

Cross Party Group on Women, Families & Justice Virtual Meeting

Wednesday 15 September 2021, 6.30pm-8.00pm

Present

Rona Mackay	MSP
Miles Briggs	MSP
Katy Clark	MSP
Michelle Thompson	MSP
Collette Stevenson	MSP
Audrey Nicol	MSP
Maggie Chapman	MSP
Anne Pinkman	
Paul Aitken	Senior Caseworker for Rona Mackay MSP
Mags Higgins	Justice for Women
Barbara Orton	Justice for Women
Frances Orr	Justice for Women
Tracey McFall	CEO, Partners in Advocacy/ Chair Criminal Justice Voluntary Sector Forum (CJVSF)
Lesley Simson	Social Work Scotland
Juliet Brook	Mental Welfare Commission
Kathleen Russell	Fife College for Learning & Skills(SPS)
Rhona Innes	Shine
Carol Dearie	
Elyse Brown	
Georgina Lyttle	Circle
Rose McConnachie	Community Justice Scotland
Cara Jardine	University of Strathclyde
Tamara Jones	
Janice Wilson	
Louise Gallagher	Public Health Greater Glasgow & Clyde NHS
Laura van der Hoesen	Families Outside
Amy McMonagle	Scottish Parliament Researcher

2.Apologies

Lyndsey Wilson- Hague	Phoenix Futures Scotland
Alison Hendry	Angus Community Justice Partnership
Anne Gallacher	Tomorrows Women
Margaret Mowatt	Soroptimist International Scotland South Region

Adele Hill

Criminal Justice Voluntary Sector (CJVSF) & Access to Industry

Anne Pinkman advised Group of death of Ron Lancashire, CJP member, in April 2021

3. Proposal to merge CPG Women & Justice with CPG Families Affected by imprisonment

Rona MacKay informed the Group that currently there are so many Cross-Party Groups in the Scottish Parliament that MSPs often struggle to attend them. Following discussion Rona Mackays proposal is to merge the Cross Party Group Women & Justice with the CPG for Families affected by imprisonment to create a new CPG Women, Families & Justice. Anne Pinkman & Adam Wilson have circulated the proposals of the 2 CPGs and the proposal for the new CPG. They are

CPG Women & Justice

The purpose of the Group is to focus on every aspect of women's experience of the justice system.

CPG Families affected by Imprisonment

The purpose of the group is to highlight the issues faced by families who are affected by a relative's imprisonment.

Proposed – CPG Women, Families and Justice

The purpose of the Group is to focus on every aspect of women and families experiences of the justice system.

Rona Mackay proposed the merger of the CPG Women & Justice and CPG Families affected by imprisonment to create the CPG Women, Families & Justice. There were no objections and the proposal was agreed.

The Convenor of the newly formed CPG Women, Families & Justice will now require to submit a request to establish the CPG to the Scottish Parliament Standards, Procedures and Protocol Committee who will in turn invite the Convenor to attend for discussion and approval

4. Initial meeting of CPG Women, Families and Justice

Appointment of Convenor- Rona Mackay MSP

Proposed Katie Clark, MSP

Seconded Anne Pinkman

Appointment of Vice Convenor - no nominations. Following meeting Collette Stevenson MSP agreed to take on this role.

Appointment of Secretariat- Anne Pinkman
Proposed Rona Mackay MSP
Seconded Tracey McFall

5.Minutes of previous meeting of CPG Women & Justice 10 February 2021

Anne Pinkman informed of an error/ typo at Item 7 Going Forward: Priorities & Challenges. Para 1, Sentence 4 (lines 3 & 4) to be deleted. Para 2 to be deleted.
Minutes – Approved Wendy Sinclair-Giebens, Seconded Rona Mackay

Minutes of previous meeting of CPG Families Affected by Imprisonment, 24 February 2021

Adam Wilson reported that the 2 actions from this meeting have been completed. If members want information on these actions, they should contact Adam Wilson directly.
Minutes – Approved Adam Wilson, Seconded Rona Mackay MSP

6.Priorities and Work Plan 2021-2026

Rona Mackay is keen to identify priorities for this CPG in this current parliamentary term. One area Rona is keen to include is the continued use of prison for women convicted of low level offences. The failure to address this issue despite the publication of the Angiolini Commission almost 10 years ago, as noted by the Scottish Parliament Justice Committee this week.

