



# **Prisoner Release during Covid Restrictions, Including Early Release**

A review by Glasgow Partners in Prison  
Throughcare

## **Abstract**

Prison Throughcare, in particular preparing individuals for reintegration to communities, is a critical element of justice services, requiring close collaboration across third and public sector partners. During Covid19-related restrictions there were fresh challenges for partners. This brief overview summarises some of the learning from partners during this period.

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## **Context:**

Prison Throughcare, in particular preparing individuals for reintegration to communities, is a critical element of justice services, requiring close collaboration across third and public sector partners. In Glasgow, as part of Community Justice structures, Throughcare is co-ordinated via the Throughcare Strategy Group, facilitating the collaboration across partners.

Late in 2019 a distinct project was set up to enhance the throughcare offer, with a particular focus on direct access to benefits and eliminating homelessness on release for Glasgow citizens.

During Covid19-related restrictions there were fresh challenges for partners in the throughcare process. While the new project to enhance throughcare was paused, partners refocussed attention on the risks and trials of release during Covid. This brief overview summarises some of the learning from partners during this period, captured through ongoing meetings and within a partner survey (summarised in the appendix).

## **Coronavirus Legislation:**

The Scottish Parliament endorsed emergency powers to tackle the coronavirus crisis. The Coronavirus (Scotland) Act provided scope for the early release of prisoners; part 9 allows:

(1) Scottish Ministers may by regulations provide that a person who falls within a class of persons specified in the regulations is to be released from prison early.

(2) Scottish Ministers may make regulations under sub-paragraph (1) only if they are satisfied that the making of the regulations is necessary and proportionate, in response to the effects coronavirus is having or is likely to have, on a prison or prisons generally, for the purpose of protecting:

- (a) the security and good order of any prison to which the regulations relate, or
- (b) the health, safety or welfare of prisoners, or those working, in any such prison

## **Prison Population and Throughcare – the challenge:**

In 1999-00, the average prison population was under 6,000. By 2020, the number exceeded 8200. Population numbers are further pressured by an excessive “churn”, with the majority of sentenced prisoners on short sentences and a disproportionate level of remand prisoners creating a high volume of prison leavers, often with complex health, housing and care needs.

The Scottish Government expressed a desire to reduce the prison population, with its Programme for Scotland 2019-20 stating:

*We are progressing action to tackle Scotland’s internationally high rate of imprisonment – the highest in Western Europe.*

Concerns about high levels of imprisonment have regularly been part of parliamentary debate. However, despite measures, achieving a significant reduction has proven elusive. These concerns relate to ‘normal’ times. The coronavirus has brought additional challenges, although current reductions in court activity have contributed to a reduction in prison numbers, with numbers having dropped to below 6,900 and currently standing at just over 7,000.

### **Early Release – Regulations:**

On 21 April the Cabinet Secretary for Justice informed Parliament of intentions to invoke powers to allow for the early release of prisoners. He cited difficulties of prison staff absenteeism, virus levels within the prison population and a commitment to address cell sharing to reduce the spread of the virus.

Those eligible for early release were prisoners serving sentences under 18 months who were also in the last three months of their sentence. Prisoners with a requirement for supervision in the community and those convicted of sexual, terrorism, domestic abuse or Covid19 related offences were excluded.

Regulations were laid before Parliament 4<sup>th</sup> May, initiating a 28 day period for Early Release taking place over 3 “tranches”, simultaneous with those individuals who would have been released as planned at the end of their sentence.

### **Early Release - Preparations:**

The Scottish Prison Service consistently expressed the view that Early Release (ER) arrangements are a policy decision for the Government, not an operational decision. SPS engaged stakeholders, to explore ER scenarios and develop a shared understanding of risks and challenges. Local partnerships were active in preparing for the release of individuals, not only for Early Release arrangements, but also in general terms preparing individuals for release during Covid-19 restrictions.

Release scenarios were explored and rehearsed by partners in Glasgow via a virtual working group of Throughcare Partners. Those partners included:

- The Wise Group (on behalf of New Routes PSP)
- The Glasgow Working Group on Women and Offending (including representation from the SHINE PSP)
- The Wheatley Group
- The Glasgow and West of Scotland Forum of Housing Associations
- Department of Work and Pensions
- Scottish Prison Service
- Glasgow City Council
- Glasgow City Health and Social Care Partnership
- Greater Glasgow and Clyde NHS Board
- Glasgow Life

Alongside local planning arrangements, there were a range of national discussions (including through COSLA and Social Work Scotland). There was also an informal forum of local authority representatives sharing information across the West of Scotland.

