



HMIPS

HM INSPECTORATE OF
PRISONS FOR SCOTLAND

INSPECTING AND MONITORING

STANDARD 7

TRANSITIONS FROM CUSTODY
TO LIFE IN THE COMMUNITY

7

INTRODUCTION TO STANDARD 7: TRANSITIONS FROM CUSTODY TO LIFE IN THE COMMUNITY

Questions which may be helpful in monitoring and inspecting the PANEL principles:

P**PARTICIPATION:**

- Are prisoners routinely able to participate in the preparation of their release plan and engage with services available to aid transition on release?
- Are all prisoners assisted and encouraged to participate fully in the development of their plan for transitioning back into the community?
- Is prisoner participation routine in the ICM process?
- Is the support provided to prisoners pre-release tailored to their individual needs, and informed by concerns they may have about re-integrating back into the community?

A**ACCOUNTABILITY:**

- Are programmes and services provided based on the needs of the prisoner population?
- Is the prison responsive to concerns and needs of the prisoners in terms of their pre-release plans?
- Does the prison systematically monitor, evaluate and review the services and programmes on offer to ensure they meet the needs of the prisoner population?
- Is there a mechanism of accountability and a remedy provided in the event that prisoners do not receive what they are entitled to?

N**NON-DISCRIMINATION AND EQUALITY:**

- Are those prisoners who are most vulnerable, marginalised or those who have a protected characteristic identified and supported?
- Are prisoners who have a protected characteristic or those who are most vulnerable supported by the prison to fully engage in pre-release services and the development of their plan?
- How would a vulnerable prisoner or a prisoner with a protected characteristic experience the services on offer in the prison under this Standard?
- Is the prison proactive in identifying barriers to participation and does it make reasonable adjustments to mitigate or remove these completely?

E**EMPOWERMENT:**

- Do all prisoners know what services are on offer to them and are supported to engage with those they are entitled to access?
- Is the prison proactive in identifying prisoners with additional needs and assisting them to fully participate in pre-release processes and services?
- Are prisoners placed at the centre of any decision made about their sentence, release plan or community integration?
- Do prisoners feel able to participate and that they can form an influential component to their pre-release process?

L**LEGALITY:**

HMIPS expect that all approaches to Transitions from Custody to Life in the Community are grounded in human rights law and in conformity with the Scottish Prison Rules. Under the Right to Liberty (Article 5 ECHR) there is a duty upon the state to facilitate the rehabilitation and release of prisoners. Standard 8 allows HMIPS to consider the efficacy of mechanisms in place to ensure this.

PROTECTED CHARACTERISTICS MUST BE CONSIDERED AND REFERENCED THROUGHOUT

Prisoners are prepared for their successful return to the community.

The prison is active in supporting prisoners for returning successfully to their community at the conclusion of their sentence. The prison works with agencies in the community to ensure that resettlement plans are prepared, including specific plans for employment, training, education, healthcare, housing and financial management.

QUALITY INDICATORS (QI)

- 7.1** Government agencies, private and third sector services are facilitated to work together to prepare a jointly agreed release plan, and ensure continuity of support to meet the community integration needs of each prisoner.
- 7.2** Where there is a statutory duty on any agency to supervise a prisoner after release, all reasonable steps are taken to ensure this happens in accordance with relevant legislation and guidance.
- 7.3** Where prisoners have been engaged in development or treatment programmes during their sentence, the prison takes appropriate action to enable them to continue or reinforce the programme on their return to the community.
- 7.4** All prisoners have the opportunity to contribute to a co-ordinated plan which prepares them for release and addresses their specific community integration needs and requirements.
- 7.5** Where the prison offers any services to prisoners after their release, those services are well planned and effectively supervised.

7.1

GOVERNMENT AGENCIES, PRIVATE AND THIRD SECTOR SERVICES ARE FACILITATED TO WORK TOGETHER TO PREPARE A JOINTLY AGREED RELEASE PLAN, AND ENSURE CONTINUITY OF SUPPORT TO MEET THE COMMUNITY INTEGRATION NEEDS OF EACH PRISONER.

FEATURES

- **Strategic leadership and oversight**
- **Clarity of role and responsibilities**
- **Effective partnership working**
- **Access to a range of support services**
- **Jointly agreed Community Integration Plans to support transition**

SPECIFICATION

There is clear strategic governance and senior management oversight of the range of partner agencies providing services within the prison, with effective communication occurring between prison managers and stakeholders.

