending behaviour work or other positive experiences with the prisoner. SPS is limited in the opportunities it can offer short-term prisoners.</td>
</tr>
<tr>
<td>Public Education:</td>
<td>There requires to be a public educative programme which challenges the false perception that community sentences are not robust.</td>
</tr>
</tbody>
</table>
The SPS welcomes a review of roles and responsibilities amongst those responsible for delivering criminal disposals in community and custodial settings. This gives an opportunity to challenge and develop existing practice, consistent with the need for modern services to engage in work with offenders. Whilst existing structures may have been sufficient in the past they are no longer flexible enough to meet and respond to the demands and complexities of today’s society.

Roles and Responsibilities

Historically the role of the SPS has focussed on custody and good order. Care has also been a focus of attention. These remain essential to the success of any penal system – security is essential to protect the public and deliver the sentence of the court, and good order is necessary both for safety and in order to create an environment within which offenders can engage in personal change work. Any prison practitioner will explain that issues of custody and order are intrinsically intertwined with regime and opportunity within prisons.

The number of escapes from custody and number of serious incidents of indiscipline and assaults measure the SPS’s performance in the areas of custody and order. A reflection of an aspect of care is offered by the number of suicides. Against a background of increasing prisoner numbers the last 3 year’s performance in these areas is shown below:

<table>
<thead>
<tr>
<th>Key Performance Indicator</th>
<th>2001-02</th>
<th>2002-03</th>
<th>2003-04*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Escapes</td>
<td>3</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Serious Assaults on Staff</td>
<td>12</td>
<td>29</td>
<td>11</td>
</tr>
<tr>
<td>Serious Assaults on Prisoners</td>
<td>85</td>
<td>127</td>
<td>86</td>
</tr>
<tr>
<td>Recorded number of suicides</td>
<td>11</td>
<td>8</td>
<td>5</td>
</tr>
</tbody>
</table>

*provisional for 2003-04

It is thought, within the SPS, that clarity of roles and responsibility are essential to improving performance and standards (quality) in these areas. The SPS Board is using the client/provider construct to shape the relationship with providers of prison services in order to ensure compliance and consistency of services and standards to offenders. While this performance will continue to be required, the SPS Board has increasingly been focussing on how such clarity of roles and responsibility can contribute to continuous improvement in performance in the change agenda with prisoners. SPS undertakes significant work in attempting to reduce the risk of reoffending through delivery of its programmes to address offending behaviour.

This offers a different set of challenges. Issues of custody and control can, with good links and co-operation with Police, largely be managed within the SPS. This is not the case with interventions aimed at encouraging prisoner change, which lead to reducing reoffending. A central weakness of the current arrangements is that the roles and responsibilities of the SPS stops at the prison gate – but the need to support change in
prisoners does not. This support service becomes the responsibility of several different organisations and such division of responsibility is counterproductive to achieving accountability for reducing reoffending.

**Continuity of support**

In more recent years the SPS has felt the need to extend its support beyond the prison gate. For example, it awarded a contract for transitional care for drug users to provide support for up to 12 weeks following their release from prison. This may have seemed to some to have been interference in areas which hitherto were beyond the remit of the SPS. However, SPS has, for example, a duty to ensure that released offenders do not end up as part of Scotland’s drug death statistics, and we work with others to support the offender’s transition back into the community. We aim to contribute to the SE wider target on the reduction of drug related deaths and there is early evidence that the investment is having a positive effect, comparing 2002 with provisional 2003 figures.

Nevertheless, SPS takes the view that many of the individuals requiring support are not a danger to the public, are serving short sentences and probably would not require imprisonment in an ‘ideal world’. To the extent that SPS is involved in offering support for transition back to the community or establishing plans for integration of offenders, SPS believes this work is more properly the province of more supportive community environments and community based agencies.

**Strategic Direction, Targets and Accountability**

A further weakness of the current system is that there is no shared vision, no nationally agreed strategic direction and no common purpose nor combined targets for the organisations delivering the service and, therefore, a tendency for confusion between the agencies over what should be the different priorities for custodial and community services. While at a pragmatic level most practitioners will agree to a common goal of reducing reoffending this needs to be explicitly carried through to jointly agreed plans, targets and measurements. However, it is our view that progress towards achieving Scotland wide criminal justice targets will be difficult without acceptance of a commonly held and shared vision and objectives between the appropriate agencies.

The main current measurement of reoffending is reconviction rates. This is a poor measure as it fails to show reductions in frequency or seriousness of offending and can include conviction for an offence committed prior to completing a disposal or sentence. A more sophisticated measure is needed but will not be easy to achieve. We need to be able to track the progress of offenders and also give due weight to harm reduction and minimisation as valid objectives supporting community safety.