It is from the Glasgow Throughcare grouping which a few key messages can be drawn. The lessons are summarised below, but the attached appendix includes a more detailed list of what partners across Glasgow shared in relation to what worked, what was a challenge and what are the lessons to take forward.

It is currently unclear if the process of Prisoner Early Release will be repeated, though some of the early indicators (staff absenteeism, single cell status, infection levels) suggest it is an option which will be kept under review by the Government. More generally, Covid-19 restrictions and the challenges generated by Prisoner Throughcare, combined with the possibility of another run of Early Release, require a process of consideration of the lessons to be drawn from the past 3 months of planning and implementation of prison releases.

## Lessons Learned:

The early lessons emerging across the West of Scotland can be summarised as follows:

- **Partnership** – the prior existence of **co-ordinated** working relations across public and third sector partners in Glasgow allowed early planning. Central in partnership working has been **trusting relations** between professionals. Partners reflected on the **flexible** approach brought to collaboration from all quarters. Regular, shared **communication** is also central to good working relations.

Allied to the role of a co-ordinated partnership, has been the existence of a shared **strategic commitment** through Community Justice, and a shared drive to improve justice outcomes. It was highlighted that there remain opportunities to enhance collaborative approaches to **resource planning and commissioning**, which should feature in ongoing collaboration.

- **Data, Data Sharing and Analytical Capacity** – Shared data, as part of a regular process with SPS and partners, as well as specifically in preparation for Early Release, has been an essential requirement in planning support arrangements. The capacity to extend local analysis of data and share with partners in a preventative approach has yet to be fully realised, but is being explored and there are examples of good practice demonstrating the value of data sharing and robust ISPs/DSAs (Information Sharing Partnerships/ Data Sharing Agreements).

There were reported challenges, including the data sharing arrangements in place with Police Scotland on Early Release and delays in the SPS releasing data pertinent to the scope of Early Release.

There were **noted opportunities to improve data sharing**, including simple enhancements such as adding a “Gender” data field, and considering how data could be better shared between partners moving beyond current Covid19 restrictions.

- **Communications** – alongside the critical element of communications between partners has been the communication to prisoners nearing their time of release. Local arrangements were co-ordinated alongside national developments. These were shared developments, encapsulating multiple messages within single mediums. The approach included utilisation of the “Email a Prisoner” scheme (targeting every prisoner within 12 weeks of liberation) and a drama inspired radio script played across targeted prisons (created by the charity Street Cones).

It has not proven easy to ensure information reaches everyone getting ready to leave custody. **Consideration should be given to extending the use of technology currently in place within establishments for virtual family visits to connect those preparing for release with community based services.**

- **Lived Experience** – the role of individuals with personal experience of the justice system and/or addictions has been a great asset. The use of Mentors with lived experience and the role of Recovery Networks were prominent aspects in local plans.
- **Public Social Partnerships (PSPs)** – PSPs were identified as the backbone of prison throughcare, and all efforts were made to ensure the offer of support via New Routes and Shine was widely made and endorsed by all partners. The co-ordinated, holistic approach of the PSPs provides an evidenced response, particularly well-suited for individuals with complex needs. **There remain however ongoing risks to the long-term, national funding for these services, putting these core services at risk.**

- **Pace of Release** – Community services, in preparing for and addressing complex needs, require advance notice and a managed pace of release. This has at times been at odds with a focus on individual rights and the desire of prison Governors to release individuals at the earliest point in their Early Release “Tranche”. This was managed in a negotiated way, case by case and functioned adequately in relations with the prison holding the most Glasgow residents, HMP Barlinnie.