Womens Community Court

Barbara Orton and Mags Higgins from Justice for Women presented their proposal to establish a Womens Community Court which they believe will provide a solution to the unnecessary imprisonment of the 80% of women who commit low level offences each year. The model is to produce a social and community justice response to these women. A model of the Womens Community Court was shown and illustrated the part it played in the criminal justice system (a copy of the model is attached with this minute). The model has been “stress tested” over the past 3 years with discussions held with key criminal Justice partners including the Crown Office and Procurator Fiscal Service (COPFS). The model provides COPFS with an additional method of disposal i.e. the offer to women to be dealt with by the Womens Community Court or alternatively by the Sherriff Court. The womens Community Court would have a lay panel of members including representatives. The Womens Community Court would be supported by local authority Criminal Justice Social Work Services who would provide Background Reports and a 12 month plan of holistic support for the women. Justice for Women acknowledged the obvious parallels with the Children’s Hearing System but are keen to include a Public Health approach too. Holistic support for the women will be provided in local Womens Centres, a ‘One Stop Shop’, which will be available for all women within and not exclusive to women involved on offending. The resources for these centres will be achieved by the transfer of funds from the Scottish Prison Service. The decrease in the number of women being sent to prison will enable the transfer of resources and enable prison officers to be retrained to work in the Womens Centres.

Mags Higgins mentioned that the guidance published by Community Justice Scotland in 2020 on Diversion from Prosecution is helpful guidance that could be adapted for the Womens Community Court.

Rona Mackay thanked Justice for Women for their presentation. She noted the model did not address use of **Remans and Supervised Bail**, both areas that should be a priority area for the CPG.

Rona Mackay also advised that the Cabinet Secretary for Justice **Keith Brown stated at the Justice Committee that he is looking for radical solutions to reduce prison numbers.**

Rona Mackay also mentioned that Ash Denhham (now known as Ash Reagan) the Community Safety Minister has a specific remit for Women and Justice.

Rona Mackay will share the model for Women's Community Courts with Ash Reagan and invite her to the next meeting of the CPG.

Significant discussion took place in relation to both the Women Community Courts and other potential priority areas for the CPG to focus on.

Is there an evidence base for the Womens Community Courts?

Lesley Simpson Service manager for Justice Services in Aberdeen reported that they are currently operating a hybrid model of the Women's Community Court using both Diversion from Prosecution and a Problem-Solving Court. Local Sheriffs are very supportive. They have a Women's Centre where women receive the support they require from a range of services. Aberdeen CJS have seen a significant reduction in the numbers of women serving prison sentences.

There are differing views whether **Womens Centres** should be available for all women in the community or exclusively for women involved in the criminal justice system. The Angiolini Commission recommended the latter while women using the Womens Centre in Aberdeen would have liked to have been able to access the Centre earlier.

Tracey McFall, Chair of CJVSF, stated that **the role of the 3rd sector** must be a priority for this CPG in the delivery of services and support to women and families involved in the criminal justice system.

The Justice Committees recent roundtable discussions on the big issues facing justice identified **the need for Courts and Sentencers to be better informed on trauma, ACE's (Adverse Childhood Experiences) and the impact of imprisonment on women, care givers and children.** Audrey Nicoll, MSP, and Convenor of the Justice Committee also assured that Women & Justice are an area of interest for the Justice Committee. Audrey Nicoll also made mention of her previous experience as a police officer where she described the experience of women in police custody as undignified.

The recently published Scottish Sentencing Council report on the sentencing of young people is welcome.

Concern was expressed by various members including the Chief Inspector of Prisons, Wendy Sinclair Giebens, about the **continued use of prison for children up to the age of 18**. These children should be placed in Secure Care. Concern was also made about the lack of prevention and early intervention for young girls coming to the attention of the police. Too often these young girls progress through Residential Care, Secure Care and then adult prison. Many of these same young women go on to commit suicide. As stated by Caro; Dearie , the women in prison now are the girls of Secure Care yesterday, and the girls in Secure Care now are the women in prison tomorrow.

Wendy Sinclair Gibens also raised the issue of **women with mental health problems and learning difficulties being placed inappropriately in prison**. She mentioned the existence of Womens Care Centres in Western Australia for women with Forensic / mental health problems as an alternative to prison. The concern of women with mental health caught up in the criminal justice system was echoed by Juliet Brock of the Mental Welfare Commission.

A final area of concern raised by Wendy Sinclair Giebens related to **the impact on children whose mother is in prison**.

The Cabinet Secretary for Justice, Keith Brown, is to launch a **consultation on a new Bill on Bail and Support Bill**

Rose McConnachie, Community Justice Scotland, highlighted the **National Care Review** that is currently taking place. Included within this Review is the opportunity for criminal justice social work services to be transferred to a new National Care Service. This could potentially provide opportunities to meet the needs of women who offend.

Other areas to influence and be aware of include: SPS reviews of their Mental Health and Families Strategy; and a new National Community Justice Strategy for Scotland.

The numbers of women in prison currently exceeds the number of spaces available for women in the new custodial estate, with only 2 of the 5 Community Custody Units (CCU's) being built. Decisions on the remaining 3 CCU's will not be taken until the first 2 CCU's have been operational and evaluated.

Maggie Chapman, MSP, stated that there was clearly a need for radical reform and reiterated the importance of using a trauma approach. Katie Chapman, MSP, questioned why it was so difficult to reduce the number of women on prison when it appears there is a political consensus for this to happen.

