

Island Communities Impact Assessment

The Early Release of Prisoners and Prescribed Victim Supporters (Scotland) Regulations 2024

Step One – objectives:

What are the objectives of the policy, strategy or service?

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 and Section 14 of the 2023 Act comprises the enabling power for the regulations.

The purpose of the regulations is two-fold.

The first purpose is 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.

The use of this power is considered necessary and proportionate, in order to ensure that the Scottish Prison Service (SPS) is able to maintain the safe operation of the prison system, in particular to protect (a) the security and good order of any prison to which the regulations relate, and (b) the health, safety or welfare of prisoners, or those working, in any such prison.

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.

Section 14 is intended to give victims greater choice in how an information scheme can work for them, as well as ensuring the schemes operate in a more trauma-informed and person-centred way that facilitates access to support. In recognition of the concerns victims and VSOs may have about use of the emergency power of release, VSOs are being prescribed in order to ensure that, if victims wish to receive information about an offender's release, they can nominate a VSO to support them in receiving that information.

The regulations are made under the powers inserted by sections 11 and 14 of the 2023 Act to instigate an emergency release process and to prescribe certain VSOs who the Scottish Ministers can share information with.

A full [Island Communities Impact Assessment was published in June 2022](#) as part of the Bail and Release from Custody (Scotland) Act 2023 progressing through parliament.

What are the intended impacts/outcomes and how do these potentially differ in the islands?

The regulations will not specifically affect any group of individuals geographically, including those from Island Communities. Eligibility depends on the length of sentence received and how many days the prisoner has left to serve. Exclusions focus on the offence, or in some cases previous offences, and release may be vetoed if the prison Governor considers there is an immediate risk posed to an individual or group. None of these factors are geographically determined.

Released Individuals

Any individual released under the regulations will be entitled to the same statutory support from public bodies and voluntary throughcare support as they would have been at their original release date. This applies to individuals from across Scotland, including those from Island communities, and will be dependent on their individual needs and support requirements. Island-based local authorities may have specific considerations when engaging with release planning (for example, the availability of suitable accommodation).

The availability of transport, either for a person to travel to these services, or for the services to deliver support to the person, may be a consideration for island and rural communities.

Prescribing victim support organisations

The VSOs prescribed in the regulations being made under section 14 are:

- Victim Support Scotland (VSS)
- Children 1st
- ASSIST, Glasgow City Council
- Rape Crisis Scotland

VSS operates nationally. This means that victims across Scotland, including those in rural and Island communities who are eligible for either of the two victim information schemes, will have the ability, if they wish, to nominate a VSO which can readily provide support. Prescribing Children 1st will similarly ensure that, should a child (or the child's parent or carer, in cases where a child is under 12 years old) from a rural or Island community wish to nominate, they can nominate a VSO which specialises in supporting children.

Step Two – gather your data and identify your stakeholders:

What data is available about the current situation in the islands?

In the most recently available census data (2011), a total of 93 islands in Scotland were inhabited, with a total population of 103,700 (2% of the total population of Scotland).

The crime rate of the islands is generally very low, with 144, 198 and 205 crimes per 10,000 people from Orkney, Shetland and Na h-Eileanan Siar local authorities

respectively (compared to the 451 crimes per 10,000 people across Scotland on average). It is worth noting that three local authorities include both mainland and island communities. The crime rate of two of these areas, Highland (319 per 10,000 people) and Argyll and Bute (311 per 10,000 people) are below the Scottish average. However, North Ayrshire, which includes the islands of Arran and the Cumbraes, has a higher crime rate (497 per 10,000 people) than the average across Scotland. The Scottish Index of Multiple Deprivation (SIMD)¹ for the area of North Ayrshire shows that for the 186 data zones in the area (2020), none of the 10% most deprived areas are on the island of Arran and only 2 are found in the north coast region, which includes the Cumbraes^{2,3}.

It is therefore likely the release under these regulations will affect proportionally fewer people in Island communities, whether that is a sentenced individual or a victim.

Support upon Release

There is no definitive mapping available in relation to local or national projects that provide throughcare or similar services within Island communities.

As an example of what is provided, the Shetland Community Justice Plan highlights the support that is available to those released from custody, much of which is supported by volunteers⁴. In addition, there are national organisations which work across the whole of Scotland to provide post-release support.

Victims

The Scottish Government is not aware of any data that captures how many victims of crimes come from rural or Island communities.

Who are the key stakeholders?

- ALACHO
- COPFS
- Community Justice Partnerships (Orkney, Shetland)
- Justice Social work
- Local Authorities (COSLA)
- NHS (including Mental Health, and Drugs and Alcohol)
- Parole Board for Scotland
- Police Scotland
- RMA
- SCTS
- SPS
- Third Sector (inc. Voluntary Throughcare services)
- Victim Support Organisations

¹ [SIMD \(Scottish Index of Multiple Deprivation\)](#)

² [North Ayrshire Council SIMD presentation](#)

³ [Recorded Crime in Scotland, 2020-2021 - gov.scot \(www.gov.scot\)](#)

⁴ [cj-plan-final.pdf \(safershetland.com\)](#)

How does any existing data differ between islands?

No information available.