At some point, **a nuanced conversation is needed to align the ability to plan for support with the necessary respect of individual rights.**

- **Single Point of Contact (SPOC)** – Having a SPOC in each prison and a SPOC identified for each local authority has been essential in inter-organisational planning. **Adherence to use of the SPOC has not been universal**, with inconsistencies across the prison estate.
- **Shielding Plus** – the inclusion of prison leavers demonstrated Glasgow’s commitment to its citizens. As well as providing practical support for individuals where complex needs are identified, the Shielding Plus approach has reinforced to partners the focus that prison leavers are citizens.
- **Practical Issues** – some of the most challenging aspects of planning prison releases were the very practical issues – ensuring individuals had working **phones**, arranging **transportation**, provision of **face masks**, establishing **IDs** and **bank accounts**, ... These are challenges at all times for throughcare, made more difficult through the impact of Covid.
- **Leadership** – while there are excellent examples of local, collaborative leadership, what was less apparent was national leadership. The challenge of establishing national leadership across 15 prisons, 32 local authorities and a broad range of local and national partners (third and public sector) is well appreciated, yet there is room for improving the visibility of national leadership, and connecting with local arrangements, around the issue of Throughcare.
- **Focus on Housing and Addictions** – key areas for enhancing throughcare were identified by partners, with a focus on Housing and Addictions considered the most important for individuals, while also proving the most testing to deliver.
- **Looking Past Covid** – The below quote from a partner summarises a consistent theme, that the work put in place during Covid, and the lessons learned, should have a legacy beyond this period:

*Prison leavers in the past 4 weeks have had the best service they have ever received leaving prison. Multi-agency approach checking the details and coordination of each person to make sure they have housing, support, benefits, addictions etc sorted. **Let’s not lose that***

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## Appendix – Summary Findings from Partners

### Number of Responses: 12

- Which of the below do you consider to have been **essential assets** in preparing for prison release during the period of Covid19 restrictions and Early Release (tick **all** that apply)?

	Tick and add detail to “Other”
Partnerships	11
Data Sharing	10
National Information (timely/availability)	5
Local Strategies	10
Local Communication arrangements	11
Flexibility in “normal” arrangements by partners	9
Covid19 related information/guidance	6
Co-ordination across the partners	10
Levels and sustainability of funding	5
IT facilities	6
National Policies	3
Trusted Colleagues	10
Other:	
Public Social Partnerships national voluntary throughcare	
Local meetings to see what is happening on the ground	
National PSPs to provide rounded safety net for prison leavers with quality mentor relationships	
Lived experience mentors	

- Which of the below do you consider to have been the **single MOST** essential asset in preparing for prison release during the period of Covid19 restrictions and Early Release (tick **one**)?

	Tick and add detail to “Other”
Partnerships	4
Data Sharing	2
National Information (timely/availability)	
Local Strategies	
Local Communication arrangements	
Flexibility in “normal” arrangements by partners	1
Covid19 related information/guidance	
Co-ordination across the partners	4
Levels and sustainability of funding	
IT facilities	
National Policies	
Trusted Colleagues	1
Other:	

3. Considering local preparations and local capacity, which of the below do you consider to have been the **least effective** in preparing for prison release during the period of Covid19 restrictions and Early Release (tick all that apply)?

	Tick and add detail to "Other"
Partnerships	
Data Sharing	1
National Information (timely/availability)	4
Local Strategies	
Local Communication arrangements	
Flexibility in "normal" arrangements by partners	
Covid19 related information/guidance	
Co-ordination across the partners	1
Levels and sustainability of funding	
IT facilities	4
National Policies	2
Trusted Colleagues	
Other:	
The initial reluctance of SPS to share the data	

4. Considering local preparations and local capacity, which of the below do you consider to have been the **single greatest barrier** in preparing for prison release during the period of Covid19 restrictions and Early Release (tick one)?

	Tick and add detail to "Other"
Partnerships	
Data Sharing	
National Information (timely/availability)	4
Local Strategies	
Local Communication arrangements	
Flexibility in "normal" arrangements by partners	1
Covid19 related information/guidance	1
Co-ordination across the partners	
Levels and sustainability of funding	
IT facilities	1
National Policies	1
Trusted Colleagues	1
Other:	
The initial reluctance of SPS to share the data	
Standardised approach by SPS. Each prison estate has interpreted the guidance differently – eg some gave early notification, some didn't. Some welcome liberation packs, some didn't embrace them as much.	

5. What do you feel are the most critical aspects for throughcare arrangements during current Covid 19 restrictions (tick up to 3)?

