

## Scottish Government long-term prisoner release process: consultation

### *CJVSF response to call for views*

**Question 1:** *It is necessary to reduce the prison population in a way which is sustainable and feasible within a short period of time. This proposal is part of a package of measures to reduce the prison population. Please share any views you have on the general proposal that the point of release on non-parole licence for long-term prisoners should be at an earlier point.*

#### **CJVSF Response**

CJVSF shares the Government's concerns about rising prison numbers and are also keen to see this addressed. We understand this proposal aims to shift the balance between different sentence elements for people sentenced to 4 or more years in prison by:

- **reducing** the length of the **custodial element**
- **increasing** the length of the **community element**, during which time the person would be subject to licence conditions, supervision, and recall.

The benefits of serving sentences in the community compared to custody for individuals, families and communities are well documented, as set out in the [UNODC Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment](#). In principle, CJVSF is supportive of the general proposal to shift the balance between the 2 elements of longer-term sentences, as long as:

- The policy is effectively resourced, so that individuals and families have the support, services and programmes they need during both parts of the sentence, and the workforce do not experience unnecessary additional pressures
- Sufficient timescales are available for building relationships between staff and those being released
- Appropriate structures and processes, incorporating information sharing arrangements and referral routes, are developed to enable effective multiagency planning and delivery of support in both prison and community

Whilst we appreciate the need to reduce pressures on the prison estate, members are very clear that the solution to that problem cannot simply be to transfer pressures in the justice system on to community services, which themselves are already stretched. In response to current pressures, we understand that additional resources are being allocated to Justice Social Work to support increases in their capacity. We do have concerns, however, that there appears to be a working assumption amongst statutory partners that third sector support would also be available to deliver this policy proposal. We would therefore welcome clarification on the role and the extent to which third sector support is expected to be a part of this process, along with details of how this support would be resourced in line with [fair funding arrangements](#). The need to ensure fiscal sustainability for alternatives to imprisonment is critical to preventing an implementation gap and is also part of one of the [UNODC recommendations](#) arising from the lessons learned from the emergency release programmes undertaken across the world during the early stages of the Covid-19 pandemic. Following experiences of the recent Scottish emergency early release programme for short term prisoners, where third sector partners were asked to play a significant role without additional resource, we would urge policymakers to be cognisant of the pressures that these additional demands during times of crisis are placing on the sector and the longer-term effect that this is having on staff health and well-being and overall workforce capacity.

**Question 2:** *Please share any views you have on the general proposal that the point of release on non-parole licence should be proportionate to sentence length (as opposed to a fixed point).*

### **CJVSF Response**

In the consultation document, the Government states that, *“The same proportion would apply to all eligible prisoners. This is because those who have spent longer periods of time in custody may require more intensive support to reintegrate into the community, whereas those in custody for a short period may readjust more quickly”*.

There were mixed views amongst the members about this element of the proposal. Some agreed with the general proposal that the point of release on non-parole licence should be proportionate to sentence length (as opposed to a fixed point). Others questioned the assumption made in the consultation paper, noting that some people in custody for shorter periods of time may have complex needs and/or have experienced significant disruption to care and support (e.g. housing, medication, family relationships) and therefore may also require intensive support to reintegrate into the community. As such, they suggested that parity of support should be available based on individual need, rather than length of sentence.

Given the differing views, we are keen to better understand the assumption underlying the proposal and suggest it may be helpful to:

- Further explore with partners the evidence base underpinning the assumption stated in the consultation paper.
- Separate out and clarify the points at which:

- Throughcare/reintegration planning and support commences
- The individual is released.

**Question 3:** *Please share any views you have on the specific proposal to release most long-term prisoners on non-parole licence following two thirds of their sentence.*

### **CJVSF Response**

Members have not expressed a view on whether two thirds/one third is the most effective point at which to split the custodial and community elements of sentences. We are therefore unable to comment on whether reversing the [changes made in 2016](#) and returning to the proportions used before 1<sup>st</sup> February 2016 would be the most favourable option.

We are aware that other jurisdictions use different proportions to split certain sentences between custodial and community elements. In England and Wales, for example, the [Ministry of Justice has announced plans to temporarily reduce the proportion of certain custodial sentences served in prison from 50% to 40%](#). We would welcome a review of any wider evidence and learning that has been undertaken outwith (as well as within) Scotland to explore the impact of adopting different proportions in both custody and community settings.

Regardless of the point chosen to split sentences, members are keen to ensure that sufficient time is built in to the release process for developing relationships and enabling multi-agency pre-release planning (including undertaking effective risk and needs assessments) to ensure appropriate services and support are in place to aid a smooth transition back in to the community. This echoes the calls of the [Council of Europe's Committee of Ministers \(2003\)23](#) that releases of long term prisoners should be prepared well in advance and involve close collaboration between prisons and other services.

**Question 4:** *Would you like to offer any additional views or evidence in relation to these proposals? This could include consideration of the operational impacts of the proposed changes.*

### **CJVSF Response**

#### **SUCCESS CRITERIA**

We are keen to understand how the effectiveness of the proposed policy change will be evaluated. Members highlighted the need to include success indicators beyond prison population levels, with consideration also given to how the impact on individuals, families and communities will be evidenced.

#### **ENGAGEMENT**

To support further development of the proposals and future evaluation, we would encourage early engagement with:

- People with lived experience of long-term release processes AND people who are currently in prison (who would be likely to be affected by the proposals) and their families. This will be important for challenging any assumptions, increasing understanding of concerns and identifying areas of good practice/areas for improvement.
- Third sector organisations working with people in prison and the community. Their involvement will be key for designing effective multiagency planning processes and arrangements as well as identifying any service and/or resourcing gaps that need to be addressed to enable implementation.
- People who have been harmed by crime and organisations working with them. This will help to increase understanding of any potential fears and concerns so that these can be effectively addressed at an early stage and to ensure any messaging associated with the policy changes is trauma-informed.

### ***RELATIONSHIPS***

Risks to capacity to provide relationship-based support are particularly seen to be an issue during the initial stages of the proposals being implemented when, if the proposals do go ahead, there are expected to be around 320 people that would immediately be eligible for release. Whilst we anticipate the day-to-day numbers after that initial release would be lower, there will still be an ongoing need to ensure that fair funding arrangements and appropriate planning processes and timescales are in place to enable the workforce to be able to provide sustainable, high quality support provision on an ongoing basis.

### ***PUBLIC UNDERSTANDING***

Research by [the Scottish Sentencing Council \(2019\)](#) found that over half of people surveyed reported that they knew a little or nothing at all about the sentences given to people convicted of crimes in Scotland. This low level of understanding could undermine policy ambitions to shift the balance between community and custodial elements of sentences. Members highlighted the need to increase public awareness and understanding of sentencing and release processes.

### ***PREVENTION***

There is also a need to take actions to prevent the prison population rising again. This needs to be a comprehensive strategy, covering a broader range of factors, such as those as laid out in the [UNODC Handbook on strategies to reduce overcrowding in prisons](#). Members also noted the need to adopt a whole systems approach and to link this work with other policy developments, such as implementation of the MAT Standards, SPS strategies and the Bail and Release (Scotland) Act 2023.