

sacroSANCT

August 2008

SAFEGUARDING COMMUNITIES – REDUCING OFFENDING

GRASP THE NETTLE

AS an organisation committed to innovation in the way society deals with offending and its consequences, we were both encouraged and enthused by the recently published findings of the Scottish Prisons Commission.

We have responded to the Commission's report, *Scotland's Choice*, in some detail in this issue but I do not think it will spoil the ending to say we endorse the whole package of measures and regard the proposal as one of the most important in recent times.

The report has already received widespread endorsement from those working within the criminal justice system in Scotland and this means it is not a document to be ignored or taken lightly. As Commission Chair, the Rt Hon Henry McLeish put it "doing nothing is not an option".

I have been encouraged by Kenny MacAskill MSP, Cabinet Secretary for Justice's response to the report to date and I am delighted he has agreed to my request for a meeting to discuss the Commission's findings. The recommendations, however, are just that and it is now up to Government to consider how, when and if the proposals are implemented. It will take a courageous administration to progress these measures and in particular, to garner the support of the public, the media, the judiciary and the court service for such wholesale changes to the current system.

Funding these proposals will also be an issue and significant investment will be required to overhaul the criminal justice system so radically. Nevertheless, the safety of our citizens and communities must be paramount if Scotland is to fulfil its potential and become a safer and more cohesive society.

Scotland is at a crossroads and if the Government "grasp the nettle" and implement this package of reforms, Scotland has a unique opportunity to not only catch up with much of Europe in how offending is addressed but to provide a model for civilised society in the 21st century.

The current round of funding cuts shows no signs of abating and it is no consolation that Sacro is not alone in having to withdraw valuable services. We are doing all in our power to minimise the effects of these cuts on our services and staff and the resultant impact on the communities we serve. It is a difficult time for us all and we can only hope that the situation stabilises before too long.



“Scotland has a unique opportunity to not only catch up with much of Europe in how offending is addressed but to provide a model for civilised society in the 21st century”

Given this adverse climate, it is immensely encouraging to report on new Sacro services as well as successes with many of our existing ones. The recent launch of our Scottish Community Mediation Centre and the progress resulting from Amber, our partnership with Edinburgh Cyrenians which works with young homeless people, give us reason for optimism.

We are also delighted to report that our Community Based Reparation Service in Aberdeen has recently received an *Outstanding Scheme* award in the *Howard League for Penal Reform's Community Programme Awards*. This is the third year in a row that Sacro has been the recipient of an award from the Howard League and our congratulations go to everyone involved with the service.

These are certainly interesting and challenging times for Sacro and as always, we welcome your comments on the issues raised in *SacroSanct*.

Susan Matheson, Chief Executive, Sacro.

A PLAN IS BORN

Sacro responds to the Scottish Prisons Commission's recently published report.

THE SCOTTISH PRISON COMMISSION'S nine month examination into Scotland's use of imprisonment came to fruition on 1 July with the publication of its 82-page report, *Scotland's Choice*. Chair of the Commission, The Rt Hon Henry McLeish, described the report's recommendations as "bold reforms, rooted in common sense and evidence".

Sacro very much welcomes the bold, evidenced-based package of recommendations proposed by the Commission. We congratulate the Scottish Government for the progressive and courageous step they took in establishing the Commission in September 2007 to examine Scotland's use of imprisonment in the 21st century, giving it the remit to:

- > consider how imprisonment is currently used in Scotland and how that use fits with the Government's wider strategic objectives;
- > raise the public profile of this issue, providing better information to allow a deeper understanding of the options, outcomes and costs;
- > assess the impact for courts, prisons and community justice services of early release provisions of the *Custodial Sentences and Weapons (Scotland) Act 2007*.

The principles guiding the Commission are ones which Sacro applauds:

- > Punishment must be visible, swift and fair;
- > Communities should be at the heart of penal reform and action;
- > Prison populations must be controlled to achieve Scotland's wider strategic objectives;
- > Scotland can be an international model.