Structures are in place to encourage and facilitate efficient partnership working and delivery of services during, and after, custody. Agencies working in the Links Centre are clear about their role and contribution to the development and delivery of mutually agreed release plans.

Prison processes are transparent and support the participation of the prisoner in sentence and pre-release planning, particularly multi-agency processes. Individual prisoners meaningfully participate in formulating their pre-release plans and are able to engage with services throughout their sentence. All categories of prisoners are able to access advice and support without undue delay.

Wherever prisoners face barriers to engaging with services to aid their release, the prison is proactive in identifying and removing them by providing support. This support could be foreign language translation, advocacy or other speech and language communication assistance.

Personal Officers demonstrate a good awareness of the range of supports available and utilise this knowledge in their interactions with prisoners to support pre-release planning.

Legal Standards

Section

Mandela Rules 2015	Rule 88(1)
European Prison Rules 2006	Rule 107.4; 107.5
Bangkok Rules 2010	Rule 46
Havana Rules 1990	Section 79

7.2

WHERE THERE IS A STATUTORY DUTY ON ANY AGENCY TO SUPERVISE A PRISONER AFTER RELEASE, ALL REASONABLE STEPS ARE TAKEN TO ENSURE THIS HAPPENS IN ACCORDANCE WITH RELEVANT LEGISLATION AND GUIDANCE.

FEATURES

- Clarity of statutory roles and responsibilities
- Effective communication between PBSW and CBSW
- Involvement of families
- Compliance with legislation and guidance

SPECIFICATION

The Integrated Case Management (ICM) process is well embedded in practice and is delivered in accordance with standards. Community Based Social Workers (CBSW) regularly attend and Prison Based Social Workers (PBSW) make an effective contribution to ICM processes via preparation of assessments, reports and formulation of pre-release plans. Where relevant, psychology services contribute to ICM processes.

The ICM process is well understood by staff and prisoners throughout the prison. ICM documentation is completed on time, is of an acceptable standard and clearly addresses prisoner individual needs and risks. Pre-release planning and plans make a contribution to protecting individuals and communities from potential harm.

All prisoners are encouraged, supported and enabled to participate meaningfully in case discussions and family members are able to participate when appropriate and with the prisoners' consent. Where prisoners require extra support to participate, the prison is proactive in providing it. This may include foreign language translation, advocacy or other speech and language communication assistance.

Personal Officers know individual prisoners well and contribute meaningfully to pre-release reports and planning meetings.

Effective communication and partnership working occurs between prison and the community including the timely transfer of assessments and reports.

Legal Standards

Section

Mandela Rules 2015
Bangkok Rules 2010

Rule 88(2); Rule 90
Rule 47

7.3

WHERE PRISONERS HAVE BEEN ENGAGED IN DEVELOPMENT OR TREATMENT PROGRAMMES DURING THEIR SENTENCE, THE PRISON TAKES APPROPRIATE ACTION TO ENABLE THEM TO CONTINUE OR REINFORCE THE PROGRAMME ON THEIR RETURN TO THE COMMUNITY.

FEATURES

- Effectiveness of Case Management Board
- Timely assessment of need
- Range of programmes to meet identified needs
- Efficient co-ordination of programme and sentence planning

SPECIFICATION

Timely access to assessment for programmes using the Generic Programme Assessment (GPA). A range of programmes are available to meet the needs of prisoners living with substance misuse, addiction or trauma related issues. All prisoners are able to access the programmes they require, and any barriers which impede access are identified and progressively removed by the SPS.

Efficient operation and management oversight of the Programmes Case Management Board (PCMB).

Community Integration Plans recognise the work undertaken whilst in prison and build upon progress made by establishing links to appropriate sources of post-release support where applicable. A process is in place to ratify release plans for both statutory and non-statutory prisoners.

When preparing for release, a Naloxone protocol is in place to ensure prisoners returning to the community understand the risks associated with accidental overdose.

Effective processes are in place to facilitate the exchange of information between the prison and community in relation to programmes that are run in the establishment, and available in the community after release.

