

What next for prisons in Scotland?

Reflections on five years as HM Chief Inspector of Prisons for Scotland

David Strang

Introduction

Scotland has one of the highest rates of imprisonment in Europe. Does our use of imprisonment as a sentence contribute to a reduction in crime? What is the impact of prison on someone who serves a prison sentence?

As HM Chief Inspector of Prisons for Scotland for the last five years, I have regularly visited every prison in Scotland and have formally inspected all of them at least once in that time. The purpose of the criminal justice system is to reduce the number of victims of crime by preventing offending and, when it happens, responding to the consequences.

The Scottish Government's ***Vision and Priorities for Justice in Scotland*** acknowledges that a prison sentence should be reserved only for people who have committed serious crime or pose a significant risk to public safety. It recognises that imprisoning people for short periods is counterproductive; people are more – not less – likely to reoffend after serving a short custodial sentence. As HM Chief Inspector of Prisons for Scotland, I have seen too many people in prison for short sentences who I believe should not be in prison and whose incarceration is more likely to result in further victims of crime.

Overall, prisons in Scotland are places of stability and order, where opportunities are offered to prisoners to take part in constructive activities. Positive relationships underpin much of the good results that are achieved. In most prisons, the conditions and facilities are of a modern standard. There remains, however, a need for greater attention to preparing people for their release and reintegration back into their community, and for more tailored approaches to the needs of particular population groups in prison.

Prisons in Scotland

The majority of prisons in Scotland have been built in the last 20 years, with modern facilities and residential accommodation of a suitable standard for the 21st Century. There remain four prisons which are over 100 years old and are in need of replacement.

Relationships

More important than fabric is the quality of relationships in a prison. Positive relationships are key to the successful running of a prison. I have been impressed and encouraged by the quality of relationships I have seen between staff and prisoners in most prisons in Scotland. This undoubtedly contributes to the safety and good order of our prisons. Most prisoners and staff tell me that they feel safe – something we should not take for granted.

Constructive relationships also play an important role in supporting people to reintegrate successfully back into their community at the end of their sentence. Over the last five years, I have seen greater emphasis on enabling people in prison to maintain positive and constructive family relationships, particularly with their children. This is important not only for the prisoners, but also for the wellbeing of their families. Some prisons now have Visitor Centres, which provide a positive environment to encourage and support people visiting their family and friends in prison.

Throughcare

The preparation and support of people leaving prison has developed in recent years with the introduction of Throughcare Support Officers, and other Third Sector organisations which provide mentoring for people leaving prison. This is particularly important in those critical first few days after liberation, when assistance is vital to ensure that arrangements are in place for accommodation, finance and healthcare registration. Without these basic requirements for a stable life in the community it is twice as hard to progress to a positive life outside prison.

Successful support is based on good relationships, which need to be developed in advance of someone walking through the gate out of prison. There needs to be continuity of relationship to ensure that sustained progress can be made.

Housing

Notwithstanding the improvements in throughcare support, there remain considerable obstacles for people leaving prison at the end of their sentence. I see too many people who on their day of liberation do not know where they will be living. Many end up homeless, or in very temporary – and often unsuitable – accommodation. The consequences of this are clear: it is too easy to revert back to their previous lifestyle of reoffending in the company of unhelpful influences, and any positive progress made in prison is lost. There needs to be much greater co-ordination between the prison service and housing providers to ensure that suitable accommodation is available for people leaving prison.

Access to funding

Similarly, I have seen too often people leaving prison with approximately £75 in their pocket and with the prospect of having to wait several weeks before being eligible for basic benefits. We should not be surprised in these circumstances that people are at risk of returning to reoffending and a possible future prison sentence. More practical support is needed with basic life skills to assist people adjust to independent living.

Health and social care

The most frequent area of complaint made by prisoners to Independent Prison Monitors and Inspectors relates to the provision of healthcare in prison. It is recognised that people in prison experience poor health, with higher levels of addictions and mental health problems than the wider Scottish population.

Prisoners transferring from one prison to another can find their medication and care plans altered, depending on the policy of the Health Board area where they are located.

I am pleased to note that the Scottish Government is developing a collaborative approach to health and social care across the justice system, which will include the provision of health and social care for people in prison. The needs for reform in this area are pressing and it seems that initial progress is slow. However, this approach undoubtedly has the potential to improve the healthcare of people in prison and the important links to healthcare provision in the community.

Older prisoners

People over the age of 50 are the fastest growing group of prisoners in Scotland. In 2017, I published a report based on the experience of older people in prison – ***Who Cares? The lived experience of older prisoners in Scotland's prisons***. This identified the distinctive needs of the increasing, older population of people in prison. The report highlighted such issues as the unsuitability of accommodation for those with mobility problems and the need for suitably identified and trained staff. There was a lack of appropriate activities for older prisoners and concern about end of life care in prison. Relationships in prison were key to older prisoners' experiences. Many told us of their loneliness and sense of isolation and their fears of dying alone.

The report identified a pressing need for a tailored strategic approach to the complexities of caring for older prisoners. There is still an urgent need for a strategic approach to social care in prison and greater clarity on where responsibility lies for its provision.

