

To: SOCIAL WORK COMMITTEE		Subject: SCOTTISH EXECUTIVE REPORT: RELEASE AND POST CUSTODY MANAGEMENT OF OFFENDERS
From: DIRECTOR OF SOCIAL WORK		
Date: 24 AUGUST 2006	Ref: JS/BC	

1. PURPOSE OF REPORT / INTRODUCTION

To advise Committee of the Scottish Executive document, Release and Post Custody Management of Offenders which introduces new proposals for releasing offenders in Scotland.

2. BACKGROUND

- 2.1. Current arrangements for releasing offenders are set out in the Prisoners and Criminal Proceedings (Scotland) Act 1993.
- 2.2. These measures detail that offenders sentenced to less than 4 years (unless given a supervised release order or sex offenders sentenced to 6 months or more) will be released automatically and unconditionally after serving one part of their sentence. This means that there is no supervision or licence on release. It is important to note that around 80% of custodial sentences in Scotland are for periods of 6 months or less.
- 2.3. Offenders sentenced to 4 years or more may be released on licence at the half-way part of sentence if this is directed by the Parole Board for Scotland. If not released on parole the offender will be released automatically on licence at the two-thirds stage of their sentence. In making a case for change, the Executive believes that the existing system is no longer fit for purpose. It believes that it determines an offender's release by length of sentence, not the risk to the public that he or she may pose.
- 2.4. In 2004 the First Minister announced that the status quo was not acceptable and that the current system would change. The Sentencing Commission for Scotland was asked to examine the question of release of prisoners as a priority.
- 2.5. In January 2006 the Sentencing Commission produced its report, Early Release from Prison and Supervision of Prisoners on their Release. The details of that report were presented to Committee in February 2006. The proposals in the Sentencing Commission report are taken into account in the current document.

3. PROPOSALS / CONSIDERATIONS

3.1. The report reflects a number of the Sentencing Commissions recommendations and these are detailed in the Annexe of the report. The proposals contained within the report are as follows:

- All offenders who receive custodial sentences up to 14 days will serve the full sentence.
- Apart from those receiving 14 days or less, all other offenders will experience a combined structure for managing sentences. This will comprise of a period in custody followed by a period on licence in the community. The custody part will be a minimum of 50% of the sentence.
- At the time of sentence it will be made clear that the minimum custody part will be 50% of the total sentence. This will be for the purposes of punishment and deterrence. However, the Court will have the power to increase the statutory minimum 50% at the time of the sentence.
- Offenders will be subject to continuous review during custody. Where Scottish Ministers consider that an offender poses such a risk that they should not be released at the end of the sentence, they will refer these cases to the Parole Board with a recommendation that they should remain in custody for a longer period.
- At the end of the custody part of a sentence, the offender will be on licence for the entire community part of the sentence. Licence conditions will be added to enable extra provision of appropriate services to re-integrate the offender back into the community. The licence will also detail the obligations to be met by the offender. Breach of licence will be taken seriously and could result in a return to custody.
- For the first time, all offenders will be under some form of restriction for the full sentence.

3.2 Every prisoner in Scotland serving more than 14 days will require Throughcare services whilst in prison and supervision on return to the community. Local Authority Justice Social Work services provide both Throughcare and community based supervision. North Lanarkshire provides the Throughcare service for the Lanarkshire Grouping.

4. FINANCIAL / PERSONNEL / LEGAL / POLICY IMPLICATIONS

- 4.1. The details contained within this report will have significant resource implications for Justice services in the Lanarkshire Grouping.
- 4.2. Once implemented, the proposals will result in an increase in the number of offenders requiring a Throughcare service and subsequently requiring a supervision service on release into the community in the form of a licence.
- 4.3. The report does state that the new arrangements "...will have financial and resources implications for the Scottish Prison Service and Local Authority Justice services.

4.4. Legislation will be introduced to Parliament in the autumn of 2006.

5. RECOMMENDATIONS

5.1 Committee is asked to:

- i) Note the content of this report.
- ii) Request the Director of Social Work report to Committee if there are further developments in relation to the report, including possible resource implications.



Jim Dickie
Director of Social Work
24TH August 2006

For further information on this report please contact *Mary Fegan, Head of Social Work Services* TEL:(01698 332001), or *Jim Scullion, Service Manager Justice* TEL:(01698 332040).

A copy of this report has been lodged in the members library.