

MINUTES OF THE SCOTTISH PRISON SERVICE ADVISORY BOARD MEETING HELD IN THE DUMYAT MEETING ROOM, SPS COLLEGE, POLMONT ON WEDNESDAY 21 SEPTEMBER

Present: Ann McKechin, Non-Executive Director and Advisory Board Chair
Teresa Medhurst, Chief Executive, SPS
Sue Brookes, Interim Director of Strategy and Stakeholder Engagement
Lynne Clow, Non-Executive Director
Adam Jobson, Head of HR
Jim Kerr, Deputy Chief Executive, SPS
Sharon Lawson, Executive Personal Assistant/Chief Executive (Minutes) (Attended Virtually)
Gerry O'Donnell, Interim Director of Finance
Gareth Rose, Head of Communications, SPS
Gill Stillie, Non-Executive Director
Rob Strachan, Divisional Head of Strategy, Planning and Partnership, SPS
Lisa Taylor, Branch Head, SPS
Stephen Uphill, Non-Executive Director

Introduction and Welcome

1. The Chair welcomed all present to the Business section of the meeting, noting that this had been curtailed to accommodate a Development Workshop for the remainder of the afternoon.
2. Ms McKechin advised that Prof Hampton had tendered her immediate resignation from both the Advisory Board and the Risk Monitoring and Audit Committee (RMAC), and members formally recorded their thanks for her sterling work during her term of appointment, with all agreeing that the Advisory Board had benefitted greatly from Prof Hampton's experience. It was proposed to recruit a replacement for Prof Hampton in the New Year.

Apologies for Absence

2. Apologies for absence were received from Ian Harley, RMAC Chair and Non-Executive Director, and Ali Purdie, Interim Director of Operations.

Declarations of Interest

3. There were no new declarations of interest.

Draft Minutes of the Advisory Board Meeting Held on 27 July, Action Points and Matters Arising

4. The draft minutes of the meeting held on 27 July were agreed as a true record and the Action Tracker was updated during the course of the discussion.

Chief Executive's Update

5. This update included the following points:
 - Mrs Medhurst had been honoured and privileged to receive an invitation to attend the State Funeral for HM Queen Elizabeth II in London.
 - Holyrood Magazine had recently interviewed the Chief Executive in relation to the challenges SPS faced in emerging from the pandemic. [A copy of the article was sent to NEDs following the meeting for their information.]

- Senior colleagues within SPS had now been made aware of the changes to the Senior Leadership Structure. [A copy of the updated Organogram was sent to NED colleagues following the meeting for their information.]
- The outcome of the POA(S) pay ballot was expected later in the week and the position in respect of potential industrial action would then be known. Meantime, the Cabinet Secretary has asked SPS colleagues to scope out further contingency arrangements in this respect.
- The Resource Spending Review is still under discussion and is occupying a large proportion of both SG and SPS colleagues' time. There are also internal resource challenges in respect of budgets and workforce.
- There were a number of changes in personnel to the Justice Board.

6. Colleagues thanked Mrs Medhurst for her informative update.

Items for Monitoring, Advice and/or Comment

AB(SEP)01/22: Operational Update

7. In Mr Purdie's absence, Mrs Medhurst advised that:

- There were 7,465 people in SPS' care on 13 September.
- There were 46 significant incidents reported during the 2 months from 22 July-12 September.
- There were a total of 10 deaths in custody reported within the reporting period: 5 as a result of apparent natural causes, 4 reported as apparent suicide and one caused by an apparent overdose.

Scottish Court Custody and Prisoner Escort Services (SCCPES)

8. The contractor continues to underperform against minimum acceptable thresholds. Staff retention and recruitment has been an issue for the contractor since April 2021. Despite providing an increase in pay rates over the last 2 years, they continue to experience significant difficulties in attracting staff and are operating under the required head count. This has had a detrimental impact in all areas of service delivery.

9. In the last few weeks, performance in relation to delivery of non-court appointments, including hospital appointments, has had a marked deterioration in performance, and SPS is discussing with MALG partners if temporary solutions can be identified to ensure these important matters are addressed.

HMP Addiewell

10. HMP Addiewell continue to experience staff attrition and recruitment issues in line with the current market forces across the country. Overall, the staffing position appears to be improving, however, this increased turnover remains a risk.

HMP Kilmarnock

11. All partners have agreed on a Notification of Change (NOC) amendment which will conclude all outstanding legacy matters, with the intention that this formal process is scheduled for conclusion this month.

12. The Project Executive for the transition of HMP Kilmarnock into the public estate is now in place and is working with colleagues across SPS to deliver the transitional arrangements.

AB(SEP)02/22: Financial Update/Budget Monitoring 2021-22

13. This paper provided an update on the 2022-23 financial position and Advisory Board members were pleased to note the improving position, albeit that a projected deficit was still forecast. Members also noted the significant increase in the number of capability dismissals over the last year and the consequent impact on budget expenditure and agreed the matter should continue to be kept under close review. There then followed a discussion on staffing resource issues.

AB(SEP)03/22: People Metrics - Conduct

14. This paper provided members with information on gross misconduct cases as part of Corporate Services routine reporting on People Metrics.

15. Mr Jobson advised that SPS sets standards of conduct for its employees which, in some instances, are significantly higher than those expected in other employment relationships. This can result in a relatively large number of staff being subject to the Code of Conduct and in some cases, suspended from duty. This has a negative impact on staff involved and can impact on SPS' ability to deliver its corporate agenda due to staffing shortages.

16. SPS could face significant financial, reputational and employee relations risks by not following the Code of Conduct, including the requirement to undertake reasonable and thorough investigations. To mitigate against these risks, SPS' Legal Advisers provide advice, guidance and training on employment law topics and the outcomes from significant cases which reach Employment Tribunal stage and associated 'lessons learned' are shared with Senior Leaders.

17. The Advisory Board thanked Mr Jobson for this update which they noted with interest. All present agreed it was a difficult and challenging process to navigate.

AB(SEP)04/22: SPS Portfolio Update

18. This paper provided an update on the portfolio of projects managed through the Major Projects Management Group (MPMG) and the Portfolio Management Office (PMO) and was noted by members. Having attended his first meeting as NED representative, Mr Uphill reflected on his experience advising that he had found the meeting to be extremely helpful and informative.

Items for Noting

RMAC Chair Verbal Report (and RMAC Minutes)

19. As Mr Harley was not in attendance at this meeting, no update following the RMAC meeting on 8 September was provided, but the Chair informed the Advisory Board that RMAC had undertaken a 'deep dive' into the status of the Geo Amey contract.

Any Other Business

20. There was no further business discussed at the meeting.

Draft Agenda for November Meeting

21. It was agreed that the draft agenda for the next meeting would be circulated to members via correspondence for any comments they wished to offer. It was noted that Joe Griffin, Director General (Learning and Justice), Scottish Government, would attend this meeting.

Action: Ms Lawson

Date of Next Meeting

22. The next Advisory Board meeting will be held on Wednesday 30 November from 1300-1700hrs in the Schiehallion meeting room, SPS College, Polmont.

**Advisory Board Secretariat
September 2022**