Women

The Angiolini *Commission on Women Offenders* report, published in 2012, identified the high rates of poor mental and physical health, incidences of trauma and severe victimisation of women in prison. It recommended a distinctive, gendered approach that meets the needs of women in prison.

In response, plans are well advanced for the replacement of HMP & YOI Cornton Vale with a smaller national prison for women and two Community Custody Units in Glasgow and Dundee. These Units have the potential to allow women to serve their prison sentence at a location closer to their home, thereby enabling them to maintain family and community links in a way which will be constructive and helpful for their return to the community.

The number of women in custody remains stubbornly high at over 350. Given that the new configuration of the female custodial estate will provide only 230 places, much work is still required to reduce the number of women in custody ahead of the new prison's opening in 2020. There needs to be a greater use of alternative sentencing, more diversion from prosecution and enhanced support for women to prevent offending.

Young people

One of the most encouraging factors over the last five years has been the significant reduction in the number of young people in custody. This illustrates what can be achieved when all those involved work closely together towards a shared objective.

Whilst the reduction in the population of those in custody under 21 is welcome, I am still concerned that many of the young men in HMP & YOI Polmont spend extended periods locked in their cells. Many of these young people have complex and challenging backgrounds. For this reason, much greater effort is required to engage with them to participate constructively in the purposeful activities which are on offer. Constructive participation will encourage successful reintegration back into their communities at the end of their sentence.

Progression and population management

A common issue identified by Independent Prison Monitors and Inspectors relates to the lack of progression for those serving longer sentences. Prisoners report that they are unable to progress through their sentence because they have not been able to access the necessary offence-related programmes. There are considerable waiting lists for many key programmes. As a result a substantial number of people are not able to demonstrate to the Parole Board that they have completed the programmes required for consideration for parole.

Of perhaps greater concern is that prisoners are at risk of being released into the community without having completed treatment programmes designed to reduce future reoffending.

For some time, the Scottish Prison Service has been reviewing the management of its overall population, particularly older prisoners, those convicted of sexual offences, and prisoners held on remand. At present, there are too many people held in prisons where there are insufficient places for their particular category of prisoner. This means that the prison regime and opportunities for activities are restricted. Prisoners who are required to undertake offence-related programmes are often unable to access them, without transferring to a different prison. A refreshed strategy for the overall management of the prison population in Scotland is urgently required.

Access to the internet

If people leaving prison are to be well-equipped to integrate into society it is clear to me that they need to have digital life skills. There is currently very limited opportunity for prisoners to engage with IT and learn to operate in the digital world. Prisoners attending the learning centres in prisons are unable to access online resources that are available to students in other educational environments; this should be addressed as soon as possible. In some prisons it is possible to apply on-line for Universal Credit, but there needs to be a new approach to equipping prisoners with ICT skills.

HM Inspectorate of Prisons for Scotland

HM Inspectorate of Prisons for Scotland (HMIPS) is a member of the UK National Preventive Mechanism (NPM), established as a consequence of the UK being a signatory to the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The principle of preventive monitoring and inspecting to protect the rights of people in detention is at the core of the work of the Inspectorate. In 2015, Independent Prison Monitoring was established as a responsibility of HMIPS. There are now 120 IPM volunteers across Scotland, visiting every prison, every week. This is a powerful mechanism to prevent harms in prison and to encourage positive outcomes for prisoners.

The Standards for Inspecting and Monitoring Prisons in Scotland set out clearly what is expected of a well-run prison. They are based on international human rights law and underpin HMIPS' human rights-based approach to monitoring and inspecting prisons with a view to protecting the human rights of prisoners.

I am grateful to the other inspecting and monitoring bodies which contribute to the HMIPS inspections of prisons – Healthcare Improvement Scotland, Education Scotland, Care Inspectorate, and the Scottish Human Rights Commission.

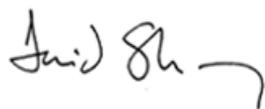
Conclusion

Scotland has much to be proud of in how its prisons are run. Work needs to continue to reduce the reliance on short-term prison sentences particularly, which will lead to fewer people in prison. Greater use of community disposals by the courts and, before that, more diversion from prosecution is needed. There is scope for increasing the use of electronic monitoring, or tagging, to manage people in the community rather than in prison.

We need to do more to reduce the barriers to successful reintegration, so that when people leave prison at the end of their sentence they are less likely to return to prison in the future. One of the greatest of these barriers is the stigma associated

with a criminal conviction and prison sentence. Too often society puts these unhelpful barriers in place for those who most need support to get (back) into the employment market. If we are serious about rehabilitation and successful reintegration, rather than focussing only on the past wrongs a person has committed, we should put much greater emphasis on developing the potential for good that lies in them.

Much of what people in prison need cannot be delivered by the Scottish Prison Service alone. Provision of throughcare services before and after their liberation are essential to successful reintegration. These responsibilities lie not just with the Scottish Prison Service, but with wider services such as education, housing, healthcare, employment and welfare benefits. Fundamentally these are dependent not so much on the criminal justice system, but on wider social justice issues of poverty, inequality, exclusion and marginalisation.



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