

COMMUNITY SENTENCING WORKS ... I'M LIVING PROOF!

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Abstract

Five years ago, Kim was expecting a jail sentence in Scotland. Instead, she was given a two-year supervision order. The judge's decision to give Kim a 'final chance' was the first step towards what would ultimately become a life transformed; once beset by chaos and adversity, Kim is now a justice professional, using her lived experience to inform her work. However, a community sentence is not a silver bullet – Kim details what worked and what didn't, and what support she had to seek out for herself. She also paints a stark picture of the obstacles that she had to overcome post-conviction, including access to education and employment as well as general attitudes towards people with convictions.

Keywords

Community sentence; women offenders; education; employment

Introduction

In March 2013, I was sentenced to a two-year supervision order (probation) and a deferred sentence for two years in Scotland for Misuse of Drugs offences. It was the beginning of my journey into the person – and, more importantly for my wee boy’s development, the mother – I am now. I look at how my life was six years ago and I don’t even recognise the person I used to be. At the time, I was not only expecting a custodial sentence, but I prayed and prayed that I would be sent to prison. I really thought that prison was my only option to escape all the problems I was then facing. I turned up to court for my sentencing with my bag packed and waited to be called. I wasn’t scared or anxious; I just felt relieved that finally I would be able to leave the nightmare I was living in up until that court date. I was in a toxic relationship and my life was chaotic.

My name was called, and the judge started speaking about my social work background report. It was a different judge that day from the previous times I had been up for the case. She started speaking to my lawyer and then she told me to stand up. I put my hands in front of me, expecting the G4S guard to come and handcuff me, but instead the judge started speaking. She said that she was giving me a final chance to get help and stay out of her courtroom. I couldn’t believe it. I wanted to shout ‘Please take me to prison!’ but I just froze as she passed down a two-year suspended sentence and a two-year structured supervision order. All I could think of was going back to my flat, to the chaos I had thought I was getting to escape. But I know now that if I had gone to prison I would not be sitting here today, writing this.

Sentenced to change

It took me a couple of months after receiving my supervision to finally give in to the changes I desperately had to make. My turning point was when I saw my wee boy walk into Primary 1 at school; it was like my brain just kickstarted itself again, like I just woke up from a coma. I was overwhelmed by a feeling I still can’t even describe. I just knew that, no matter what, I had to change. I didn’t connect with my first worker, as I often felt she was trying to tell me how I was feeling or treating me like a case study. I ended up with a new worker and that’s when things really started to get better. I felt like I mattered. I felt heard for the first time in my life. She didn’t judge me, she spoke to me like a person. She understood how hard it was for me.

Up until then, I had felt really isolated because – in order to change – I had had to cut myself off from all my old friends. I had locked myself away in the house for months while I did the work my supervision order required. The first block of supervision was understanding my emotions and how my emotions affected other people. I did cognitive behavioural therapy and anger management, where I worked on assertiveness. I looked at my offending and I learned something new about myself every day.

After a few months of supervision I was feeling more positive about life, but I felt that supervision wasn’t enough for me so I sought out other support. I attended a women’s hub in my area for a while. It was good, as it got me out of the house for a few hours a week and it was a safe place to go and speak to other women who were in the justice system. But something was still missing. I felt the supervision work and the support from the woman

and the facilitator were helping, but I knew I was still troubled without being able to say what was wrong with me. So I decided to seek out other support. This was difficult to find, as every organisation I contacted told me I was not a priority because I didn't have an addiction, I didn't have mental health issues, I hadn't been to jail, I wasn't a sex worker or I didn't live in the right postal code. This frustrated me even more. I knew I needed help, I just didn't know why I was feeling the way I felt. I was angry at the fact I had to fit into a particular box to get help. 'How is that even right?' I would ask myself. I needed answers and I needed help to change, because I knew that if I didn't then it was only a matter of time before I'd be in trouble again and then I'd lose my wee boy and he would end up having a life like I'd had That was not an option.

I decided to try and find work in the meantime, so I started a Community Learning course and I learned how to use a computer and write letters and stuff. I saw a flyer about basic youth work training, so I applied and got on the course. I really loved it, and that's when I realised I wanted to help young people. I didn't know what that role would look like yet, but I was encouraged to apply for college so that's what I did. I got an interview. Things were really looking up, I thought.