Legal Standards

Section

Mandela Rules 2015

Rule 107

European Prison Rules 2006

Rule 107.1

7.4

ALL PRISONERS HAVE THE OPPORTUNITY TO CONTRIBUTE TO A CO-ORDINATED PLAN WHICH PREPARES THEM FOR RELEASE AND ADDRESSES THEIR SPECIFIC COMMUNITY INTEGRATION NEEDS AND REQUIREMENTS.

FEATURES

- Early assessment identifies needs and directs interventions
- Access to a range of support services
- Prisoner involvement in release plans
- Maintaining supportive relationships upon release
- Practical support on release

SPECIFICATION

There is evidence of early and continuing contact with prisoners to support sentence and release planning. Assessments identify prisoners' individual support needs, direct resources accordingly and usefully contribute to Community Integration Plans. Obstacles to reintegration are identified and removed.

Prisoners participate meaningfully in the development of mutually agreed Community Integration Plans and there is a consistency of contact with prison staff and/or support agencies to enable development of supportive relationships. Where there are barriers to prisoner participation or access to services, the prison is proactive in identifying and progressively removing them. Where prisoners require extra support, the prison provides this.

Appropriate action is taken to maintain or secure suitable post-release accommodation, as well as ensuring effective health and/or social care supports during sentence and on release.

There is timely access to drug and alcohol interventions during sentence and upon release, including prescribing services as required. Prisoners also have access to opportunities to enrol in training or education in the community prior to release.

Prisoners are encouraged and enabled to manage their financial affairs and live independently upon release, through access to information, sources of identification and the development of important life skills.

Prisoners are adequately prepared for release and where reasonable are assisted to access food and finances, and to attend appointments with support agencies upon release.

Legal Standards

Section

Mandela Rules 2015
Havana Rules 1990

Rule 108
Section 80

7.5

WHERE THE PRISON OFFERS ANY SERVICES TO PRISONERS AFTER THEIR RELEASE, THOSE SERVICES ARE WELL PLANNED AND EFFECTIVELY SUPERVISED.

FEATURES

- Access to effective Throughcare Support Officer (TSO) support
- Quality of relationships between TSOs and internal/external partners
- Senior Management oversight and governance
- Support, training and review

SPECIFICATION

TSOs form and sustain effective relationships with prisoners and partner agencies, making effective arrangements in order to support successful transition from custody to the community. This includes signposting towards relevant services where appropriate.

Individuals with complex needs are helped to engage with community supports prior to withdrawal of TSO support, and all prisoners receive assistance in terms of immediate needs e.g. accessing food, clothing and shelter upon release.

Progress and outcomes are monitored and regularly reviewed to evaluate the effectiveness of the service and inform future developments.

Appropriate language is used and there is a commitment to reducing stigma and obstacles for those transitioning from prison to the community.

Individuals leaving custody have equitable access to services such as housing, healthcare, welfare advice and opportunities to utilise their time constructively.

Legal Standards

Section

European Prison Rules 2006

Rule 33.7; 72.3

PARTICIPATION

ACCOUNTABILITY

NON-DISCRIMINATION
AND EQUALITY

EMPOWERMENT

LEGALITY

QI ADDITIONAL LEGAL STANDARDS	SECTION
7.1 CoE Guidelines Regarding Radicalisation and Violent Extremism 2016	Section 27
Basic Principles for the Treatment of Prisoners 1990	Principle 10
CoE Recommendation on the Management by Prison Administrations of Life Sentence and other Long-Term Prisoners 2003	Section 33
CoE Recommendation on Juvenile Offenders Subject to Sanctions or Measures 2008	Section 102.1-102.3
7.2 CoE Guidelines Regarding Radicalisation and Violent Extremism 2016	Section 38
CoE Recommendation Concerning Foreign Prisoners 2012	Section 35.3
CoE Recommendation on Education in Prisons 1989	Section 12.5
CoE Recommendation on Juvenile Offenders Subject to Sanctions or Measures 2008	Section 100.1-100.3
7.3 CoE Guidelines Regarding Radicalisation and Violent Extremism 2016	Section 37
7.4 CoE Recommendation Concerning Foreign Prisoners 2012	Section 35.1
CoE Recommendation on the Management by Prison Administrations of Life Sentence and other Long-Term Prisoners 2003	Section 33
CoE Recommendation on Juvenile Offenders Subject to Sanctions or Measures 2008	Section 79.3-79.4
7.5 No additional rules	



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