

Submitted to Sentencing and Penal Policy Commission: Call for Evidence
Submitted on 2025-05-23 20:10:31

Community Sentencing

1 What changes could be made to community sentences and other alternatives to prison to reduce crime, protect victims, and create safer communities?

Please provide your answer here.:

Consistency of options available across Scotland is required. We have effective, accredited programmes and increased levels of supervised bail and electronic monitoring which are positive developments, but options need to be well resourced and available to everyone regardless of postcode. Additionally, there is an over reliance upon the Third Sector which is poorly funded.

Orders could have more in-built flexibility so that they may be tailored to each individual's needs and support compliance.

Justice services staff are well trained in meeting the needs of individuals and they employ creativity and flexibility in their supports, however, are often reliant upon other services to provide specialist assistance where it is required e.g. Community Psychiatric Nurse input, accommodation, financial help etc. Justice services may be the lead partner in supporting individuals with community sentences, but as they are often dependent upon other partners for successful delivery and meeting all of an individual's needs, a partnership approach is required that recognises the shared responsibility to deliver effective interventions. Co-ordination between some services could be improved for example, access to a care package or Independent Sector Provider treatment. It is important therefore within multi-agency disciplinary working, to recognise the limitations of the justice services remit and be realistic on what it can achieve.

We have observed a pattern whereby offences traditionally receiving 12-18-month Community Payback Orders (CPO) are now being handed two- and three-year CPOs. For example, for non-contact sexual offences/downloading, a three-year CPO may be applied. While this keeps the individual out of prison, a three- year CPO is not necessarily proportionate; it negatively impacts on the justice services' workload and also keeps an individual on the Sex Offenders Register for longer. Justice services staff can provide robust assessments but are dependent on sentencers applying sentences that do not place a longer-term strain on our community resource. If longer term CPOs are to be handed down to keep people out of prison, community interventions must be properly resourced.

CPOs do, however, allow for greater flexibility, allowing staff to work with people to support compliance. There could also be greater use of structured deferred sentences as they can assist in the preparation for people embarking upon Orders and can reduce the risk of a breach.

To keep people out of the justice system more resource needs to be applied to preventative work as opposed to crisis interventions. More resource is required to support people to deal with Adverse Childhood Experiences and trauma. Significant pressures exist in provision for people excluded from schools while community youth projects are underfunded. There are also long waiting lists for Child and Adolescent Mental Health Services (CAMHS) assessments and for neurodiversity assessments. The housing crisis continues to impact many. A public health approach is required to manage those challenges, keep people out of prison, and prevent young people from becoming involved in organised crime. All justice services and staff must be trauma informed so that people in the justice system can be kept safe and stable while waiting for those aforementioned assessments and services. Justice services support a greater use of community sentences and for prison to be reserved for people committing serious harm; our justice social work reports reflect this however our recommendations are not always followed. It would be helpful to have an improved interface between justice services and sentencers which may provide greater confidence in community sentencing.

Bail and Remand

2 In your view, what are the priority issues affecting bail and remand? In Scotland, what needs to change and why?

Please write your answer here.:

Edinburgh's bail assessment numbers are high however more work is needed to understand the reason for our comparatively low conversion rates. It is expected that the enactment of the Bail and Release from Custody (S) Act 2023 will support improvements in this area.

We have observed that people are being made subject to standard bail conditions when our assessments have recommended supervised bail given the level of need presented which may include for example, supports with accommodation, and substance use. Additionally, Electronic Monitoring with standard bail does not provide the supports people require therefore we consider it important to continue to recommend supervised bail which allows for the developing and preserving of relationships and supports facilitated by it.

The length of time that people remain on Supervised Bail Orders are a cause for concern as some people feel they are forgotten within the system.

Delays in cases being brought to court leave many people in limbo, waiting for long periods, and they become disheartened as their lives are placed on hold. Justice is not speedy and for those found not guilty particularly unfair, given the time lag which for example can be up to 2 years.

More could be done to update victims, as often they are not informed by the Court of decisions made in relation to cases in which they are involved.

Additionally, the mistaken belief that justice services have the power to enforce compensation Orders to victims prevails.

Release from Prison Custody

3 In your view, what are the priority issues affecting release from prison custody? In Scotland, what needs to change and why?

Please write your answer here.:

Key issues include access to suitable/affordable housing, challenges relating to the Parole Board, and the significant pressures faced by the Scottish Prison Service (SPS) which impacts on their ability to provide appropriate programmes for people in custody.

Many people in custody are unable to access opportunities to address offending behaviours due to staffing and other challenges experienced by SPS. For

people being released having served a long sentence including those being released from an open estate, it is important that they are adequately prepared and have experience of the outside world including the changes in everyday life which will impact them such as technological/digital developments. Without the right intervention, people being released may not be prepared and community based social work is limited in its ability to support them in that it cannot replicate prison-based programmes.

Currently, many people progressing through the SPS system are released before they are ready having not received adequate SPS supports including supports relating to their local connection if they are incarcerated far away from their hometown. The provision of more medium secure units and local area halfway houses would facilitate supporting people to make the transition into their local community having maintained their local connections. It is also worth exploring whether custodial sentences could be used flexibly for example, requiring individuals to serve their sentences at weekends or during the daytime only.

More investment, therefore, is needed across SPS to ensure that people serving a custodial sentence get the prison-based supports they need; currently people receive what the system can provide rather than what they need.

For people being released after a short sentence without License and access to a social worker, throughcare offers an invaluable support however this needs to be properly resourced for example, with accommodation arranged prior to release and increased use of gate pick-ups.

Making progress on past recommendations and implementation

4 Are there any recommendations from the McLeish Commission or subsequent reports by other bodies that haven't been put into action yet but could still be beneficial?

Please write your answer here.:

Although the Commission recommended that imprisonment be reserved for people whose offences are serious and who pose a threat of serious harm to the public, people are being sent to prison for short sentences and remand numbers remain high.

Justice services remain open to innovative practice and technological developments to support keeping people out of prison. However, for those serving a custodial sentence the SPS Training for Freedom scheme must be retained, delivered, and adequately resourced.

The role of justice social work is unique and valuable, operating within a well-established and effective framework however there are concerns as mentioned above, that adequate supports are not provided for people at the right time and the existing system needs to be better resourced. Justice services are also open to doing things differently and would welcome Community Justice Scotland taking the lead on innovations and sharing good practice nationally.

About you

What is your name?

Name:
suzan ross

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:
Justice services for adults, the City of Edinburgh Council

Further information about your organisation's response

Please add any additional context:

n/a

The Sentencing and Penal Policy Commission would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

Do you consent to the Sentencing and Penal Policy Commission contacting you again in relation to this consultation exercise?

Yes

What is your email address?

Email:
suzan.ross@edinburgh.gov.uk

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Where did you hear about this consultation?

Social media/email of an organisation you follow

If other, please say where::

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Slightly dissatisfied

Please enter comments here.:

didn't seem to have much time to respond, wasn't open very long

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Slightly satisfied

Please enter comments here.: