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4 February 2010

Dear Colleague

1. I am writing to bring you up to date with the Scottish Government's wider plans to ensure that services and support are developed to meet the needs of women, and with the recent announcement to provide the Community Justice Authorities with an additional £800,000 in 2010-11 to support women offenders, particularly those on release from prison.

2. One of the key drivers for this work is the fact that the number of women offenders in the criminal justice system – particularly the number in prison – is rising very sharply and disproportionately. Although still a very small proportion of the total prisoner population, the number of women prisoners has almost doubled over the 10 years to 2007 – 2008 to a daily average of around 420. So, while the average daily prison population as a whole has increased by 22% over the last 10 years, within that figure the average daily female prison population has increased by 87%. The Scottish Government has therefore prioritised action to understand and address more effectively the factors which underlie women's offending.

This is not being done in isolation. As part of the work of the Reducing Reoffending Programme, we are developing joined up strategies to address the issues of criminal behaviour and re-offending across Justice, Health and Wellbeing and Education and Lifelong Learning. A wide range of interests are represented on the work streams of the Programme – I think most of you will already have seen the most recent newsletter, which issued in December, but I have embedded it here for convenience

<http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management/r-r-newsletters/issue-1>

An updated bulletin will be issued before the end of February.

3. In relation to the health of all offenders in custody, one of the most significant initiatives is for the NHS to take responsibility for healthcare services in prisons. A spin off benefit from this will be much better integration and understanding of offender needs in the mainstream NHS. Work on bringing this to fruition is well underway.

When the Cabinet Secretary gave evidence to the Equal Opportunities Committee in June 2009 in the context of their investigation into the experiences of women in the criminal justice system, he gave an undertaking that the Gender Equality duty would be applied across the

Reducing Reoffending programme to ensure that the needs of women offenders were identified and addressed. The report of the Equal Opportunities Committee and the Scottish Government response to the report can be found at:

<http://www.scottish.parliament.uk/s3/committees/equal/reports-09/eor09-03.htm>

<http://www.scottish.parliament.uk/s3/committees/equal/inquiries/Femaleoffenders/Corres/0114SGresponse.pdf>

4. The summary of the report concludes:

“ There is a small, but growing, number of women in Scotland who come into contact with the criminal justice system. The differences in the ways that these women, compared with men, enter the criminal justice system and are subsequently treated raise some challenging questions. Having considered these gender differences in some depth, the Equal Opportunities Committee believes that much more needs to be done by the Scottish Government and other public bodies to address specific issues facing female offenders.”

5. Key issues arising from the report are the need to improve access to health, improved literacy and numeracy provision, particularly for the short term and remand prisoners and better support for women leaving prison. Children of women in prison are also identified as needing additional support. The report also highlights the relevance to female offenders of the provisions in the Criminal Justice and Licensing (Scotland) Bill and the “*golden opportunity*” for the Parliament and the Government to take action to prevent reoffending by female offenders by fully addressing their needs and individual circumstances.

6. In taking forward action to address these issues, we recognise that because women offenders generally have more complex and wide-ranging needs than most male offenders, responses to their problems need to be capable of being tailored to the individual. While a specialist women’s prison is essential for some women, for example, being close to home and maintaining links with family can offer benefits in terms of reintegration back into the community. Work and consultation on the design of Grampian prison is underway and this will include a regime for women.

7. This continuing pressure on Cornton Vale and the need to provide better opportunities for reintegration of women prisoners closer to home has led the Cabinet Secretary for Justice with Cabinet endorsement, to identify the need for some early action in the following areas:

◆ ***Better use of the prison estate***

It is proposed to enable women nearing the end of their sentence and assessed as suitable, to move to HMP Inverness and HMP Aberdeen, giving the benefit of being nearer home and allowing access to and engagement with services in the community. This proposal will help to develop the longer term strategy for managing the transition of women offenders back into the community, and will inform the development of new community facing prison regimes.

This work will be taken forward by the Northern CJA, the Scottish Prison Service and the relevant local authorities, together with health colleagues. A first meeting to take the work forward was held in Aberdeen on 27 January.

◆ **Maximising the use of Home Detention Curfew**

The size of the prison population is still concerning and we are working with the SPS to ensure that the current Home Detention Curfew (HDC) scheme is maximised. This does not mean that the criteria or the emphasis on community safety will be compromised. Women already represent a higher ratio for release on HDC than men. But some do not meet the criteria for reasons that are more prevalent among women offenders such as vulnerability from difficult relationships or danger to themselves. We have asked the SPS to engage with local authorities to look at what available support there might be in the community for women with such issues who might otherwise be eligible for HDC. Appropriate supports could be made conditions of the HDC licence. They are also looking at whether conditions can be attached to HDC licences to support pregnant women on release from HMP Cornton Vale. Over the course of a year SPS will admit around 50 prisoners who are pregnant. The average number of convicted pregnant prisoners is around 4 on a daily basis.

◆ **Effective targeting and use of community disposals and interventions**

Progress continues to be made in the Criminal Justice and Licensing (Scotland) Bill on the introduction of the Community Payback Order which provides us with the opportunity to tailor the Order to the needs of women offenders. Guidance on the implementation of the Community Payback Order is currently being drafted and will underline the importance of ensuring that access to appropriate unpaid work and child care facilities is available so that Community Payback Orders are more suitable for women, and more attractive to the judiciary than a custodial alternative.

◆ **Additional support for women on release and in the community**

The additional £800,000 funding to the CJAs is intended to provide additional support to women offenders on release from prison and in the community.

I hope this is helpful; please do not hesitate to contact me if there is anything you wish to discuss.

Yours sincerely



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Deputy Director