We also firmly agree that "gaining control over prison number is the necessary first step to limiting its damaging effects and to focus efforts on more effective punishments".

The report contains 23 recommendations which Mr McLeish stressed should be implemented as an integrated package. Sacro would endorse the whole package and we have been advocating many of the individual recommendations for some years e.g. *recommendation 1* states that "that imprisonment should be reserved for people whose offences are so serious that no other form of punishment will do and for those who pose a threat of serious harm to the public". We made such statements too, having been informed by our experience of over 35 years in the field and from our own evidence based research.



“These are bold reforms, rooted in common sense and evidence”

Rt Hon Henry McLeish, Chair of the Scottish Prisons Commission.

As the Commission recognised, the evidence points to the fact that "High prison populations do not reduce crime; they are more likely to create pressures that drive re-offending than reduce it". This is especially true for short-term sentences, and when prisons are over-crowded, it remains true, even for those who should be imprisoned for longer.

We concur with the Commission's view that there is "An opportunity for action", "to make better use of imprisonment, and ... develop a more robust and effective system of punishment that encompasses both prison and community based-sanctions".

Sacro would welcome community sentences: being the default position in dealing with less serious offenders; beginning as immediately as do prison sentences; and involving an element of paying back to the community. A model of good practice which finds "constructive ways to compensate or repair harms caused by crime ... making good to the victim and/or the community" [*Recommendation 11*] is Sacro's Community Based Reparation Service in Aberdeen which recently received a UK Howard League Community Programmes *Outstanding Scheme Award*. This service gives the person harmed by a crime a voice in how they would like the harm caused to them to be addressed. You can read more about this innovative service elsewhere in this issue of *Sacrosanct*.

It is perhaps inappropriate to pick out particular recommendations like this, for Sacro does support the whole package but perhaps we can say we are also particularly encouraged to see the following elements:

- 3** “extend the types and availability of effective alternatives to prosecution”. Sacro has long advocated increased availability and use of diversion from court to restorative justice and other measures.
- 5** “that the Government extend the types and availability of bail-related information and supervision services across Scotland” as an effective measure to reduce the large number of prisoners on remand. This in itself would go a long way to address the problem of overcrowding in our prisons. Bail supervision also provides a robust way for offenders to begin to address the underlying reasons why they offend at an early stage, return to court on the due date and usually with a report which says they have demonstrated an ability to work constructively in the community. This in turn makes it more likely they will receive a further community sanction instead of a short prison sentence. In 2006/2007 there were 23,181 remand receptions in Scotland at a cost of £51.2m. A significant proportion, from one third to one half will not have been given a custodial sentence and are not a danger to the public. If the daily bail supervision capacity were increased to cope with about half the remand population. This would cost about £2m and immediately free up about 700 prison beds, which could be used for sentenced prisoners.
- 8** “to develop clear sentencing guidelines”. This too we have long advocated, in order to achieve more consistency in, and effectiveness of sentencing.
- 10** Greater attention to be paid to addressing “the need for clearer communication with the wider public about sentencing and community sentences”. Sacro would hope that its considerable experience of working with the media could be used to contribute to this end. We also welcome the recognition of the need to “enhance public understanding of and confidence in the credibility of release and resettlement arrangement”. With our long years of experience in throughcare and supported accommodation, more recently in Scotland’s first Community Links Centre, we would also hope to contribute here.
- 13** “To increase the visibility, credibility and effectiveness of the new Community Supervision Sentence” through swift and regular review by the courts of progress and compliance. This has been effective in the Drug Courts and should be replicated.
- 14** The default position being that there are no sentences of six months or less, except in particular circumstances. The Scottish Consortium on Crime and Criminal Justice, Sacro and others have long called for this. It will be important that community

sentences become immediate and robust enough for sentencers to have confidence in using them, so that they do use them as the default, instead of either merely continuing to use short prison sentences or even worse, making sentences longer.