**Accountability**

However, the existence of an agreed strategy and appropriate measurement will not alone result in marked improvements. The issue of accountability must be addressed in order to
achieve a step change in performance in this area. Establishment of a **common management reporting line** can achieve such accountability.

**Information Sharing**

Good information sharing is central to effective cooperation between agencies and work with offenders. Without it, public safety is put in jeopardy and offenders lose confidence in the support that is available as their needs change. There is a need to establish common assessment tools and techniques (discussed later). We also favour a system where the same information file containing assessment of risk and needs and the action plan is made available to appropriate agencies through IT systems to give a virtual ‘information tag’ for each offender. Otherwise, the offender is assessed by each agency for their own needs and separate files, containing different information and plans are held in a number of locations. A proper integrated system is required.
ISSUE 2
PURPOSE OF PRISON

Debating the question of the purpose of prison has taxed generations of academics and practitioners, who question issues of punishment, deterrence, retribution and rehabilitation. Prison should be used only as the disposal of last resort where no effective and acceptable alternative is available. What is generally accepted is that the very experience of being imprisoned is a negative one – what differs between jurisdictions is the policy and practice within prison and the extent to which this dilutes the harmful nature of the imprisonment experience for the offender. The SPS is clear that it has a role to play in protecting the public and reducing reoffending. It describes its thinking around this in the following vision, mission and actions:

Scottish Prison Service

Vision
Correctional Excellence
We will be recognised as the leader in prisons’ correctional work which helps reduce recidivism and thereby offers value for money for the taxpayer.

Mission
We will maintain secure custody and good order; and we will care for prisoners with humanity and provide them with appropriate opportunities.

Action
We will aim to ensure that:

- Scotland's prisons can fairly be viewed as the leaders in correctional services, delivering effective prisoner opportunities which help reduce recidivism;
- the prison estate is fit for the 21st century;
- Scotland's prisons are acknowledged as providing the highest standards of service delivery across their full range of activities;
- Scottish prisons' staff will be respected by the nation for their professionalism, their wide range of skills and the difficult job they do on behalf of society; and
- in the necessary pursuit of demonstrating value for money to the taxpayer, public sector costs will be competitive.

Prison Population

The graphs at Annex A show the growth in the prison population in recent years. The capacity of the system has not grown proportionately leading to levels of overcrowding which bring considerable management challenges. As recent cases have demonstrated the quality of accommodation we are able to provide for some prisoners is not satisfactory – the overcrowding hampers estate redevelopment programmes. The SPS plans to deal with this situation are included in the estates review which is available on our web site and as updated by the announcement of the Minister for Justice on 12 May 2004. Poor conditions also militate against effective
working with offenders because of increased pressures and volumes on staff, the increased drain on finite resources, and general overcrowding. Reducing numbers, particularly by reducing the numbers of short term prisoners, would allow greater focus of attention on those who require intensive interventions for public safety, which can be commenced to good effect in a custodial setting.

At a time when crime is on the decrease SPS is unsure as to why prison numbers are rising. Fewer individuals end up in court and are convicted, but once they do there is an increased chance in receiving a custodial sentence and one which is longer. Society needs to sustain the reduction in crime and see that feed through to reduced prison numbers. Reduced offending should lead to reduced prison numbers. We could also consider capping numbers and introduce a queueing system as used is some other European jurisdictions. Electronic monitoring (tagging) is also an option to reduce prison numbers while retaining an element of control in the community.

The cost in terms of money and lives

The SPS has an estates development plan which is set to tackle the need to improve accommodation and build additional places for the projected increases in prisoner numbers and to replace poorer, unsuitable accommodation. The question for the consultation and the tax-paying public is how would we wish that money expended? Each new 700 place prison will cost in excess of £500,000,000 during its first 25 years of life. To build new prisons is one way of spending Scotland’s resources. We know that community remedies can be more effective and less costly – so it is possible to deal with more offenders at less expense in other ways. We also know that in some of our most deprived areas, imprisonment has become a way of life with, for example, one in nine of 23 year old men in some neighbourhoods likely to be in prison at some point during the year. We can continue to spend this money on prisons, and on locking more young men up (and an increasing number of young women), or we can try to invest in communities, community remedies, including education and health, in skilling our young people and offering them prospects and hope in a future.

