POLICY NOTE

THE PRISONS AND YOUNG OFFENDERS INSTITUTIONS (SCOTLAND) AMENDMENT RULES 2022

S.S.I. 2022/194

1. The Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2022 were made in exercise of the powers conferred by section 39 of the Prisons (Scotland) Act 1989. The instrument is subject to negative procedure.

This instrument supports the implementation of The Strategy for Women in Custody: 2021-2025 (The Strategy). The Strategy explains how the Scottish Prison Service (SPS) will work with partners, stakeholders and the women in prison themselves to achieve the following vision: women's time spent in custody will contribute to better outcomes for them, their families and Scotland's communities. The instrument does this by amending the Prisons and Young Offenders Institutions (Scotland) Rules 2011 (the Prison Rules).

Policy Objective

2. The instrument amends the Prison Rules. The Prison Rules set out provision relating to the regulation and management of Prisons and Young Offenders Institutions and various matters concerning those who are required to be detained in these institutions.

3. The Scottish Government has been developing a new and different model to manage women in custody, The Strategy for Women in Custody: 2021-2025. The new model of custody offers opportunities for women to express and explore the life circumstances and/or choices which have led them to be in custody and will provide a range of evidence-based interventions aimed at maximising the opportunity for reflection and rehabilitation. The instrument supports the implementation of The Strategy.

4. Three new facilities to support the implementation of this new model of custody are being built by SPS, a new national facility for women- HMP & YOI Stirling- which is located adjacent to, and will replace, the existing HMP & YOI Cornton Vale, and two Community Custody Units (CCUs), one located in Maryhill in Glasgow and the other in the Hilltown area of Dundee.

5. The purpose of the CCUs will be to provide safe accommodation, which will support the needs of women located in them who will benefit from closer community contact and access to local services, and to help women create and sustain independence in preparation

for successful community reintegration. Women located in the CCUs will have the opportunity to access, and will take responsibility for accessing, in-reach and outreach services to develop the range of skills required for successful return to the community. Women will be supported to live independently in CCU accommodation based on a 'shared house' principle where they can develop a range of independent living and work skills, which reflect real life. This will include budgeting skills and skills relating to planning and preparing nutritionally balanced meals.

6. The amendments to the Prison Rules introduced by the instrument will enable prisoners located in certain prisons or parts of prisons: (1) to make purchases for and prepare their own meals: and (2) for those risk assessed as suitable for community access, provide extended opportunities to develop further or re-establish links with their family or community, and develop educational or employment opportunities, attend appointments, make food purchases outwith the institution or undertake wellbeing activities in the local community. The amendments may also be used by suitable and similar parts of the male estate.

Consultation

7. There has been extensive consultation undertaken with external stakeholders such as; Families Outside, Her Majesty's Chief Inspectorate of Prisons Scotland, COSLA and NHS boards, TUS colleagues, local communities, prisoners, SPS operational managers and policy colleagues, and Scottish Government in regards to The Strategy. The responses received to the various consultations were in the main supportive of the new model of custody for women.

Impact Assessment

8. An Equality and Human Rights Impact Assessment completed for The Strategy identified no potential for unlawful discrimination or human rights breaches.

Financial Effect

9. Cabinet Secretary for Justice and Veterans confirms that no Business and Regulatory Impact Assessment is necessary, as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Prison Service
May 2022