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Convener
Justice Committee
The Scottish Parliament
Edinburgh
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Monday, 22 June 2015

Dear Christine

Earlier today I announced to Parliament the decisions that I have taken in relation to the future custodial estate for women and wider penal policy following my announcement not to proceed with plans for a new large prison for women at HMP Inverclyde. When I announced that decision on 26 January this year, I made clear that a 300 place prison for women did not fit with my vision for how a modern and progressive country should treat women in the criminal justice system. I am writing to you now to set out that vision in detail.

As you know, Scotland has a comparatively high imprisonment rate by international standards. Over the past decade there has been particular growth in the numbers of women being sentenced to prison, the vast majority receiving short-term sentences. This Government is determined to change that situation by reducing the use of custody so imprisonment is used appropriately as the option of last resort. This is consistent with the principles of the McLeish commission that we should *"target the use of prison where it can be most effective – in punishing serious crime and protecting the public."* The approach we are taking in relation to ending Automatic Early Release for the most serious offences is consistent with this principle too.

It is, therefore, entirely appropriate that in considering the most appropriate and effective way of accommodating women who receive a custodial sentence, we also consider how we ensure imprisonment is experienced by as few people as possible. Whilst it will always be the role of the Courts to decide on the most appropriate sentence, I believe that there is more we can do to ensure sentencers are presented with a range of alternatives to custodial sentences. This reflects the clear evidence that early diversion and community sentences are more effective than short custodial sentences in reducing reoffending.

The approach I have announced today therefore aims to strike the appropriate balance between actions focussed on the **community** and actions focussed on **custody**. The various elements of this approach are summarised below.

Extending Access to Community-based Justice

If we are to be successful in reducing the use of prison as a disposal, it is important to ensure the consistent availability of alternatives to prosecution and custody across Scotland. Earlier this year, I announced an additional £1.5m in 2015-16 to support community-based services for women. This will be used to continue to support services previously supported by the Scottish Government in response to the Commission on Women Offenders, such as the Willow Service in Edinburgh and the Tomorrow's Women Glasgow, as well as providing additional support for early stage diversion schemes and enhanced supervised bail schemes.

In addition, by promoting the increased use of an existing disposal – a Community Payback Order alongside a Restriction of Liberty Order, we will enhance the effectiveness of Electronic Monitoring through the provision of additional support by local Criminal Justice Social Work services to individuals on a tag. This will provide Scotland's courts and judiciary with a robust, credible and proportionate alternative to short-term prison sentences for certain offenders.

Presumption Against Short Sentences (PASS)

The current presumption against short sentences of 3 months or less limits the direct impact which the presumption can have on sentencing decisions and therefore, on the "churn" of short-term admissions to custody. For example, the recently published Process Evaluation on Community Payback Orders, Criminal Justice Social Work Reports and the Presumption Against Short Sentences¹, found relatively little evidence from Sheriffs of the current presumption featuring prominently or explicitly in their decision making process when considering an appropriate sentence.

I therefore intend to consult formally to seek views on the current PASS and the potential to extend the presumption with appropriate safeguards. The consultation will gather stakeholder views and feedback on this issue and any implications of changes to the current legislation.

Reducing the use of custody

Alongside increasing the availability of community based services and measures to restrict the use of custody through PASS, we will also use improvement methodology to work with a small number of local pathfinder sites to test the most effective ways of reducing the use of remand and short prison sentences.

Using improvement methodology in this way will enable local partners to rapidly test evidence-based changes which will drive reductions in the use of custody, and provides a framework to quickly spread successful practice. Officials have been in touch with all of Scotland's Chief Social Work Officers and we expect to announce details of the pathfinder sites shortly.

Enhancing community-based services and extending the presumption against short-term sentences aims to help reduce the number of short-term sentences and reduce reoffending for both men and women. The Scottish Government will keep under close review the associated resourcing requirements for increased use of community disposals.

¹ <http://www.gov.scot/Resource/0047/00472126.pdf>

The future custodial estate for women

Following a period of consultation activity with over 600 participants across Scotland, a 3 day International Symposium in Edinburgh on women offenders where eminent academics and expert practitioners helped to inform the development of our plans, and in dialogue with an Expert Group of stakeholders, I have decided that we will build a new 80 place national prison for women on the current site of HMP Cornton Vale and 5 small community based custodial units across Scotland which will each provide around 20 places.

This will deliver 180 new high quality gender specific places for women in addition to the 50 we already have at the recently opened HMP Grampian. Alongside this, elements of the existing female custodial estate will be adapted or decommissioned over time.

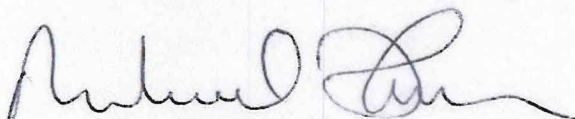
All aspects of the custodial estate will be run and managed by the Scottish Prison Service but services will be delivered through multi- disciplinary teams working together to provide a consistent and holistic approach to the management of women who are held in custody.

Women will enter the custodial environment from court and will be assessed by the multi-disciplinary team who will work to establish a full picture of risks and needs before deciding where best to place each individual within the estate to meet their specific circumstances. We envisage that women will move to different parts of the estate as their needs and risks are addressed.

This new estate will deliver a bold new approach to how women in custody are looked after in Scotland, in keeping with the recommendations of the Commission on Women Offenders, whereby: security is proportionate to the risk posed by women offenders; custodial facilities support a recovery ethos; and with custodial facilities for women located as close as possible to communities.

I believe that the measures I have set out today provide a balanced approach to how we not only ensure women in custody are looked after as effectively as possible, but also how we will strive to reduce the number of people experiencing imprisonment. This vision is consistent with the Scottish Government's wider programme for Government priority for tackling the causes and impact of inequality – the Commission on Women Offenders (2012) found that women who offend often face multiple disadvantages both on entering and leaving custody. The vision also meets the Christie Commission (2011) principles for reforming public services with a clear focus on prevention and better integration of services and support for local delivery. It also acknowledges the interests of victims by focusing on actions that are known to better reduce reoffending and by supporting women who are often themselves victims of crime.

I hope you have found this letter helpful. I and my officials would be happy to provide the Committee with an informal briefing on this package of measures if you would find that helpful.

With Best Wishes


MICHAEL MATHESON