- 15** The additional option in sentencing of a conditional sentence which “means the period of custody is imposed but suspended subject to the offender keeping to a strict set of conditions”. This has been used in the Netherlands and other countries to good effect, (as was described by a Dutch Prison Governor at Sacro’s Annual Conference in 2000).
- 18** The recognition that all Government departments, all public services, all sectors and all communities have a duty towards those who have paid back in the community and former prisoners. *The Management of Offenders (Scotland) Act 2005* began the process but we need to go further to have health, education, housing and other bodies understand reducing crime is the responsibility of all of us. Leaving it to criminal justice agencies alone cannot bring about the necessary degree of change.
- 21** Refers to the *Custodial Sentences and Weapons (Scotland) Act 2007*. A very wide range of agencies, including Sacro, which gave evidence to the *Justice Committee of the Scottish Parliament* on the Bill, argued very strongly against implementation as drafted. This recommendation is therefore very welcome, as it suggests postponement of implementation of the Act, until implementation of the other recommendations of the Commission and achievement of reductions in the short sentence prison population, and even then the provisions being reserved for those serving two years or more.
- 23** *Sacro’s Manifesto for the Scottish Parliament 2007-2011* recommended reducing the prison population significantly and we demonstrated how this might be safely achieved. Naturally then, we welcome a target prison population being set and being set at 5,000, especially given that overall crime rates in Scotland are falling (the statistics issued by the Scottish Government on 7 July 2008 show a further drop).

The Prisons Commission’s Report is a brave and wide-ranging document, based on firm evidence and it poses an achievable but radical vision. The tests for the recommendations the Commission set itself are ones with which we would all welcome achieving: public safety is not compromised; victims and their families are recognised and respected; and offenders are rehabilitated to play a positive role in society.

We earnestly hope the Scottish Government take this package of recommendations forward by investing in implementing them as quickly as possible, for the sake of a safer Scotland.

A summary of the report’s 23 recommendations is available from our website at www.sacro.org.uk.

Sacro service that repairs the harm caused by offenders is “Outstanding”

Sacro's Aberdeen Community Based Reparation (CBR) Service has received an *Outstanding Scheme* award from the Howard League for Penal Reform. This is the third year running Sacro have received a Howard League Award and representatives from Sacro were there to receive the award at a ceremony in the House of Lords on Tuesday 24 June.

Established in Aberdeen in May 2004, the service is managed by Sacro and funded by the Scottish Government through Aberdeen City Council's *Building Strong, Safe and Attractive Communities* Initiative.

CBR gives the person harmed by a crime a voice in how they would like the harm caused to them to be addressed. Young people and adults accused of crime are given the opportunity to take responsibility, apologise and take action to repair the harm caused by their behaviour.

CBR becomes appropriate, within the restorative justice process, when all parties agree that the person responsible for an offence could repair the harm caused by undertaking some voluntary work, either directly for the person harmed or indirectly within the local community. This voluntary work is called a reparative task and it focuses on repairing the harm.

A Sacro worker facilitates this part of the restorative justice process by ensuring the negotiation, monitoring and administration of the reparative task. They provide appropriate support and supervision to enable the client to complete the task and ensure that all health and safety requirements are fulfilled for any work undertaken by a service user.

Sacro's Chief Executive, Susan Matheson said:

“I am delighted that this innovative and successful Sacro service has been recognised by the Howard League for Penal Reform. Aberdeen is in the unique position of being the only local authority in Scotland with such a service. It has the opportunity to develop and lead this approach further locally by widening the referral route. Now that the Scottish Government is advocating more use of reparative community disposals, this service is a model of good practice for elsewhere in Scotland.”

Kate Dean, Leader of Aberdeen City Council commented, “We are delighted that the Howard League Penal Reform decided to acknowledge this innovative and successful service by awarding it an *Outstanding Scheme* award. The partnership with Sacro has worked very well and the Community Based Reparation scheme is a great success.”