Short and Long term prisoners

The Prisoners and Criminal Proceedings (Scotland) Act 1993 dictates that a person serving a sentence of imprisonment for a term of less than 4 years is designated as a short term prisoner. A person serving a sentence of four years or over is a long-term prisoner. The Act also determines that as soon as a short-term prisoner has served one half of his sentence he will be released unconditionally unless he is subject to an extended sentence or Supervised Release Order in which case he will be released on licence. A long-term prisoner may be released on licence having served one half of his sentence if the Parole Board recommends this. If he is not released on parole he will be released, on licence, when he has served two thirds of his sentence.
The length of time offenders are in prison is important to the work that can take place. The following table shows the average daily population of sentenced offenders by length of sentence for 2002:

<table>
<thead>
<tr>
<th>Length of sentence</th>
<th>TOTAL</th>
<th>Adult Male</th>
<th>Adult Female</th>
<th>Young Offender Male</th>
<th>Young Offender Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>5,180</td>
<td>4,404</td>
<td>179</td>
<td>577</td>
<td>20</td>
</tr>
<tr>
<td>Fine default</td>
<td>61</td>
<td>48</td>
<td>4</td>
<td>8</td>
<td>&lt;0.5</td>
</tr>
<tr>
<td>Less than 3 months</td>
<td>59</td>
<td>55</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 months – less than 6 months</td>
<td>360</td>
<td>340</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 6 months</td>
<td>72</td>
<td>66</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 months – less than 2 years</td>
<td>1,163</td>
<td>878</td>
<td>51</td>
<td>225</td>
<td>9</td>
</tr>
<tr>
<td>2 years – less than 4 years</td>
<td>806</td>
<td>646</td>
<td>43</td>
<td>113</td>
<td>3</td>
</tr>
<tr>
<td>4 years/over ( excl. Life)</td>
<td>1,812</td>
<td>1,627</td>
<td>44</td>
<td>140</td>
<td>&lt;0.5</td>
</tr>
<tr>
<td>Life/section 205</td>
<td>599</td>
<td>567</td>
<td>10</td>
<td>21</td>
<td>1</td>
</tr>
<tr>
<td>Persons recalled from supervision/license</td>
<td>243</td>
<td>238</td>
<td>1</td>
<td>4</td>
<td>&lt;0.5</td>
</tr>
<tr>
<td>Others</td>
<td>5</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>&lt;0.5</td>
</tr>
</tbody>
</table>

Average daily population of sentenced offenders by length of sentence for 2002
Some figures do not total exactly due to rounding

Short Term Offenders

The SPS is limited in the opportunities it can offer short-term prisoners. The high volume of prisoners takes considerable time and effort to assess, provide basic care and ensure the requirements of security and order are met. SPS processes some 20,000 individual prisoners each year and because of the fact that some serve several periods of remand and/or imprisonment in one year, it may admit and release them on about 31,500 occasions. 5,500 of these offenders will be new to the prison system. In 2002, 57% (7,188) of all direct sentenced receptions (total 12,613) or 72% (14,262) of all sentenced receptions including fine default (total 19,687) served sentences of less than 6 months. In practice the prisoners served half that time, less than three months, since sentences under 4 years attract 50% remission. For this reason, SPS has adopted a pragmatic approach to using its resources, and only those serving 4 years or over are subject to full sentence management. SPS has adopted its ‘core plus’ model which ensures that all prisoners admitted to prison will receive basic or ‘core’ services, and depending on sentence length and need, will be eligible for additional services and interventions.

Research (Don Andrews) has found that the act of imprisoning someone, per se, has no positive effect on reducing re-offending and may contribute to a 1-2% increase in recidivism.
Thus, if one accepts that the act of imprisonment per se is a negative one, under current arrangements it is fair to say that there are fewer protections against the damaging impact of confinement for short term prisoners than for those serving a longer term in custody. Hence, while short terms of imprisonment may meet needs of punishment, public deterrence or offer respite for communities what it does not do is offer an opportunity for offending behaviour work or other positive experiences with the prisoner. Indeed it exposes people, who may already be vulnerable, to more criminally sophisticated offenders. It also disrupts any stability an offender may have in his life in that he may lose a tenancy and employment. The period of imprisonment will also negatively impact on family relationships (and can adversely affect the development of children in the family). Many prisoners suffer from poor mental and physical health and prison is not primarily organised to provide such remedial treatment. Some prisoners will arrive at prison with financial debt and this will remain, perhaps growing in amount, while they are inside. Inevitably, and despite strenuous efforts by SPS to prevent drugs entering prison, some prisoners will be introduced to illegal drug use while in prison. It is for this reason many prison personnel will express the view that short term imprisonment is counter-productive and does not represent value for money to the taxpayer.

