

To: SOCIAL WORK (OPERATIONS AND SERVICES) COMMITTEE	Subject: SCOTTISH EXECUTIVE GUIDANCE : RELEASE OF LIFE PRISONERS
From: DIRECTOR OF SOCIAL WORK	
Date: 24 FEBRUARY 2004	Ref:

1. PURPOSE OF REPORT / INTRODUCTION

- 1.1. The purpose of this report is to advise committee of the content of the Scottish Executive's guidance document on the release of life prisoners, and it's implications for the Council.

2. BACKGROUND

- 2.1. The statutory provisions governing the release of life prisoners are contained in the Prisoners and Criminal Proceedings (Scotland) Act 1993. The relevant provisions contained in the Convention Rights (Compliance) (Scotland) Act 2001 fundamentally amended them. This determined the right of life prisoners to have a "punishment period" awarded for their crime, after which they could be considered for release on life licence depending upon whether or not they still pose an unacceptable risk to the public.
- 2.2. The Scottish Executive's Guidance document aims to clarify and confirm the procedures and timescales wherein the review of such cases and their pre-release planning should be conducted.

3. MAIN POINTS

- 3.1. If, having reviewed a case, the Lifer Tribunal considers that a prisoner should be released, then that release must be effected immediately. In practical terms this means that the release should normally take place within 24 hours, but in any circumstances not longer than 48 hours.
- 3.2. The guidance directs that both prison based and community based Social Workers providing review assessments for the Lifer Tribunal should do so "*on the assumption that the prisoner may be released on the direction of the tribunal*". A full release and support plan should be made with the provision of all practical logistics either obtained or obtainable within that timescale. Inevitably, this will result quite often in the commissioning of release plans for a prisoner who is not released on that occasion.
- 3.3. The guidance additionally defines the timescales and notice to be given to Social Workers proving assessment reports to the lifer tribunal. These remain the same as for parole cases. The community based Social Worker providing the home background report has main responsibility for identifying and collating the community based resources required for the prisoner's release. It may be that in some cases suitable accommodation cannot be assured in advance of a decision to release. In such circumstances Supervising Social Workers must take such steps as are reasonable to ensure that the prisoner has the opportunity to access suitable accommodation on release.

4. PERSONNEL, FINANCIAL, POLICY AND LEGAL IMPLICATIONS

- 4.1. There are no Personnel or Financial implications for the Council. As a consequence of the new Throughcare provisions prescribed in Scottish Executive Circular 12/2002 (the subject of a previous report to the committee) additional funding was released by the Scottish Executive to fund the Justice Throughcare Team, managed by North Lanarkshire Council on behalf of the Lanarkshire Criminal Justice Grouping. There will therefore be no further resource implications as a result of the Life Licence guidance.
- 4.2. There are no additional Policy or Legal implications for the Council

5. NORTH LANARKSHIRE COUNCIL POSITION

- 5.1. Life Licence cases constitute a very small percentage of the workload of the North Lanarkshire Justice Section. This guidance strengthens the priority given to these cases as, quite often, the lack of a concrete release plan is the main obstacle to the release of such prisoners.
- 5.2. Life prisoners, to whom this document refers, have normally served longer in prison than those who have committed any other offence. Consequently, the support and supervision package for their release can be more complex than for most prisoners. The potentially short time-scales available to produce and implement the kind of support required for these cases will necessitate them receiving a high priority for service.
- 5.3. The Justice Throughcare Team will take the lead in such cases, and their relationship with the Housing Department and other partners in the housing sector will be the key to optimising resources and quality services for Life Licensees. The new structure is more conducive to the development of such relationships.
- 5.4. Within North Lanarkshire, Shotts Prison Social Work Team (North Lanarkshire staff) will work intensively with Throughcare Teams in the other eleven Local Authority Justice Partnerships in relation to such prisoners from Shotts Prison returning to their jurisdiction. This should have no additional resource implications for the Council.

6. RECOMMENDATIONS

- 6.1. Committee is asked to note the contents of the Scottish Executive Justice Department's Guidance on the release of Life Prisoners and its implications for North Lanarkshire.



Jim Dickie
Director of Social Work
30 January 2004

For further information on this report please contact *Tim Parkinson, Senior Social Worker*
TEL: (01501824102)

A copy of the guidance has been made available in the Members Library.