Sacro's Community Based Reparation Service received their award at the House of Lords, London on 24 June 2008. Pictured L-R are: Alexandra Pirrie, Sacro's Aberdeen CBR Service Team Leader; Mike Proe, Sacro's Senior Manager Operations - North; and Baroness Linklater of Butterstone, Chair of Rethinking Crime and Punishment.

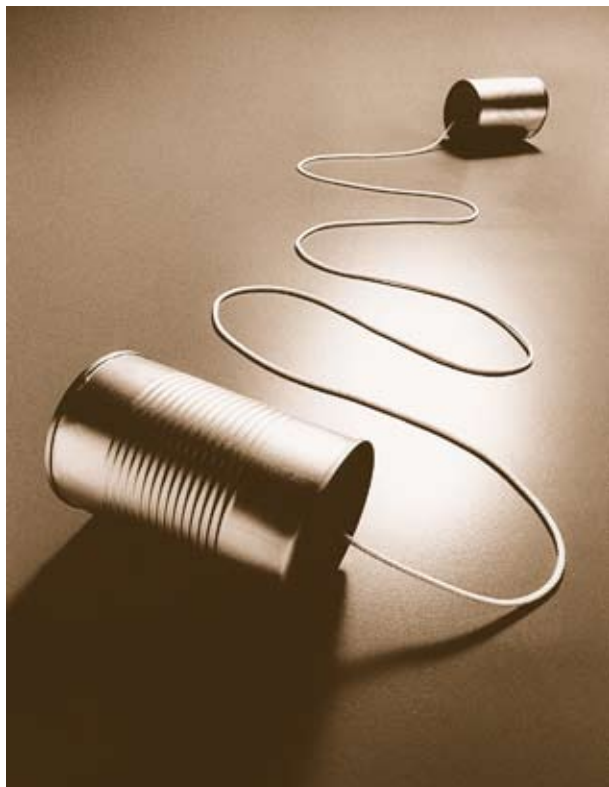
The end of an era

FOR five years, Sacro has been the only assessment centre in Scotland offering the Scottish Vocational Qualification in Mediation Level 4. Disappointingly this award has been withdrawn by the awarding body; and as yet no alternative has been confirmed.

During its existence, the Sacro SVQ Assessment Centre supported 14 Sacro employees to achieve their qualification in Mediation. The commitment and hard work the candidates have shown has

been a credit to Sacro. This could not have been accomplished without the dedication and enthusiasm of the Community Mediation Advisor, Ian McDonough, the workplace assessors, internal verifiers and Sacro services.

Many thanks go to Una Miller who returned to Sacro to support the assessment process. As a workplace assessor then internal verifier, her patience and diligence have helped shape the centre. Una has been an integral and valued member of the team and will be sorely missed.



MAKING TIME TO TALK

AMBER works to prevent homelessness amongst 14-24 year olds by mediating between young people and their families. The partnership initiative between Sacro's Edinburgh Community Mediation Service and Edinburgh Cyrenians has recently launched a DVD. The DVD will be used to promote the service to young people and their families throughout the city.

The partnership is unique in bringing together the resolution skills of a mediator with the knowledge and expertise of a homelessness charity.

Having That Difficult Conversation was launched at the 6VT Café, Edinburgh by Ewan Malcolm, Director of the Scottish Mediation Network. The short film showcases the work of the Amber Mediation Service and features families who have worked with the service to resolve conflict and improve family relationships. Copies of the DVD will be sent out to individuals, voluntary agencies and local authorities.

Falling out or having arguments at home can be an inevitable part of growing up but sometimes the stress and strain of it all can lead to young people leaving home in a hurry without having the chance to think it through. Amber offers the option to young people, mums and dads and anyone else in the family to have that opportunity to talk things out, hear the other side of the story and come to an agreement on what the next step should be.

A short term intervention, Amber aims to be involved for about 12 weeks from the first contact, diverting crisis and helping to avoid emergency homelessness situations.

Mediation is a demonstrably effective way of preventing young people from ending up in emergency homeless situations and it is estimated that up to 150 families a year in Edinburgh could benefit from the service.

Since its inception in May 2006 with the assistance of the City of Edinburgh Council, over 100 people have been referred to Amber and over 60 families have benefited from the full mediation and support, conflict resolution, advice and signposting services it provides. Amber currently receives between three and 10 referrals a month and numbers are increasing all the time. The number of self-referrals is also on the rise as more people become aware of Amber through other agencies.

- There was an equal split of young men and women who used the service in the last two years.
- 49% of clients were in the 16-17 year old age bracket and it is envisaged that this age group will continue to form the bulk of referrals.
- Over 28% of those referred were over 18, while 23% were in the 14-15 year old age bracket.

Family conflict and the desire to make things better are the main reasons for referral. Young people might be at risk of becoming homeless; they might be in temporary accommodation already or they may have been living away from home for a while and are now ready to make contact with their families again but need some help to do so.

Referrals can come from any source, but in the last two years, mainly from: City of Edinburgh Council Housing and Homeless Services, social work departments, schools, voluntary sector organisations working with young people, the police and the NHS

The most common outcome from Amber's intervention has been the young person being able to remain at home. However, other outcomes include young people moving out with the support of their families; young people moving back to the family home from other accommodation or simply the family managing to re-establish a positive relationship.

Intervention by Amber can often be the first chance that parents and their children have had to be treated with equal respect and status. The rapid, non-bureaucratic response and the joint expertise provided by Sacro and the Cyrenians is appreciated by both clients and referring agencies.

If you would like to find out more about Amber, please contact us on: 0131 475 2493, email us at: amber@cyrenians.org.uk or visit our website at: www.cyrenians.org.uk

Government refers sex offender initiative to local decision makers

THE SCOTTISH GOVERNMENT has announced its decision not to support at this time Sacro's proposal for a national pilot of Circles of Support & Accountability to reduce the risk of re-offending by high-risk sex-offenders in Scotland. Announcing this decision in a letter delivered to Sacro, the Cabinet Secretary for Justice, Kenny MacAskill MSP, stated that his primary area of concern is with the safety, training and supervision of Circles volunteers dealing with an often highly manipulative offender group. Referring to a report on Circles commissioned by the Government from the Scottish Centre for Crime and Justice Research, Mr MacAskill stated:

"The report highlights concerns around the ability of agencies to recruit adequate numbers of suitable volunteers to run such programmes, the considerable commitment required to train volunteers and the concerns of respondents around the 'exit strategy' for volunteers from the Circle and consequent contact with the offender. The safety of the volunteer as well as the wider public all require to be taken into account and in my judgement there is not a well enough developed evidence base from which to take reassurance on the volunteer aspect of Circles."

Commenting on the decision, Sacro's Head of Research & Development, Keith Simpson stated:

"The most important question is whether Circles offer a means of improving public protection against predatory sex offenders. Circles in Canada and other parts of the UK have produced impressive evidence that they do. This has been recognised in the Government sponsored research and the Government's response does not challenge this.

"The issues relating to volunteers are primarily concerned with questions of scale – 'can sufficient volunteers be recruited?' 'Can we provide sufficient resources to ensure adequate training and support?' etc. There is already positive experience elsewhere in relation to these questions, such as the experienced professionals who volunteer in England. The only way to obtain conclusive answers in relation to whether there would be enough suitable volunteers coming forward in Scotland is actually to run a pilot project here.

"There is a real opportunity to make Scotland safer through this initiative which would, of course, carefully recruit, train and supervise volunteers. The Scottish Government should rise to the challenge to allow Scotland to benefit as England has done in this respect."

Nevertheless, Sacro has gleaned some encouragement from Mr MacAskill's statement which went on to say:

"The report is a very informative addition to the available evidence base on the concept and I am certain it will be helpful to any local agency considering the feasibility of Circles in their own area. Local agencies are in an increasingly strong position to make informed choices on whether to prioritise Circles and can draw on various sources of information when determining their feasibility. This must be on the basis of local circumstances and priorities and it is right that we leave those decisions to local partners."

Sacro realises there is considerable interest in developing Circles in many parts of Scotland and we will now engage in further discussions about how best to develop this in the light of the Government response. The danger of sex offenders re-offending is of great concern to the Scottish public and Circles offer a new, evidence-based way of making Scotland safer from these dangerous offenders.

Imprisonment in Contemporary Scotland

THIS year's Sacro Annual Lecture continues our coverage of the Scottish Prisons Commission's report and we are delighted that the Rt Hon Henry McLeish, Chair of the Commission, will present the lecture, *Imprisonment in Contemporary Scotland*.

Set up by the Scottish Government in October 2007, the Commission's brief was to look at the purpose and impact of imprisonment in contemporary Scotland and analyse the impact for courts, prisons and community justice services of early release provisions contained in the *Custodial Sentences and Weapons (Scotland) Act 2007*.

Mr McLeish has unrivalled experience and political expertise as a former First Minister of Scotland, Minister for Enterprise and Life Long Learning, and Minister for Devolution. He was also Minister for Justice between 1997 and 1999 which included responsibility for prisons. In total, Mr McLeish has over 30 years experience of elected office at Westminster, the Scottish Parliament and Fife Council.

The lecture will be chaired by Magnus Linklater, Scottish Editor of *The Times* and freelance journalist. He is one of Scotland's best known and most respected journalists and has worked with many of the country's leading newspapers, including a six-year term as editor of *The Scotsman*.

The Lecture will take place in the Playfair Library, University of Edinburgh on Tuesday 7 October at 5.30pm. As always, the event is free and open to the public. We anticipate a high demand for this event and would ask those wishing to attend to register their interest by email to: events@national.sacro.org.uk or by phone on 0131 624 7270.



Crime, Punishment and the Media in Scotland: A Conversation

Sacro's Chief Executive, Susan Matheson, recently chaired an informal but fascinating insight into the relationship between criminal justice voluntary organisations and the media. In association with the Glasgow School of Social Work and Professor Alec Spencer of Stirling University, the event entitled, *Crime, Punishment and the Media: A Conversation*, took place in Edinburgh this May and attracted representatives from the media, Scottish Courts Service, The Crown Office and Procurator Fiscal Service and the voluntary sector

In addition to Professor Spencer's in-depth comment on *Rethinking Prison Issues*, presentations were given by Brian McNair, Professor of Journalism at Strathclyde University who spoke on the subject of *Crime, Punishment and News in a Changing Media World* and Magnus Linklater, Scottish Editor of The Times and freelance journalist who addressed the thorny issue of how the tabloid press report on crime with *If It Bleeds, It Leads – Is This Still True?*

Professor McNair began by exploring the changing world of multimedia news and the availability of 24 hour news coverage on TV, Internet and mobile. Although it is the responsibility of reporters to report accurately on events, he suggested that the increasingly competitive news environment was placing pressure on newspapers to come up with ever more sensational headline grabbing content. He went on to raise the issue of the newspapers' role in this climate and whether they see their role as purely to report the facts or should they make judgements and try to influence public opinion. The influence of the media and their ability to control how the public see a situation or respond to it should not be underestimated and he pointed out that crime has always been of major interest to the media and the public and that this will almost certainly continue to be the case.

Professor Alec Spencer delivered a thought-provoking examination into how best to demonstrate that short-term sentences are costly and do not work. He proposed that by highlighting the effectiveness of community disposals and increasing funding to eradicate illiteracy, the shortcomings of the criminal justice system could be more effectively addressed.

