

## **FREQUENTLY ASKED QUESTIONS**

### ***What is “flexible release to assist reintegration”?***

The Prisoners Control of Release (Scotland) Act 2015 gives the Scottish Prison Service (SPS) the discretion to release prisoners up to two days before their earliest date of liberation (EDL), where this will improve the opportunity for that individual to get the help that they need from public services and other support services in the community, after they are released.

### ***Why was this process created?***

We want to give people leaving custody the opportunity to successfully re-integrate into the community and to reduce the risk of further offending. This arrangement is intended to help ensure that people leaving custody can make best use of the support services which are available to them.

We also want to enable public services and support services to deliver the most effective level of support they can to people being released from prison. This is an opportunity for public services and third sector organisations to think positively about the support they provide for people leaving prison. This arrangement will allow a greater degree of flexibility in relation to an individual being released from custody: where this will enable services to deliver better results or where it will remove some of the barriers that individuals may face soon after they are released.

### ***Who is it for?***

We know that many individuals will rely on key public services (like housing services, medical services, addictions and substance misuse services and benefits) or other support services (like, Mentors, other support workers and charities) to help them meet their basic needs after they are released. When these services are co-ordinated effectively with an individual’s release, it improves the prospect of that individual effectively settling back into their community and it reduces the likelihood that they will offend again.

However, sometimes there may be practical problems that stop individuals from getting access to the support they need. For example, an individual may have complex needs that require specific help and assistance on the day of release. In other cases, an individual may have practical problems getting access to the services they need (like having to travel long distances to return to their community, or services not being available on the date they are scheduled to be released).

This process will provide an opportunity for people serving sentences of 15 days or more to request release one or two days before their EDL. This will result in public or third sector services providing the individual with a more effective service.

### ***Who can make a request for flexible release?***

Where it can be evidenced that an individual's EDL is problematic to their reintegration requests for flexible release can be made by;

- Individuals themselves;
- Prison staff;
- Internal and external service providers (e.g. Social Work, Housing, Health, Third Sector or mentor) who may be working with an individual pre-release or will be supporting them after release. However, it should be noted that family members and friends cannot make applications on behalf of an individual.

### ***How will requests be considered?***

There must be clear evidence of how and why a flexible release date will improve the reintegration process and help address the individual's needs. Flexible release is not an automatic entitlement. Each request will be considered on its individual merit including any potential risk to public safety. The SPS will only support a flexible release when there is a sound reason that the required services could not be provided on the EDL, and that other arrangements could not provide the same benefits to meet the individual's needs or resolve the problems that have been identified. The six most common reasons are described below.

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| <ul style="list-style-type: none"> <li>• <b>Access Suitable Accommodation</b></li> </ul>        | <p>Clear evidence that there is access to suitable accommodation on the day or up to 2 days before liberation, where the individual would be homeless on their EDL.</p>   |
| <ul style="list-style-type: none"> <li>• <b>Access Addiction Services</b></li> </ul>            | <p>Clear evidence that the required access to an addictions worker is unavailable due to the day of liberation, but this access can be evidenced on the day or up to 2 days before liberation.</p>                  |
| <ul style="list-style-type: none"> <li>• <b>Support Specific Health Requirements</b></li> </ul> | <p>Clear evidence that the required support for specific health issues are unavailable on the day of liberation, but this support can be evidenced to be available on the day or up to 2 days before their EDL.</p> |
| <ul style="list-style-type: none"> <li>• <b>Access to Community Support Worker</b></li> </ul>   | <p>Clear evidence that the required access to their community support worker is unavailable on their day</p>  |

of liberation, but this access can be evidenced on the day or up to 2 days before their EDL.

- **Distance to Travel for Community Services**

Clear evidence that shows that the distance to be travelled on the day of release to their home area would not allow access or sufficient access to community based services, but sufficient access would be available to these services on the day or up to two days before their EDL.

- **Access Employment**

Clear evidence that there is access to a confirmed employment opportunity on the day or up to 2 days before liberation, where the individual would be reporting unemployed on their EDL.