Refused an education

I had applied to do an HNC in Working with Communities, as I thought this would give me lots of options while I figured out the type of career I wanted. I was so excited as I walked up the stairs to the interview room. I was confident and ready to prove I was suitable for a place on the course. I thought the interview was going well, but then the lecturer asked me if I had any convictions. I told her I had a racial conviction from when I was 17 and a Misuse of Drugs Act from 2013. I told her I was still on supervision but I was doing well and had a letter of support from my social worker. It was then she left the room and came back with another woman. They told me bluntly that I would never be able to work with young people because of these convictions, that I may as well find another career path and that the college would not accept me on this course or any course that needed a disclosure-of-convictions check. I burst into tears and left the room.

This was not exactly a new experience. I had already faced challenges finding work because of the convictions I had received as a teenager. At times I almost gave up because some of the negative experiences I had were so bad. They undoubtedly had an emotional and physical impact on my wellbeing. The anxiety I would suffer leading up to job interviews would cripple me at times, and often I wouldn't even turn up because I always sensed that the interview would go well until it came to disclosing my convictions. I would then feel a shift of energy in the potential employer and I would know, in that moment, that any hopes I had for that job would be shattered. In addition, the shame that was attached to this part of my life felt like it would haunt me forever.

So here I was again. For two weeks after the college interview I was so depressed, thinking that I would never be able to get the work I wanted, filled with anger and hating myself for getting into trouble and now not being able to give my wee boy the life I had never had. I arranged an appointment with my probation worker because I just couldn't snap out of the toxic thinking. I told her about the interview, and she reassured me and told me not to give up. She then told me about this guy she'd heard of who'd had criminal convictions, wrote a

book about turning his life around many years ago and became a successful social work manager. She couldn't remember his name, but she told me what the book was called – *So You Think You Know Me*. I had a glimmer of hope installed in me and left the appointment feeling better.

When I returned home I searched for the book – it was by Allan Weaver – and came across the podcast of the book launch at the University of Strathclyde (where he had trained as a social worker). From that day my life has never been the same.

Rebuilding myself

On the podcast there was this Glasgow cop called John Carnochan speaking. He said something like, 'If we don't get it right for the young mother walking down the street pushing the pram then we will never get it right for the child.' I thought that was amazing – it resonated with how I was feeling and thinking at the time, as I knew if I didn't get help then I would pass my chaos on to my son. I had to speak to him! His words really hit home to me and I 'got' everything he was saying, so I Googled him and found his Twitter page and I sent a tweet. I was tweeting him for ages but I never got any replies. Someone then explained that he had to follow me to see my tweets and they gave me his email address.

I emailed John and told him about my probation, and he emailed me back that day and said he would meet me for a coffee in town. I was over the moon and excited to meet him, but on the day I got really nervous, as I had never had coffee with the police before. I wasn't sure what I was letting myself in for, but as soon as I met John I felt at ease. He didn't see me as a criminal and I didn't see him as a cop; we were just two people sitting, drinking coffee. John told me about Strathclyde Police's Violence Reduction Unit and said I should meet Karyn McCluskey (with whom he had set up the unit) and James, one of the mentors working there. John said he would set the meeting up and a couple of days later I met James.

Meeting James was a significant moment in my rehabilitation, no doubt about it. Within an hour of speaking with him I had more answers than I'd had in the last few months. He was so easy to talk to. I felt he 'got' me, and he knew how to help me help myself. He didn't try to fix me, and he wasn't trying to force me to change. He didn't promise me things would be all right, and he told me it wouldn't be easy. He helped me understand traumatic events from my childhood and to see that none of what had happened to me was my fault. That was an important realisation for me. He showed me the path, but ultimately – of course – I have had to walk it on my own. James was, and still is, the biggest cheerleader and believer in me; he believed in me when I didn't believe in myself. He never gave up on me. If I had to talk my problems and feelings out, James would stay on the phone till two or three in the morning listening to me and guiding me through. It was all off his own back, and he was the first positive male I had met in my life.

Rehabilitation is hard. I had to strip myself down and go back to the beginning and unlearn much I thought was true. I had to rebuild myself. I knew what I wanted from life, but deep-rooted fear and worthlessness often gripped me. I longed to fit in and belong somewhere other than in the chaos and dysfunction which had been my comfort zone – my normality – for years. But did I have it in me to do it? James supported me and gave me the tools I needed to build my confidence and self-care, and I found the solutions within myself. I was

able to recover and heal from my adverse childhood experiences, and the support is still there if I ever need it.