In commenting on the role of newspapers to influence opinion, Magnus Linklater suggested they do not set the agenda but take their lead from society. His view of the tabloid press and their sensationalist approach to reporting crime was less than positive and he suggests there is a need to get to the heart of the matter when reporting on crime.

Mr Linklater did give some grounds for optimism with his view that the papers' reporting of prison issues was more measured and he believes they understand many of the arguments and complexities involved in this area. However, he noted they have failed to take up the issue of community sentences and suggests the chief reason for this is their inadequate knowledge and understanding of them. He went on to criticise the social work and voluntary sectors for failing to brief journalists properly and viewed this as a missed opportunity. The difficulties faced by sentencers in handing down community disposals was another story waiting to be told.

An open conversation followed the speakers and yielded many interesting hints and tips on the best ways to engage and communicate with journalists. Discussion focused on how best to work with the media and explored issues such as: understanding deadlines; the timing of news releases; the emotional aspect of stories; the use of photographs; and the requirement for spokespersons to be available at all times.

This intriguing and informative event has provided a wealth of information and ideas on how best to get our message across to the public through the media. The majority of those attending agreed that now is a good time to campaign for community sentences and the current political environment is as sympathetic to our views as it has been for a long time. It is now up to us to use the outcomes of this event to promote our views even more effectively.



Events

- > *Beyond McLeish:
New Ideas, Lasting Solutions*
- > **Monday 8 September 2008**
- > **Our Dynamic Earth, Edinburgh.**

Considering the findings and recommendations made in the McLeish Prisons report, this timely conference will ask what radical solutions must be sought across all parts of the criminal justice system to treat not just the symptoms but the causes of crime. This event will debate sentencing options and the need to keep low-risk offenders out of prison. What options are available to the judiciary and how effective are custodial and community penalties?

For more details including the full agenda and online booking, please visit: <http://conferences.holyrood.com> or telephone 0131 272 2133

- > *Sacro Annual Lecture 2008
Imprisonment in
Contemporary Scotland*
- > **Tuesday 7 October 2008**
- > **Playfair Library, Old College,
University of Edinburgh.**

Chair of the Scottish Prison Commission, the Rt Hon Henry McLeish will share his views on the Commissions' recently published report. The lecture will be chaired by Magnus Linklater, Scottish Editor of *The Times* and freelance journalist.

The event begins at 5.30pm and is free of charge. Please register attendance by email to: events@national.sacro.org.uk or phone Sacro on 0131 624 7270.

Making mediation matter

THE SCOTTISH COMMUNITY MEDIATION CENTRE (SCMC) and the Scottish Community Mediation Network (SCMN) were officially launched jointly in Edinburgh on 24 June.

Previously known as the Community Mediation Consultancy and Training Service, the SCMC has a national and international reputation for high quality training and consultancy work in the field of Community Mediation and constructive conflict resolution. The Centre aims to promote Community Mediation throughout Scotland, as an effective way of resolving conflicts within communities.

The Centre, which is managed by Sacro and funded by the Scottish Government, provides services to a wide range of national and local government agencies as well as other bodies such as charities, social housing providers, police and ombudsmen. It also administers the Scottish Community Mediation Network and promotes best practice in community mediation through the SCMN's accreditation schemes. These schemes are unique in the UK and help to ensure that Scottish mediators have a worldwide reputation for being amongst the best trained and highly respected in their field.

Both organisations have produced dedicated websites to provide more information on mediation and the services they offer.

www.scmc.sacro.org.uk and www.scmn.org.uk



The last word

Effective communication of our views, aims and values is of great importance to Sacro. With this in mind, we have set up a communications unit to co-ordinate media liaison, our publications and our websites. Communications Officer, Alan Mairs will oversee the unit and you can contact him at amairs@national.sacro.org.uk.