SPS see a number of prisoners arrive and depart on a regular basis, repeat offenders who experience as one side of a ‘revolving door’ – in effect serving a life sentence by instalments. Many of these offenders find it hard to cope in the community and present with multiple problems such as drug misuse, housing needs, poor personal coping skills, low levels of educational attainment or lack of literacy, or poor health and are not easily employable. These are community issues. We need to assess their risk and needs and target repeat offenders appropriately. Once assessed, the first question to be asked is whether they pose a real risk or danger to society. If they do not, then sentencers should look to the community rather than to incarceration for the solution.

Crime (and associated social ills) cannot be cured by the intervention of the Criminal Justice System alone. The causes of crime have many of their roots in the social environment in which we all live and which we experience in different ways. Poverty, housing needs, levels of literacy, health, employment, relationships with family and peers all influence how we develop and inform our responses to the situations we face. Prison has a role in working with offenders to reduce their propensity to offend, but by itself, without the support of the community and a range of agencies, little will be achieved.

Facilities and Frustration

SPS practitioners recognise that the justiciary attempt to use imprisonment as a last resort, but that they are frustrated by the repeated appearances of some offenders and at a loss to
know what else to do. Similarly, we believe that many short term offenders are sentenced to prison for what appears to be the positive opportunities available inside, perhaps providing a safe haven, or some order in an otherwise fairly chaotic lifestyle. Prison can assist to stabilise those with an addictive habit, provide routine, company and a sense of personal security, accommodation, food and clothing. However, in our view it is a misuse of the prison system to send persons there for social rather than purely criminal reasons. If there are a lack of alternative facilities available, this matter should be identified and addressed.

The justiciary should be encouraged to use community sentences for such offenders, not only because that will help reduce numbers and overcrowding, but because community remedies can be more effective than imprisonment. There requires to be a public educative programme which challenges the false perception that community sentences are not robust. It is harder to work with such recidivists in prison because we get them later on in their criminality and it would be better and more effective to target them with earlier interventions in the community. It is also likely that some repeat offenders graduate up the sentence tariff, accumulating longer sentences and increased levels of criminality. Prison itself can have negative and disruptive effects when what is required are closer links with community support networks.

Women

A similar picture emerges for women. There has been an increase in the number sent to prison despite exhortations from successive Ministers to the contrary. Addiction and mental health issues are particularly prevalent among this group.

Remand

Also, there has been a growth in the numbers of prisoners held on remand. Recently SPS has been holding about 1,200 on remand awaiting court appearances. However, it could be argued that not all require to be remanded in custodial conditions since, for example, in 1997 (when remands sat at an average of 947) only 46.3% of all remands received a subsequent custodial disposal (HMCIPS, 'Punishment First – Verdict Later?', 2000). While it is not our position to question the use of remand, large numbers contribute to overcrowding and pressures on the system.
To conclude: Prison numbers, which recently exceeded 7,000 for the first time, are at record high levels and projected to rise further. Successfully reducing reoffending and using effective alternatives to custody would help SPS break free from a volume-led, demand driven service where increased resources are required to maintain the present provision, managing an overcrowded and inadequate estate, and stifling the service’s ability to provide a sustainable service framework that rehabilitates and supports reintegration of offenders into the community. Reducing reoffending would assist SPS to rid itself of over-crowding and the unacceptable practice of slopping out, freeing up elements of the prison estate and staff resources to undertake rehabilitative work with offenders.
The SPS is aware of many initiatives aimed at addressing issues of social inclusion and is supportive of these. Availability of suitable housing, health care, education and employment opportunities are all essential to preventing both offending and reoffending. As part of this the so called “drug culture” and issues of alcohol abuse and the circumstances into which offenders return on release are central. While these issues are beyond the remit of this consultation they are central to making an impact in the area off reducing reoffending.

Social inclusion

Interventions in Prison

Many offenders present to the prison authorities with an array of basic health and addiction needs. Though not all the data may be the same in Scotland, figures for England and Wales (2002) on the prison population indicate that:

- ½ of prisoners, on admission to prison, are not registered with a GP.
- They are 15 times more likely to suffer from HIV than the general public
- 70% suffer from 2 mental disorders
- 20% of males and 37% of females have attempted suicide in the past
- Compared to the rest of the population prisoners were 13 times more likely to have been in care as a child
- 10 times more likely to have truanted at school
- 20 times more likely to have been excluded from school
- 13 times more likely to have been unemployed
- 80% have writing skills, 65% numeracy skills and 50% reading skills of someone aged 11 or below
- 70% have drug misuse problems and 80% have not accessed treatment services in the past. (Within the SPS the most recent admission drug testing audit showed that two out of three receptions tested positively for drugs.)

Information such as this is not offered in any attempt to excuse offenders’ behaviour. The SPS is clear that those it holds in custody are responsible for their actions. However, this information does serve to reinforce the significance and dimensions of the social inclusion agenda referred to above. It also gives some sense of the challenge in supporting these prisoners to make changes in order that they will not reoffend. It is difficult to know how prison alone will be able to make meaningful interventions, particularly with prisoners who are incarcerated for short periods of time. Prison cannot cure social ills and the work with offenders in prisons cannot easily repair the problems accumulated over their lifetime.

The available international research shows the top three factors affecting recidivism:
- The availability of suitable accommodation on release.
- The opportunity for suitable work or other meaningful activity on release.
- The degree of family or similar contact maintained while
incarcerated. Hence the SPS is developing and offers a range of pro-social related interventions aimed at ensuring prisoners have accommodation on release, are linked to drug services and are prepared and well placed to compete for employment opportunities. In addition, some prisoners have access to offence specific interventions offered as prisoner programmes. Other interventions available focus on offence related behaviour and issues. These include education and literacy, life skills, finance and debt management, health and addictions. SPS particularly recognises the need to increase its work with drug services for prisoners and making the appropriate connections with support services on the 'outside'. To support family contact SPS has established Family Contact Development Officers (FCDOs), visitor centres and improved visiting facilities, and is working with the voluntary sector, especially ‘Families Outside’.

Interventions for longer sentenced prisoners

SPS accepts the very real duty of protecting the public by holding high risk, long term and dangerous offenders in secure conditions. We also recognise that we must work with these offenders to reduce the risk they will present to the public when they are released.

The weight of research evidence on the effectiveness of programmes is that properly developed, targeted programmes can have an impact on recidivism (McGuire, 1995). However, one of the other outcomes of recent research on programme effectiveness is that impacting on offending behaviour is an extremely complex activity - it is not a single goal to be "achieved".

It should be noted that there are risks associated with engaging in a programme which is not properly targeted or not delivered to appropriate standards in that this can increase the likelihood of an offender reoffending. Indeed the paper, Home Office Finding 206, which found no difference in two year reconviction rates for prisoners who had participated in a cognitive skills programme and those in a matched comparison group indicate that one reason for this could be a drift in selecting prisoners for programmes. It can be argued that such drift is more likely in an environment with volume targets for programme completion rather than focusing on individual need or long term outcomes. However, one should not overlook the benefits properly targeted and managed programmes present, providing opportunities for perspective taking, development of insight and self-awareness, self esteem and reflection on previous life-style.

The SPS offers a number of interventions aimed at supporting change in prisoners. These are listed at Annex B. A process of aggregating the needs identified through a process of needs and risk assessment with offenders informs the content of this menu of interventions.
Programmes

As indicated the availability of these programmes for prisoners is informed by need and risk assessments of those sentenced to 4 years and over. The SPS is aware that this sentence length criterion may exclude access to some who, against different criteria, e.g. risk to public, would be included. For example in 2002 66% of sex offenders sentenced to imprisonment received sentences of less than 4 years. In light of this the SPS is now looking at a needs driven approach offering programmes to those sentenced to under 4 years. This additionally prioritises sex offenders sentenced to 2-4 years (15% of those received in 2002) and is consistent with recommendations in the Cosgrove Report. This approach could be expanded.

Whatever programmes are offered in prison we know their effectiveness to be diluted for 2 reasons:

- The fact of delivery in a closed establishment
- The fact of no maintenance of the programme once the offender is back in the community

Once offenders have been sent to prison there is little that can be done about the former. However, the latter could be addressed by having continuity of programmes between the community services throughout Scotland and prisons. This would allow for offenders who have started a programme in the community to continue with the intervention should they receive a custodial sentence during the life of the programme or receive maintenance work if the programme is completed. The same would also be true of prisoners on release. Such consistent provision would improve the effectiveness of programmes and, as such, increase the contribution to safer communities.

Developments

Planned developments in the area of interventions are warmly anticipated.

- The Risk Management Authority will ensure all working with offenders in the community or prison will work with the same risk and needs assessment. It will also accredit those carrying out the assessment. This is a welcome development.
- The planned joint accreditation Panel for programmes in the community and prison is also viewed as a positive.
- More recently, consideration has been given to providing offenders with positive pathways through a ‘desistance’ approach. This area merits further work.

