

Prison-Based Social Work: Thematic Review

Terms of Reference

July 2023

About us

The justice inspectorates in Scotland are committed to working in partnership on shared areas of interest and responsibility. Collaboration allows us to use our respective resources efficiently, to avoid duplication, and to add to the evidence base of how justice services are operating.

Given the partnership approach required to direct and deliver prison-based social work services, a similarly collaborative approach is required to review prison-based social work arrangements across the prison estate. This thematic review will therefore be undertaken in partnership by the Care Inspectorate and HM Inspectorate of Prisons for Scotland.

Care Inspectorate

The Care Inspectorate is the independent scrutiny, assurance and improvement support body for social care and social work in Scotland. The powers and duties of the Care Inspectorate are set out in the Public Services Reform (Scotland) Act 2010. In 2018, the Scottish Government tasked the Care Inspectorate to lead on scrutiny and assurance of justice social work and support the implementation and continuous improvement of the community justice model.

HM Inspectorate of Prisons for Scotland

HM Inspectorate of Prisons for Scotland (HMIPS) is responsible for the inspection and monitoring of Scotland's 15 prisons, and reporting publicly on its findings. Inspection and monitoring activity focuses on establishing the treatment of and the conditions for prisoners, as well as the conditions in which prisoners are transported or held in pursuance of prisoner escort arrangements.

Our review

Purpose and aims

1. There has been no specific scrutiny of prison-based social work services for over a decade. During this period, any focus on social work services within prison has been as part of the Care Inspectorate's contribution to His Majesty's Inspectorate of Prisons in Scotland standards as part of their scheduled prison inspections. The Care Inspectorate's Community Justice Social Work:

Throughcare Review published in 2021 focused on breach and recall, the scope of which did not include prison-based social work services.

2. Using a human rights-based approach, the thematic review will consider the strengths and challenges in the governance, leadership, and accountability of prison-based social work.
3. In partnership with HMIPS, we will seek to review:
 - governance, leadership and direction
 - partnership working, including commissioning arrangements and resourcing
 - policies, procedures, and guidance
 - management and support of staff
 - performance management and quality assurance
4. This thematic review will also usefully inform our approach to future scrutiny and assurance of the efficient and effective delivery of prison-based social work and related outcomes for people in custody.

What is prison-based social work?

5. As part of their overall responsibility for justice social work services, local authorities are required to undertake a number of statutory and other mandatory core responsibilities and duties within prisons. Prison-based social work teams are employed by local authorities and are based in all of Scotland's 15 prisons and young offender institutions. They are an integral part of comprehensive, national justice social work throughcare provision. The term 'throughcare' relates to the provision of a range of social work and associated services to prisoners and their families from the point of sentence or remand, during the period of imprisonment and following release into the community.

Prison-based social work teams provide an important social work service to people in custody who will be subject to statutory supervision by community-based justice social work services on release. For example, people in prison serving the following type of sentences (each of which has its own legislative basis) require a prison-based social work service:

- Supervised Release Order
- Long-term sentence (four or more years)
- Extended Sentence
- Life Sentence
- Order of Lifelong Restriction
- People subject to a Short-Term Sex Offender Licence
- Recalled prisoners

6. The core responsibilities and tasks of prison-based social work services include:
 - the provision of risk assessments, case and risk management plans, and reports to the Parole Board for Scotland to inform sentence and release planning;
 - attending and contributing to release planning meetings such as Integrated Case Management meetings;
 - working with prisoners, their families, the Scottish Prison Service, internal and external agencies, and other social supports, including community-based justice social work services, to reduce the risk of re-offending and harm on release and to assist reintegration within the community.
7. As well as these mandatory responsibilities, other services, such as group work or support programmes may be provided or co-delivered in prisons by the local authority.
8. Prison-based social work services remain subject to the [National Objectives for Social Work Services in the Criminal Justice System: Standards – Throughcare](#) (2004). These standards are in the process of being updated by the Scottish Government.
9. Scottish Ministers provide funding to the Scottish Prison Service which enables them to pay local authorities for the provision of prison-based social work services. These arrangements are incorporated within a Memorandum of Understanding.