The importance of **trauma informed approach** is acknowledged as the correct approach but concern was expressed that this term and approach may be used too frequently. Are front line staff trained and fully equipped to deliver services and support to women in a trauma informed way? Audrey McGonagle, Scottish Parliamentary Researcher warned of the need for appropriate training and the disabling effect imprisonment has on women.

Nancy Loukes, Families Outside, referred to the work of the Prison Reform Trusts (PRT) Transforming Lives that Families Outside and Anne Pinkman were involved in including the report What about me? the impact on children when a mother goes to prison.

Nancy also mentioned the new **Sentence Process guidelines** produced by the Scottish Sentencing Council and approved by the High Court of Justiciary in July 2021. These guidelines will require sentencers to consider the impact of imprisonment on children and families. Some research is also being undertaken by Sarah Beresford on Family Impact Assessments for use by Sentencers.

Rona Mackay thanked everyone for their contributions. She acknowledged the wealth of knowledge and experience of CPG members. There are so many issues affecting women and families affected by the criminal justice system that require to be addressed. Rona will now reflect on all issues identified and discuss with Anne Pinkman and Adam Wilson a proposed Work Plan for the coming 12 months and present this at the next meeting.

Actions

Rona Mackay to invite Ash Reagan, Minister for Community Safety to next meeting of this CPG

Rona Mackay to invite Keith Brown, Cabinet Secretary for Justice, to future meeting of this CPG.

7. Agency Updates

Wendy Sinclair-Giebens advised that the Deaths in Prison Custody Review should be published later this year. Wendy has co-chaired this Review with Nancy Loukes, CEO Families Outside and Judith Roberts, Chair of the Scottish Human Rights Commission. Their work has involved seeking the experiences of families who have lost a family member whilst in prison.

Wendy offered to provide an overview of the Report at a future meeting.

Wendy Sinclair Giebens also reported that the Council for the Prevention of Torture have produced a progress report on the addressing the recommendations made in their Inspection Report

Anne Pinkman and Adam Wilson will liaise to broaden membership of this group to include women and families with lived experience of the criminal justice system.

Anne also encouraged members who had not already done so to view the films she was involved in producing on Safeguarding Children when a mother goes to prison. The links to 2 of the films. One for mothers at risk of custody, and Ang's story that tells of the impact a prison sentence has on a mother and her 2 sons. These films can be accessed at www.cjpinkman.com

8. Date of Next meeting – provisionally set for Wednesday 8 December 2021 6pm-7.30pm pending approval of the new CPG Women, Families and Justice by the Scottish Parliament Standards, Procedures and Public Appointments Committee.

9. Links to the various reports mentioned in the Chat facility

Getting it Right for Families Affected by Imprisonment, Lessons learned from 10 years of Research, Cara Jardine et al

<https://www.sccjr.ac.uk/wp-content/uploads/2021/06/Getting-it-right-for-families-Briefing-Paper.pdf>

Scottish Sentencing Council, Sentencing of Young People -report on public consultation exercise

<https://www.scottishsentencingcouncil.org.uk/media/2141/final-ssc-report-on-sentencing-young-people-public-consultation.pdf>

Scottish Parliament Justice Committee, 15 September 2021, Roundtable discussions on Prison and Prison Policy, and Reducing Youth Offending, offering community justice solutions and alternatives to custody.

<https://www.scottishparliament.tv/meeting/criminal-justice-committee-september-15-2021>

Community Justice Scotland, Diversion from Prosecution Guidance.

https://communityjustice.scot/reports_and_stats/diversion-from-prosecution-guidance/

Scottish Government Review of Aberdeen Problem Solving Approach Report, 2018.

<https://www.gov.scot/publications/review-aberdeen-problem-solving-approach-report/pages/5/>

Prison Reform Trust Transforming Lives Project

<http://www.prisonreformtrust.org.uk/Publications/vw/1/ItemID/918>

Prison Reform Trust Report, What about me? The impact on children when mothers are involved in the criminal justice system.

<http://www.prisonreformtrust.org.uk/portals/0/documents/what%20about%20me.pdf>

Beyond Glass Walls, How Domestic Abuse Victims Experience the Criminal Justice Process in Scotland, Dr Emme E Forbes, University of Glasgow

<https://www.sccjr.ac.uk/wp-content/uploads/2021/02/Dr-Emma-E.-Forbes.pdf>

Hard Edges Scotland Report, Lankelly Trust

<https://lankellychase.org.uk/publication/hard-edges-scotland/>

Healthcare in Prisons, Scottish Parliament Report 2017

<https://digitalpublications.parliament.scot/Committees/Report/HS/2017/5/10/Healthcare-in-Prisons>

Prison Reform Trust, Out of the Shadows- Women with Learning Disabilities in contact with, or on the edges of, the criminal justice system, 2018

<http://www.prisonreformtrust.org.uk/Portals/0/Documents/Out%20of%20the%20shadows.pdf>