Step Three – consultation:

Is there any information already gathered through previous engagements?
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<p>A public consultation on proposals around Bail and Release from Custody arrangements ran from 15 November 2021 to 7 February 2022. While none of the questions specifically asked about potential impacts of the proposals on people in rural or Island communities, some responses did contain information in this regard:</p>
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| <ul style="list-style-type: none">• Evidence was provided that accessing appropriate services – especially housing and benefits – on the day of release can be difficult. This can be exacerbated when individuals are travelling to rural or more remote communities, leaving less time to attend to issues associated with housing (for example), negatively impacting release plans.• Evidence was also provided on the impact of release on a Friday or the day before a public holiday, which can have additional impacts for those in remote rural or Island areas. The time of release was also raised as a particular factor for consideration in the release of prisoners from/to rural areas and Island communities due to the frequency of public transport operating in these areas. |
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<p>The responses to the consultation questions on the proposal that victim support organisations receive information when offenders are released from custody did not indicate any differential impact on rural or Island communities.</p>
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<p>A consultation on improving victims' experiences of the justice system was held during 2022. While not specific to the impact of prisoner release on victims, the consultation highlighted some general considerations for victims living in more remote communities, such as the Scottish islands. Respondents noted that they faced specific challenges to accessing justice, and there was agreement that support was needed for victims who live remotely.</p>

<p>A specific concern was raised that people living in Island communities may not benefit from as much support, including in relation to anonymity provisions in the same way as people from more populous areas.</p>

<p>Separate research outlined how important discreetly accessing services was for some victims, given the intimacy of small communities. While this consultation exercise was separate to that conducted to inform the Act, the Scottish Government recognises the points made about access to support in rural and Island communities and has sought to reflect these concerns through collaboration with Victim Support Scotland, as a national organisation.</p>

Details of separate consultation events for island communities/local authorities?
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N/A

Step Four – assessment:

Does your assessment identify any unique impacts on island communities? (Demographic, Economic, Gaelic, Social)
No
Does your assessment identify any potential barriers or wider impacts?
<p>The content of the regulations and the intended approach to implementation recognises and responds to the issues raised below, taking account of the evidence.</p> <p>This assessment identified particular issues regarding:</p> <ul style="list-style-type: none">• Releases on Fridays, or days before a public holiday.• Access to public services, including local authorities, Department of Work and Pensions and NHS, in island and remote areas.• Access to third sector support, including the Public Social Partnerships responsible for providing throughcare to individuals leaving short-term sentences, in island and remote areas.• Travel for those leaving prison back into island communities or remote areas, particularly if this takes place on a Friday.
Are there mitigations in place for these impacts raised?
<p>The regulations will bring forward the release date of certain qualifying individuals by up to 180 days. The release of individuals is being done in consultation with justice partners, as well as public sector and third sector stakeholders. Releases under the regulations will principally take place on Wednesdays and Thursdays, ensuring release does not occur on a Friday and to facilitate the best possible access to services is available for those being released. SPS are aware of the potential impacts of travel on the day of release for those returning to island and remote locations. On a case-by-case basis arrangements can be made to ensure that travel times are reduced and that travel services are available. The staged process of release under the regulations is designed in part to ensure that local services can manage the supports they may need to provide over a period of time rather than being required to respond to a single, larger-scale release. The Scottish Government is also engaging with the third sector to support voluntary throughcare availability for those who wish to receive it.</p> <p>Releases will take place across four tranches, which will help to ensure that the burden on delivery partners and victim support organisations is spread over a period of time, as opposed to a single, larger-scale release.</p> <p>The Scottish Government is working closely with VSOs to ensure that everything possible is in place to support victims who are affected by this release process,</p>

including victims in rural and Island communities. This includes prescribing Victim Support Organisations (VSO's) that operate nationally, such as Victim Support Scotland (VSS), in the regulations.

Is a full Islands Communities Impact Assessment required?

You must now determine whether, in your opinion, your policy, strategy or service is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities).

To form your opinion, the following questions should be considered:

<ul style="list-style-type: none"> • Are there mitigations in place for the impacts identified and noted above from stakeholders and community consultations? 	<p>While there may be some impacts to consider, these are likely to be similar for all individuals released under this power. However, our approach recognises certain specific circumstances relating to those returning to remote or Island communities. Engagement is ongoing with stakeholders, including local authorities and throughcare support organisations, to ensure suitable mitigations are in place for immediate needs on release.</p>
<ul style="list-style-type: none"> • Does the evidence show different circumstances or different expectations or needs, or different experiences or outcomes (such as different levels of satisfaction, or different rates of participation)? 	<p>Outcomes and participation are not markedly different for or between Island communities.</p> <p>As discussed above, our approach recognises certain specific circumstances relating to those returning to remote or Island communities.</p>
<ul style="list-style-type: none"> • Are these different effects likely? 	<p>Outcomes and participation are not markedly different for or between Island communities.</p> <p>As discussed above, our approach recognises certain specific circumstances relating to those returning to remote or Island communities.</p>
<ul style="list-style-type: none"> • Are these effects significantly different? 	<p>No.</p>
<ul style="list-style-type: none"> • Could the effect amount to a disadvantage for an island community compared to the 	<p>Outcomes and participation are not markedly different for or between Island communities.</p>

mainland or between island groups?	
<p>If your answer is No to the above questions, please complete the box below.</p> <p>If the answer is Yes, an ICIA must be prepared and you should proceed to Step 5.</p>	

A Full Islands Community Impact Assessment is NOT required

<p>In preparing the ICIA, I have formed an opinion that our policy, strategy or service is NOT likely to have an effect on an island community that is significantly different from its effect on other communities (including other island communities). The reason for this is detailed below.</p>
<p>Reason for not completing a full Islands Communities Impact Assessment:</p> <p>A partial ICIA has been prepared and published, which satisfactorily addresses the islands communities impacts of the Early Release of Prisoners and Prescribed Victim Supporters (Scotland) Regulations 2024.</p>

ICIA completed by: Graeme MacMillan, Parole, Release & Reintegration Unit, Community Justice Division

Position: Policy Manager, Release Team, Community Justice

Date completed: 04/06/2024

ICIA approved by: Alex Doig

Position: Deputy Director, Prisons, Community Justice

Date approved: 04/06/2024