Background

10. In 2010, the Social Work Inspection Agency inspected all prison-based social work services in Scotland. They reported that, although some services had strong leadership and were clear about their roles, remits, and outcomes, other services were not as clear on this and had less robust oversight and leadership.
11. One of the four national aims in the Scottish Government’s most recent [National Strategy for Community Justice](#) (2022) is to: “...Strengthen the leadership, engagement, and partnership working of local and national community justice partners” (which includes local authorities and the Scottish Prison Service), with a priority action to:

“Deliver improved community justice outcomes by ensuring that effective leadership and governance arrangements are in place and working well, collaborating with partners and planning strategically.”
12. The Scottish Government’s [Vision for Justice in Scotland](#) (2022) notes that people in contact with the criminal justice system experience high levels of

mental and physical health difficulties, trauma, substance use, learning difficulties (sometimes undiagnosed), and speech, language and communication needs. Moreover, it advises that people entering custody are disproportionately from the most deprived areas of Scotland, and the proportion of people in prison over the age of 50 is rapidly growing. Further, the number of people in prison for sexual offences has more than doubled over the last decade.

13. Acknowledging the negative impact of short-term custodial sentences on people's life chances, the Scottish Government's aim is that people should only be held in custody where they present a risk of serious harm. The Vision for Justice notes that, although fewer people are receiving a custodial sentence each year, those who are sent to prison tend to receive longer sentences. This means an increase in people - potentially with complex needs and serious and complex offending behaviour - working with prison-based social work services while serving their sentences.
14. As well as the changing demographics of the prison population, prison-based social work services are impacted by other local and national issues and developments. For example, working with outdated practice guidance and processes while managing the introduction of new processes such as the Throughcare Assessment for Release on Licence (TARL). There are also variations in policy and practice across the prison estate and between local authorities. This is characterised by resourcing constraints and potential human rights issues, which may contribute to an increase in judicial challenges. In addition, there are competing and increasing demands in respect of the expectations of the Parole Board for Scotland in relation to oral hearings.
15. Taking all of these factors into account, we consider our review of prison-based social work's governance, leadership, and accountability arrangements to be timely and in the public interest.

Scope

16. The Care Inspectorate's approach to scrutiny, assurance and improvement is informed by the European Framework for Quality Management (EFQM) model. The latest iteration of the EFQM model incorporates three core tenets related to Direction, Execution, and Results. This thematic review will focus on **direction** and will consider:

Direction: consideration of the strengths and challenges in the governance, leadership, and accountability of prison-based social work in Scotland
17. The focus of this review is high-level, focusing on direction with a view to producing a report on the clarity of purpose, leadership, and strategy for prison-based social work services in achieving their aims.

18. The execution and results elements are currently outwith the scope of this thematic review. They will however be central to any future scrutiny and assurance focused on the efficiency, effectiveness and impact of prison-based social work.
19. The thematic review will therefore seek to provide an overview of prison-based social work, outlining:
 - roles and responsibilities
 - commissioning, governance, leadership, and resourcing arrangements
 - key underpinning legislation, policies, procedures, and guidance
 - management and support of staff
 - collaborative working
 - performance management and quality assurance
20. At all stages, the review will give due attention to the fact that prison-based social work services operate in a secondary setting and are part of wider systems and processes – therefore, any findings will be contextualised as such.

Methodology

21. Consultation with national justice agencies has confirmed the relevance of, and need for, a review of prison-based social work services. We have also taken into account the views of services and people in prison gained during our ongoing prison-based activities with HMIPS. Following initial scoping discussions with Social Work Scotland, Community Justice Scotland, the Risk Management Authority, and the Scottish Government, we will seek further information from a range of sources. This will include:
 - a desktop review: examining relevant documentation, strategies, policies, procedures, guidance, templates, quality assurance materials, and the findings from relevant scrutiny and reviews;
 - findings from a survey issued to prison-based social work staff;
 - seeking the views of key contacts from the Scottish Prison Service and prison-based social work leaders (across all 15 establishments), the Parole Board for Scotland, and third sector organisations, as well as the organisations included in the initial scoping phase.
22. In accordance with a human rights-based approach, we are committed to understanding the views and experiences of people who have received a prison-based social work service. This commitment includes an intention to develop and deliver scrutiny and assurance approaches which are co-produced and meaningfully involve people with lived and living experience of the justice system. The mechanisms and approaches which enable us to deliver on this intention are under development.

Quality assurance

23. Oversight, development and delivery of this thematic review will be undertaken within the Care Inspectorate and HMIPS. Factual accuracy checks will also be undertaken with national and local partners prior to final publication.

Reporting

24. A report of the findings from our review will be published, shared with partners, and made available on the Care Inspectorate and HMIPS websites. We anticipate publishing our report in April 2024.
25. For further information about the review, or if you have information or experiences that you would like to share with us, please contact:
 - Rania McGoran and Mike Hendry, Strategic Inspectors (Justice), Care Inspectorate – justicescrutiny@careinspectorate.gov.scot
 - Jacqueline Clinton, HMIPS - Jacqueline.Clinton@prisons.gov.scot

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