While there remains a continuous and healthy debate about ‘what works’ in reducing reoffending, what is increasingly evident is that “nothing works in isolation".
### Issues 4 and 5
#### Reducing Reoffending – An Integrated Approach and Effectiveness and Value for Money

**Single process**

There is a need for clear objectives, roles and responsibilities. This comes from all players holding a clear and shared vision of what is required and from strong leadership. If we are to make an impact we need joined efforts working to the same agenda and same principles.

There is a requirement to set realistic and meaningful outcomes. Such measures should recognise the limitations and difficulties in defining ‘reoffending’ and to also look at measures of harm reduction and public safety.

Seamless management of offenders needs shared assessment, interventions, information storage and retrieval.

Whatever system emerges, the new process should involve ‘end to end management of the offender’ in the form of an integrated offender planning system from appearance at court, through conviction and whether in custody and/or (through to) the community.

There should be a single assessment system and only one core assessment should be undertaken with the offender, which should then be made available to all appropriate agencies who can add data to it. This single information file should follow the offender and be updated by all agencies.

There should be a single tracking system which follows the offender through the whole process.

**Cultural issues**

IT arrangements can assist or hinder communication flow, but there are more significant barriers. Other barriers including language and culture may appear to be exclusive rather than welcoming and inclusive as between agencies. Currently, cultural differences between CJSW and SPS can get in the way of good communications and effectiveness. Coming from different professions with different traditions the development of closer working requires a positive approach built on respect. Though there are examples of good practice, there is scope for improvement. Co-operation between agencies (such as police, prisons and social work) is required if there is to be effective throughcare, caseworking and offender management. For example, in the past sex offenders used communication difficulties to create rifts and opportunities to slip through controls between agencies and thus endanger public safety. Tackling this problem has driven the requirement for change and improved case conferencing, communications and networking. Progress here suggests a potential model for other high risk groups.

**Programmes**

The system for provision of programmes to address offending behaviour has to be rationalised. Offenders should be able to access the same programmes in prison and the community and be able to continue with such work when transferring to a
prison or back into the community. This reinforces the need for the merging of the two separate Accreditation Panels into one single CJ Accreditation Panel and for common programmes.

There is also a requirement for more joint training between the CJ agencies. It is also provides better value for money for training in programme work to be shared. The training can also include broader issues of offender management.

**Accountability**

To achieve effectiveness there is a need for clear lines of accountability within the Criminal Justice services responsible for implementing sentences of the court.

A single agency or entity should provide clear accountability, and there would be real value for money incentives to develop and promote work which is most effective. It would be easier to shift resources from expensive and less effective provision (such as prison) to where better value can be achieved (e.g. effective community interventions).

The head of any organisation responsible for the management of all sentenced offenders should have a strong advocacy role. The existence of a single agency or entity might present the opportunity for economies of scale, and the potential for more creative sentencing. It could also include fines collection.

**Fine default**

A fresh look at imprisonment for fine default is required. In 2002, SPS received 7,074 individuals into prison in default of payment of a fine. The average length of sentence imposed for young offenders was 10 days for an average £245 outstanding, and for adults 11 days and £265. The cost of receiving someone into prison and holding them is about £100 per day. A greater integration between those involved in fine collection, community alternatives and services and prison could have a significant impact on the numbers coming to prison.

**Judges**

Involving judges more in offender management (like DTTO and the Youth Courts) is proving successful. Judges should also visit prisons more often to see conditions and what is (and is not) available.

**Co-operation**

Whatever the outcome of consultation, the support and co-operation of other players are critical. This includes the Police, Youth justice system, NHS, housing, addictions and employment services, learning and training provision – all need to be clear about their responsibilities and the need to involve each other in planning and activities. This should include Community Safety Partnerships and Planning meetings in local authorities.

A separate issue is that of the lack of conterminous boundaries. Although a small country, Scotland’s various authorities and agencies exist in non-identical geographical locations. Thus, for example, Local Authorities, Police
Authorities, Sherifftdoms and Area Health Boards do not necessarily share the same geographic areas.

It would be advantageous to establish ‘one stop shops’ to facilitate offenders (and others) in the community more readily gaining access to support services and networks. The ‘one stop shop’ could be located in one building and provide a range of services such as housing office, job centre plus (employment and benefits), addictions services, primary health care services, Citizens Advice Bureau for provision of financial and legal advice, training office and so on.

There is a particular need to improve links between prison and community health partnerships for prisoners being released.

Some thought should be given to developing further restorative justice solutions, which place ‘giving back’ by offenders to communities and victims higher up the agenda.