I started volunteering with the Violence Reduction Unit and I attended events and built up a network of people from various organisations, such as schools, police and government. I attended Tulliallan Police College for a Community in Motion event, where parents and primary-age children all came together for a big play event. I gained a lot of valuable work experience and I was also able to build relationships with employers, so that they could give me the references I needed to pursue my career in working with young people.

My employers regarded my lived experience as an asset, and I was able to draw on my experience to support the young people I worked with and to help them have better outcomes. I was also involved with development groups through volunteering at Positive Prison? Positive Futures. With this organisation I spoke at events and participated in development days around 'women in the justice system' issues. I was an advocate for stopping the build of the Inverclyde superprison in 2014, and I went on BBC News and STV News to speak about this. To this day I remain passionate about effecting change and advocating for community sentencing. I believe that community sentencing should be at the heart of rehabilitation. People just need the chance to change with the right support in place.

New beginnings

Our greatest glory is not in never falling, but rising every time we fall.
— Confucius

I read this somewhere, and I think it's true. It applies to me, although I know I needed other people's help and goodwill to rise to this point. Probably, no one ever does it on their own. The last six years have been the most incredible journey, full of ups and downs and round and rounds, one step forward and, sometimes, ten steps back. Sometimes, in the downs, I would find myself back in an old habit of thinking; I'd think that maybe I wasn't supposed to have a happy life because it was karma for the mistakes I'd made in the past. Maybe this was as good as it got. I don't think like that now. Other people helped me get here.

I completed my community order in 2015 and I was discharged early for good behaviour, so I only completed 17 months of it. It felt really good to be recognised for how I had turned my life around, and when I went back to court for the last time the sheriff congratulated me on my success and told everyone present in the court that I was an example to be followed. That was amazing to me, and I left the court feeling proud of my journey. After I finished my sentence, life continued to get better and better. I have achieved so much in the last few years, and it would not have been possible if I had gone to prison.

I finally got accepted into college to do my HNC in Working with Communities. The first couple months were amazing. I was learning so much and I made lots of good friends. My peers accepted me and I really felt supported by my lectures. Finally, I felt I was really making progress and following my dreams. Or so I thought. It was the day before my

thirtieth birthday and I was in class learning about anti-discriminatory practice and prejudice in the work place.

I was called out of my class and taken into a room where there were two people sitting waiting for me. I joked, 'Aw, I must be in trouble if there are two of you.' I soon found out it was no laughing matter. The two women told me that because of my racial conviction I was too high risk to go on placement. 'Risk,' I thought, 'how am I a risk?' I tried to tell them it was over a decade ago, but they didn't listen. I had already set my placement up with the Violence Reduction Unit. If they didn't see me as a risk then what was going on? Why was this happening again? I was then told I wouldn't be able to complete my course because of this and I couldn't appeal the decision. I walked back into my class absolutely heartbroken. I genuinely think if it hadn't been for the support of my class mates I would have accepted the decision and walked away. I was so deflated and was sick of trying to prove myself. Fighting all the time. I just wanted to give my wee boy a good life.

I went out the next day and celebrated my thirtieth birthday with my classmate and good friend to this day, Jen. She encouraged me to fight the decision, so that's what I did.

I started a petition. I put my story out into the public, and the support I had was overwhelming. I could actually cry writing this, because it was just amazing. People who didn't know me wanted to see me do well and knew I had changed. But why couldn't my college? Why did it always come back to that conviction from when I was a teenager? I was a silly wee girl who made a mistake. I have paid for that mistake over and over.

I had hundreds of signatures and messages of support on the petition, but still the college wouldn't listen to me. They told me they were following a policy on ex-offenders. I found out through searching with another class mate that the policy did not exist. My petition was getting shared on Twitter and John Carnochan shared it and someone from the *Daily Record* asked him if we would do a story. I wasn't sure what to do – all I knew was that how I was treated wasn't fair and that I had worked so hard to get into college in the first place. The idea of putting myself out there in the papers was so scary, but not as scary as being kicked out of college for something I did when I was young.

So I did the article and eventually I was allowed to continue my course. I was promised full support, but I never received it. I often felt picked on by my lecturer after this and it really affected my work, but still I was determined to get an education, so I turned up and did my best. I eventually graduated in 2016. My wee boy was there at my graduation and seeing how happy he was when I was awarded my certificate made every challenge I had gone through worth it. I knew he was proud of his mum.

