

Fairer Scotland Duty Summary

Title of policy, strategy or programme	The Early Release of Prisoners and Prescribed Victim Supporters Services (Scotland) Regulations 2024
Summary of aims and expected outcomes of strategy, proposal, programme or policy	<p>The Bail and Release from Custody (Scotland) Act 2023 (the 2023 Act) introduced a number of provisions to ensure that greater focus is given to the rehabilitation and reintegration of individuals leaving custody. Section 11 of the 2023 Act comprises the enabling power for the regulations.</p> <p>The purpose of the regulations is two-fold.</p> <p>Firstly, to make provision for the early release of certain prisoners, in response to an emergency situation, brought on by a recent sharp and unanticipated rise in the prison population.</p> <p>The second purpose is to prescribe victim support organisations (VSOs) for the purposes of the provisions introduced by section 14 of the 2023 Act. Section 14 makes provision so that victims can nominate a VSO to receive information at the same time as they do, or on their behalf. This relates to two statutory schemes for the provision of information for victims.</p>

<p>Summary of evidence</p>	<p>Sources</p> <p>Evidence was gathered from responses to a public consultation that informed the 2023 Act.</p> <p>Online consultation events were also held with stakeholders and representatives from various sectors including: community justice partnerships, victim support organisations and academic forums. Engagement with those with related experience was conducted via a supported survey and focus groups.</p> <p>This assessment also incorporates evidence available via the Scottish Prison Service (SPS) Prisoner Survey 2019¹, the report of the Scottish Parliament Criminal Justice Committee “<i>Judged on Progress</i>”². as well as social research projects published by Hard Edges³ and the Equality and Human Rights Commission⁴.</p> <p>The link between poverty and custody</p> <p>Evidence from Scottish Prison Population Statistics 2022-23 shows that many people in contact with the criminal justice system have already experienced socio-economic disadvantages, including homelessness. The statistics within the report show that individuals from the 10% most deprived areas are over-represented in prison arrivals by a factor of three. Individuals from the most affluent areas are underrepresented. This relationship has been more or less static over the past decade.</p> <p>In addition, the proportion of individuals arriving in prison who report having no fixed abode has increased over the past decade, from 2.9% to 9.1%. This is demonstrated in Figure 20 from the Scottish Prison Population Statistics 22-23 report⁵.</p>
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¹[SPS Prisoner Survey 2019](http://www.sps.gov.uk/Corporate/Publications/Publication-7196.aspx)

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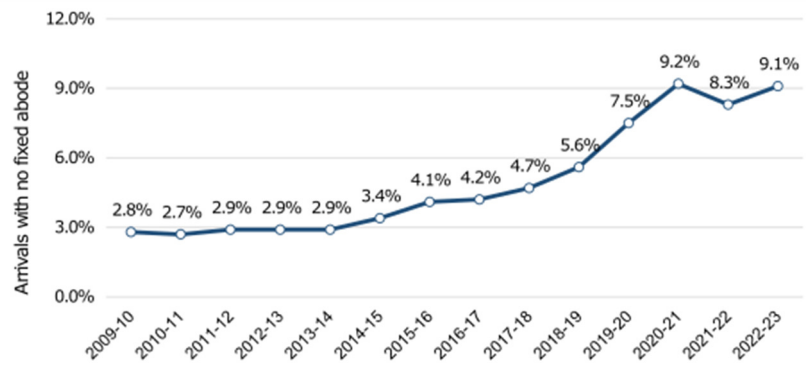
² [Judged on progress: The need for urgent delivery on Scottish justice sector reforms](https://parliament.scot) (parliament.scot)

³ [Hard Edges Scotland report](https://lankellychase.org.uk/publication/hard-edges-scotland/) (Lankelly Chase, 2019)

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

⁴ [Is Scotland Fairer?](#) (EHRC, 2018)

⁵ [Scottish Prison Population Statistics 2019-20](#) (Scottish Government, 2020)



Recently published statistics relating to homelessness in the SPS between 2020 to 2021, show that there were 1,765 homeless applications from people leaving prison⁶.

The Hard Edges report found that poverty is a significant background factor to offending, with people who have experienced custody more likely than the general population to have experienced: material deprivation; financial stress and debt; housing deprivation; and severe poverty⁷.

The most recent SPS prisoner survey found that over half of prisoners surveyed (56%) said that they lost their tenancy/accommodation when they went to prison, and over a third (37%) said they did not know where they would be staying upon their release⁸.

Within the same survey 16% were of the opinion that unemployment was a factor which may have led to their offending and 15% said financial difficulties were a factor. SPS also published a report in 2014 which found most prisoners originate from areas of high socioeconomic deprivation, with 62% of prisoners' addresses found in the 25% most deprived areas⁹.

Employment and Housing

Periods in custody can have repercussions for someone's employment and housing: they might lose their job or be unable to continue meeting the requirements of their tenancy, including paying rent and maintaining the property. This will be a particular concern for those from lower socio-economic backgrounds who may be more

⁶ [Homelessness in Scotland: prison homelessness](#) (Scottish Government, 2022)

⁷ [Hard Edges Scotland report](#) (Lankelly Chase, 2019)

⁸ [SPS Prisoner Survey 2019](#)

⁹ [Unlocking potential, transforming lives](#) (Published: January 2014, Scottish Prison Service)

likely to be experiencing unstable employment or housing. An evidence review conducted by Emma Dore (Shelter Scotland) in 2015 identified those who are homeless on entering prison as a group that faces particular barriers in relation to finding and sustaining accommodation on release¹⁰.

The Equality & Human Rights Commission reported that the number of Scottish prisoners who are released without an address to go to was of particular concern¹¹. They found the lack of an address is not only an issue concerning shelter and personal safety, but also has implications for the individual's ability to access appropriate healthcare services and social security payments.

Financial Repercussions

Individuals leaving custody will likely have lost access to social security and will be required to reapply. In addition, an application for benefits may also be required if someone has lost their employment through a period of time in custody.

Generally speaking, claims for social security cannot be made until someone is released from custody. In addition, where benefits are paid in arrears, prisoners will have to wait until the point of payment to start receiving them, though it may be possible to secure an advance.

Access to support

There is evidence that individuals who have experienced custody often struggle engaging with services. This can make it difficult to fully integrate and utilise services upon release.

The Criminal Justice Committee Report "*Judged on Progress*" (2022) found a key issue raised during their roundtable was the lack of support for people after their prison sentences, including putting in place the necessary support prior to release. They called for consideration to be given to improving support prior to release in terms of access to suitable housing, health care, and addiction

¹⁰ [Prison leavers and homelessness | Iriss](#)

¹¹ [EHRC Is Scotland Fairer report](#) (EHRC, 2018, page 82)

support if required.¹²

In April 2020, the Drugs Death Taskforce recommended that adequate throughcare provision be made available to prisoners on liberation, including: access to a GP and a supply of appropriate medications on release¹³.

The consultation response provided by Howard League Scotland stated that “people leaving prison are in a vulnerable position and need to access local services (e.g. general practice, mental health, alcohol and drug treatment, community pharmacy and social care) quickly to make certain that they remain safe on release and do not revert to any offending behaviour. It is likely that they will need emergency access to funds and food for some time before benefits arrive.” This was echoed in many other consultation responses, along with the need for support for housing, social work and employment. Families Outside added to this, suggesting that any housing support should also ensure there is a means of getting to a property, especially if it is in a rural area.

Engagement with those who have experience of the criminal justice system was carried out via a support survey. The survey was shared through the New Routes and Shine Public Social Partnership networks with organisations who provide support and mentoring to people who have been released from custody after serving a short sentence. These organisations could support their mentees to complete the survey.

75% of respondents to this survey strongly agreed that it is more difficult to get help from public services on a Friday or day before a public holiday.

The respondents to the survey detailed which supports and services they felt would make it easier for people being released from prison. A key message from the responses was the importance of engagement with all necessary public services prior to release. The most frequent supports to be highlighted were: access to housing, access to benefits, having a photographic ID and bank account before release. These supports will be more imperative for people who are less likely to already have these supports (such as appropriate housing) in place.

¹² [Judged on progress: The need for urgent delivery on Scottish justice sector reforms](#) (Scottish Parliament, 2022)

¹³ [Drug Deaths Taskforce meeting: April 2020](#) (Scottish Government, 2020)

	<p>Victim information schemes</p> <p>A recent independent review of the Victim Information Scheme found that around 1 in 4 eligible victims register for the scheme, which applies where an offender is sentenced to more than 18 months' imprisonment. However, the review¹⁴ was unable to identify the reasons for uptake, or what motivates certain victims to register. The review made a range of recommendations in relation to data, evidence and reporting on the scheme, which are currently under consideration by the Scottish Government.</p>
<p>Summary of assessment findings</p>	<p>Which changes, if any, are being implemented?</p> <p>The regulations and intended approach to implementation takes account of the evidence and issues raised above, as follows:</p> <ul style="list-style-type: none"> • Releases will not take place on Fridays or the day before a public holiday to ensure individuals have the best chance of accessing support upon release. • Public sector partners, including local authorities, the Department of Work and Pensions and the NHS have been engaged at an early stage. • Third sector organisations, including the Public Social Partnerships responsible for providing throughcare to individuals leaving short-term sentences, have been engaged at an early stage. <p>Effective support to enable former prisoners to reintegrate and make positive connections in their communities helps to prevent reoffending and supports more positive outcomes.</p> <p>This includes access to suitable accommodation, engagement with appropriate community services (e.g. addiction services) and financial and employment support.</p> <p>The regulations also prescribe VSOs for the purposes of the applicable statutory scheme. This will enable victims to receive information in a supportive and trauma-informed way, and will also facilitate ease of access to the support a victim might require as a consequence of the information, including safety planning. Use of VSO services is free for victims.</p>

¹⁴ [Victim Notification Scheme \(VNS\): independent review](#) (Scottish Government, 2023. Section 11: How much is the VNS used?)

Sign off

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