Greater co-operation and integration between the various agencies involved offender management, and the voluntary sector is required, particularly since we now take a more holistic approach to the offender and his needs.

Abolishing short custodial sentences

The levels of imprisonment requires to be addressed and focus is needed on reducing numbers in prison – particularly remand and short term prisoners. Perhaps the Sentencing Commission will propose that custodial sentences under one year should be abolished – something with which SPS would concur. Generally speaking, community based disposals are more effective than imprisonment at these sentence lengths.

Family

Attention should be given to the maintenance of family relationships/support/contact which are seen as an important factor in reducing reoffending – but there is little evidence of co-ordinated activity in this area.

Individual offender

An individual needs-based approach is required since no single approach to countering social exclusion is likely to be effective by itself.
Annex B

Accredited Programmes
Cognitive Skills
Anger Management
Drug Relapse Prevention Programme
Problem Solving
Sex Offending Treatment Programme – Core (STOP 2000)

Preferred Programmes (Non-Accredited)
Lifeline (Drugs Related – Relapse Prevention Programme)
Sex Offending Treatment Programme – Adapted (STOP 2000)
Sex Offending Treatment Programme – Extended (STOP 2000)
Sex Offending Treatment Programme – Rolling (STOP 2000)
Violence

Approved Activities
Alcohol Awareness
Action for Change (Drugs Related)
SMART Recovery (Drugs Related)
Health Choices
Communications in a Working Environment
Community Sports Leader Award
Relationship Skills
First Step (Drugs Related)
Parenting in Prison

Sleep and Anxiety
Relationships – Connections for Women
A Guide to Sensible Drinking
Parenting – Parenting Matters in Prison
21 Hour Drug Awareness
Positive Parenting
APEX/ Career Preparation
START (Induction Activity for Long Term Prisoners).
You wrote to SPS Governors on 10 March to ask for their views as part of the Justice 1 Committee’s Inquiry into rehabilitation programmes in prisons. Stephen Sadler’s letter of 16 March said that SPS would provide a co-ordinated response. I have provided answers below to the questions raised in your letter.

Policy

You suggest that our approach to the dynamics of imprisonment is "to integrate a comprehensive values system in the day to day running of prisons" and that “rehabilitation is a key part of this dynamic”. Our Mission Statement is to maintain secure custody and good order; and to care for prisoners with humanity and provide them with appropriate opportunities. Our Vision Statement is to be recognised as the leader in prisons’ correctional work which helps reduce recidivism and thereby offers value for money for the taxpayer. The weight of research evidence on the effectiveness of interventions is that properly developed, targeted interventions can have an impact on recidivism (McGuire, 1995). However, one of the other outcomes of recent research on programme effectiveness is that impacting on offending behaviour is an extremely complex activity - it is not a single goal to be "achieved". General staff awareness of the importance of rehabilitation is only one of a large number of interdependent variables.

Are the aims of rehabilitation clearly articulated to staff? Are the aims of rehabilitation clearly articulated to prisoners?

Yes in both cases. A considerable amount of effort has been given to making both staff and prisoners aware of what interventions are available and their potential benefit. Staff awareness sessions are an integral and mandatory part of programme delivery in each of the prisons and prisoners are made well aware of the range of programmes and their potential as part of the Service’s sentence management arrangements. This approach was signalled with the publication by SPS of Opportunity and Responsibility in 1990. We have also produced a publication for staff on the functions of Rehabilitation and Care (Making a Difference) in December 2002.

For the large numbers of prisoners facing short-term periods of custody is rehabilitation a realistic objective?

No, and this is why the Service sees its role in this area as more to do with assessment and support than with targeted interventions designed to rehabilitate

Are staff able to meet qualitative assurance targets within current timescales?

The SPS has a number of key performance indicators which are reported to Parliament annually. These are published in the SPS Annual Report. The Service also pioneered a system of programme accreditation which has been emulated in other jurisdictions and by
Community Justice in Scotland which subjects the raft of interventions and their delivery to external, expert scrutiny.

What are the mechanisms in the rehabilitation programmes? For example, how are prisoners referred? What is the induction process? How are the prisoners assessed? How are programmes planned? What is the style of working under the remit of rehabilitation? What are the respective roles of prison officers, agency workers and volunteers? Any problems?

Programme participation is driven by an assessment of prisoner risk and needs which, for the longer-term prisoner, is integrated into the sentence management process. Core assessments are augmented by programme-specific assessments and interim progress is monitored by on-going psychometric assessment. Some interventions require the use of specialist prison officers. Others, however, require co-facilitation involving several disciplines.