After graduating from college I went on to work as a young person's support worker. I worked with young people who were involved in alcohol-related offending. I absolutely loved my job and found it easy to build relationships with the young people and their families. After a year the funding was cut, so I lost my job. I started doing freelance work, speaking at schools to young people about how getting convictions at a young age can impact them in adult life. I also spoke at various events raising awareness of adverse childhood experiences. I was on a panel with the first minister Nicola Sturgeon, the deputy

first minister John Swinney and Harry Burns. It still feels like a dream to me that they were all listening to what I had to say. Never in my wildest dreams did I think I would have done something like this.

In May 2018 I started working at Community Justice Scotland. Community Justice Scotland is a non-departmental public body set up under the Community Justice (Scotland) Act 2016. Launched on 1 April 2017, its aim is to create a more robust and effective community justice system based on local planning and delivery by a range of statutory and other partners, supported and guided by national leadership and oversight. Community Justice Scotland is based in Edinburgh but is a national body working across the whole of Scotland.

I work as a Policy Apprentice. My role within the Policy Team has been focused on Community Justice Scotland's engagement with the Management of Offenders Bill [Add date of bill], the Age of Criminal Responsibility Bill [Add date of bill] and the Disclosure Scotland Protection of Vulnerable Groups Disclosure consultation.¹ I have participated in conferences, consultation events and reference groups on these bills and the review.

One of the things I have been able to work on at Community Justice Scotland is researching the removal of conviction process in Scotland and how an individual with spent convictions can apply to a sheriff to have their convictions removed from their disclosure record. I am currently producing a report on the barriers a person would have to overcome in order to have their convictions removed. My report will be published in 2019. I have loved working on this project, as it is something I am really passionate about.

Since starting at CJS, I feel like I was always meant to be here, like all the small successes I've had were leading me up to this. I know my life will never be the same again, because people believe in me and what I have to offer – and that makes me believe in myself and my abilities. This feels like a career. This is 'making a living'. I am not afraid of setting long-term goals now. This was something I once feared, as anytime I focused too much on 'the future', the fact of my previous convictions would stand in the way of achieving it.

Some think that those with convictions are always going to be bad people, that they don't deserve a second chance. The college seemed to think that about me! I wonder what the world would look like if we were less concerned with people receiving lasting judgements and more concerned about enabling whatever it takes to help them achieve redemption. If we were less concerned with constantly pointing out the bad and more focused on nurturing the good in people. If instead of building barriers, we helped everyone work hard at making life the best it could be. It worked for Allan Weaver. It worked for me.

What would I be like now if I had gone to prison back in March 2013? Where would I be? Given the way my mind was then, what sort of person would I have become? Would prison – the thing I thought I wanted – have helped me the way a community sentence did? I doubt it. And it would have made my criminal record even harder to live down than it actually has been. The sheriff who gave me my community sentence gave me not only my 'controlled

¹ Scottish Government (2018) *Protection of vulnerable groups and the disclosure of criminal information: a consultation on proposals for change*. Edinburgh: Scottish Government.

freedom' but the opportunity to right my wrongs in a way that prison never could have. I took it, and through my determination to change I found and I met helpful people who I never would have done otherwise – starting with a social worker who listened to me, and culminating in James at the Violence Reduction Unit. Most important of all, she didn't separate me from my son and she gave me the chance to become the mother I am today. More than anything, that motivated me to change, to get rehabilitated. I stayed true to that and I kept pushing forward, no matter what the obstacle was.

Changing your life around and walking away from a life that you have always known is a sentence in itself. Committing to change, seeing it through, takes strength and resilience, and I found, through others, that I did have that. Maybe that's the first step in change – finding someone who believes in you when you don't believe in yourself. But ultimately you have to take responsibility for yourself, and that's what I'm doing. I am not the same person I was, because of a community sentence and the people I met while serving it. I will never be the same person, but I have 'lived experience' that others now find useful, which enables me to give something back. Every day I learn something new; every day I am growing. Every day I become a better version of myself. I still face challenges, but I have the tools and support I need to overcome them. If I can get to this place, if I can turn it around, then so can anyone. But the system of community sentences, sheriffs who are willing to use them and skilled staff who can really relate to people like I was has to stay in place. People who have had adverse childhood experiences and broken the law, like me, can be shown that there is a better life awaiting them. It is not the punishment that some people seem to want, but I'm the living proof it works.