	Tick and add detail to "Other"
Housing	11
Access to a phone for prison leaver	4
Transport arrangements	1 (esp Gateside pick up)
Employability	
Healthcare	3
Addiction Support	7
Benefits	6
Other:	
PSPs providing national throughcare	

6. Looking forward, where should attention focus to improve prison throughcare (tick up to 3)?

	Tick and add detail to "Other"
Partnership building	7
Expanding data sharing arrangements	10
Improving IT capacity for remote working and support	2
Improving IT accessibility for prison leavers	5
Resource planning across the partners (including financial resources)	7
Other:	
Understanding of ST population	

7. On a scale of 0-10, with 0 being "Not at All" and 10 being "Nearly Perfect", how successful do you think Early Release arrangements have been in Glasgow?

Range – 6-9

**Mean Average: 7.42**

Median: 7

Mode: 7

8. What has been your biggest point of learning from preparing for prison release over the past 2 months?
- The understanding of the barriers and complexities of this population.
  - Access to data was key to preparation and the challenges we faced in getting lists from SPS impacted on our ability to plan – during a very challenging time for services (COVID-19).
  - Engagement and communication from SPS was poor on occasion and we struggled at times to understand their expectations of partners in the process.
  - It could be argued that SPS did not take a truly partnership approach to EER nationally or locally.



- e. Engagement between local partners and local prison – could have been better. Planning around EER was driven by community. I think this should have been more of a joint venture between SPS and local partners.
- f. Key agencies needed to use the list from SPS in order to prepare themselves for each tranche.
- g. The role of Wise group and Shine was critical in providing support to those being released. It would be worthwhile carrying out further analysis of the impact of these services.
- h. The uptake of voluntary Throughcare was small – only one. Can this be better promoted by justice social work?
- i. The need to better coordinate services going forward for short term prisoners – beyond EER.
- j. Need to further develop our understanding of the needs of short term prisoners, as the majority were well known to services, had complex and enduring needs and had significant histories of non-engagement with services (are the service set up to aid meaningful engage with this group of men and women? – Is the problem us not them?).
- k. How do we coordinate mental health services for those being released from prison? What is the input from Prison Health Care? What are the referral pathways into community mental health teams?
- l. A greater understanding of how important all the other services are for a prisoner on release, and how easy it was for us to work together to coordinate this
- m. How fast we can make improvements when we need to. There is nothing which has been achieved in the past 8 weeks that was impossible before – Covid-19 just made everyone work more closely.
- n. How effectively partners can come together.
- o. How reliant we are on each other and the critical importance of partnerships
- p. Data Sharing and GDPR
- q. As a partnership we can scale up really quickly and sharing data across the partnership is easier than thought

#### 9. Any other comments welcome:

Previously we had no way of contacting prisoners on day of release due to the processes and early times they are released however in working through the early release I had direct links with Barlinnie staff to advise of plans for release. This cut out having to ask the person to then attend a casework team on release to be notified of accommodation. Just prior to ER we did start arranging accommodation the day prior to release to stop the s/u having to present to the office, but this is at a cost of booking a room for an extra night. If we were able to have links and a process with Barlinnie reception staff coordinating releases then this would be very beneficial.

It was also interesting to see the other agencies – New Routes, health and addictions that were working with each individual person. We have known for quite some time about competing priorities on release however with ER we were able to all work and communicate together, I think going forward this is something we need to continue and in developing my team and our role within the prison would be something to consider in that they embraced a more care management/coordinating role to ensure all services are part of the plan for releases and also made aware of accommodation on release as again this is something that was not previously done.

I also feel that I gained a lot from having regular conversations with the key agencies in that I can now just pick up the phone and call various partners to discuss any issues that could arise. There are a number of meetings and groups within the prison but I think an operational working group would be of great benefit perhaps even just in the short term or until working relationships are solidified.

In one of the latter calls there was also a suggestion for a MH contact to be included in the working group and I think this would be a real benefit as well.

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Prison leavers in the past 4 weeks have had the best service they have ever received leaving prison. Multi-agency approach checking the details and coordination of each person to make sure they have housing, support, benefits, addictions etc sorted. Let's not lose that.

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Every prison operates independently, places a great reliance on locally developed contacts. Is this best practice??

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Believe this early work will stand us in good stead for our future ambitions about protecting tenancies and helping people access a permanent homes so where possible they are not homeless on release from prison

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