The available international research shows that primarily three things affect recidivism:

The availability of suitable accommodation on release.

The opportunity for suitable work or other meaningful activity on release.

The degree of family or similar contact maintained while incarcerated.

Evidence of the efficiency of rehabilitation programmes in terms of recidivism is scant and open to a number of interpretations. That said the issue of effectiveness is a complex one and while there is a weight of evidence pointing to the positive impact of interventions, other evaluations have not shown any positive outcome. A comprehensive description of the SPS's correctional agenda is set out in pages 10-13 of the SPS Annual Report 2002-03 and in the SPS Inclusion Manual which is available from the SPS and the Making a Difference publication (enclosed).

In cases of best practice, is it possible to replicate? The Committee will consider programmes, such as the STOP programme for sex offenders in the Through Care Centre at Saughton.

Yes, part of the raison d'être for the Service's accreditation process is to facilitate such a transfer of best practice.

A Single Agency may be established to deliver custodial and non-custodial sentences - will this impact on the allocation and administration of rehabilitation programmes?

It is too early to say. The Scottish Executive is currently conducting a consultation on reducing re-offending in Scotland entitled 'Re: duce, Re: habilitate and Re: form'. Decisions about the Agency and how it will operate will be informed by response to the consultation.

Opportunity
What is the range of rehabilitative programmes being offered in Scotland’s prisons?

A current list of the programmes, including those accredited, and the approved activities we offer is attached.

How do prisoner officers and inter-agency workers "act" to implement care and rehabilitation?

Various professionals deliver or assist in delivering the SPS’s correctional agenda. These professionals operate either separately or in teams as appropriate to the particular activity and circumstances concerned.

Are the programmes having an effect in addressing offending during custody? If not what should be done differently?

The Service is currently evaluating its suite of accredited interventions for in-prison impact and longer-term outcome. The initial assessment of interim effectiveness point to some improvements while the individual is in prison. At this stage, it is too early to comment sensibly on longer-term effectiveness. And as mentioned above, evidence of the efficiency of rehabilitation programmes is often difficult to interpret.

Are the programmes having an effect in addressing re-offending following custody? If not what should be done differently?

See above. The available international evidence suggests that some programmes have some positive effect in some cases but it is difficult to generalise (see McGuire, 1995).

Conditions

Linked to last point, are vulnerable and difficult groups of prisoners receiving adequate rehabilitation? How are equality issues addressed in the provision of rehabilitation services?

In considering this question the Committee will consider the following categories of prisoners - remand, short-term, young offenders, prisoners with mental health problems, women, ethnic minorities and disabled prisoners.

This is very difficult to quantify without having an agreed concept of “adequate rehabilitation”. Access to interventions designed to address offending behaviour, and therefore make it easier to lead a law abiding life on release, is a key aspect of the Service’s correctional agenda. So far as equality issues are concerned this is an aspect which is scrutinised as part of the accreditation process to ensure gender sensitivity and the appropriateness of interventions to the level of intellectual functioning of programme participants. In addition, SPS has a Race Relations policy which is available on request and the enclosed booklet ‘Making a Difference’ sets out the range of services offered.
Given concerns about overcrowding - are an adequate number of programmes being provided to rehabilitate prisoners?

Yes. Since the available international evidence on the positive effects is scant and there is strong evidence that similar programmes delivered in the community are significantly more effective than the same ones delivered during incarceration, the quantum of rehabilitative effort is determined more by the available resources. It is in any case impossible to calculate demand accurately.

Do other factors related to conditions such as security measures inhibit rehabilitation?

Yes. It is not so much security measures as the artificiality of life within prison which appears to make the effectiveness of programmes within prison more problematic than those delivered in the community.

Is physical space an issue in the provision of rehabilitation?

Yes. This is being addressed in the context of the part of the SPS Vision 'to create a Prison Estate fit for the 21st Century.' The available space for rehabilitation itself is however less an issue than the relative lack and poor quality of some of the living accommodation.

Prisoners diet, nutritional health and physical fitness are often cited as factors leading to improvements in physical and mental well being (improved self esteem and self worth). How might these factors of prison "lifestyle" play a role in rehabilitation?

As the questions indicate these factors are relevant. Prisoners however do not have the same opportunities as they would in the community but the documents referred to earlier show the SPS's commitment to improving well being, physical fitness and a suitable diet.

Tony Cameron
Chief Executive
Scottish Prison Service
29 April 2004
SCOTTISH PRISON SERVICE
ACCREDITED PROGRAMMES & APPROVED ACTIVITIES

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Communications in a Working Environment
Community Sports Leader Award
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