

MINUTES OF THE SCOTTISH PRISON SERVICE ADVISORY BOARD MEETING HELD VIRTUALLY ON WEDNESDAY 26 JANUARY 2022

Present: Brigadier Hugh Monro, Non-Executive Director and Advisory Board Chair
 Teresa Medhurst, Interim Chief Executive, SPS
 Sarah Angus, Branch Head, Chief Executive's Office, SPS
 Rachael Blackburn, Administrator, Chief Executive's Office (Minutes)
 Sue Brookes, Interim Director of Strategy and Stakeholder Engagement, SPS
 Lynne Clow, Non-Executive Director
 Ian Harley, Non-Executive Director and Risk Monitoring and Audit Committee (RMAC) Chair
 Caroline Johnston, Interim Director of Corporate Services, SPS
 Ann McKechin, Non-Executive Director (and Advisory Board Chair from 1 February)
 Gerry O'Donnell, Interim Finance Director, SPS
 Allister Purdie, Interim Director of Operations, SPS
 Gill Stillie, Non-Executive Director
 Rob Strachan, Head of Strategy and Improvement, SPS
 Stephen Uphill, Non-Executive Director

Introduction and Welcome

1. The Chair welcomed all present to the meeting, in particular, the new Non-Executive Director (NED) colleagues who were attending their first Advisory Board meeting. He introduced Ann McKechin as his successor as Chair of the Advisory Board and NED, Ian Harley as Chair of RMAC and NED, and Lynne Clow and Stephen Uphill as NEDs.
2. A further opportunity for discussion with NED colleagues took place later in the meeting.

Apologies for Absence

3. Apologies for absence were received from Prof Hampton and Ms Lawson. Ms Angus also advised she would only be in attendance for the first part of the meeting.

Declarations of Interest

4. There were no new declarations of interest.

Draft Minutes of the Advisory Board Meeting Held on 24 November, Action Points and Matters Arising

5. The minutes of the meeting held on 24 November were agreed as a true record, and the outstanding actions arising from that meeting were discussed and completed during the discussion.

Chief Executive's Update

6. Mrs Medhurst gave a brief overview of the purpose of this section for new members.
7. She spoke of the plans to initiate the Spending Review from February. Mr Neil Rennick, Director of Justice, Scottish Government, will lead for Justice, including SPS, but Mrs Medhurst advised that due to expected challenges and tight timescales, he may require support.
8. The Justice Strategy is expected to be launched in early February and is to be allied with publication of a one year SPS Delivery Plan. Again, this will be subject to tight timescales, however Advisory Board members were clear about the need for this Plan, to be followed by a 3 year plan which would be developed over the summer.

9. SPS is fully supportive and committed to participate in the Redress Scheme for survivors of historical child abuse in Scotland. Letters of commitment and apology to any survivors have been uploaded to SPS' website. Mrs Medhurst advised that there are stringent protocols around confidentiality in relation to the Scottish Child Abuse Inquiry (SCAI) team. The group were made aware that this work has been difficult to navigate over the last few months, however significant movement has been made since December.

10. A recent Scottish Statutory Instrument (SSI) on 'Photocopying of Prisoner Mail' which has been implemented to manage/track illicit substances entering establishments through mail has received a lot of press coverage.

11. SPS is currently progressing a number of vacancies at senior leadership level (around 19%). Previous campaigns have not had the desired success rate and as such, have been undergoing reform which has been trialled over the last few months with higher rates of success. This has provided the organisation with a degree of higher confidence and will continue to be reviewed.

12. The Chief Executive advised that she would be shortly meeting with Linda Bauld, the Scottish Government's Interim Chief Social Policy Adviser, to discuss health and social care issues affecting the prison population.

13. Colleagues thanked Mrs Medhurst for her update.

Operational Update

14. Mr Purdie advised members that:

- There were 7,550 people in SPS' care on 21 January.
- There were 56 significant incidents reported during the 2 months from 18 November 2021-19 January 2022.
- There were a total of 15 deaths in custody reported within the reporting period - 8 as a result of apparent natural causes, 2 deaths with suspected drug involvement and 5 deaths reported as apparent suicide.

15. It was noted that due to the COVID Omicron variant, SPS has experienced a high number of staff absences across the estate, however this had settled over the festive period. Mrs Johnston confirmed that there are currently around 11.9% of staff unavailable through illness or COVID; at its worst, this number was around 20%. The Chief Executive noted that whilst this can be looked at as a small percentage of the overall staff group, these numbers often mask high numbers of absence in individual establishments. Mrs Johnston offered to provide any additional staff absence figures or trends to members if required.

Scottish Court Custody and Prisoner Escort Services (SCCPES)

16. The contract continues to experience severe difficulties with staffing due to a higher than average attrition rate, difficulty in recruitment and absence due to COVID-related illness. SPS has issued an Improvement Notice with a requirement for immediate action to improve and members were advised that this has had a positive impact over the previous 2 months; while service delivery levels still remain lower than required, there has been slight improvement in some areas. Staff recruitment has improved and the attrition rate has recently been lower than previous months.

17. There has been an increase in the number of Virtual Courts located in Police Custody Units requiring GEOAmeY to staff these. This has had a negative impact on other services GEOAmeY provide and work continues with the Scottish Courts and Tribunals Service (SCTS) to rationalise the resource required in relation to staffing.

HMP Addiewell

18. There continue to be concerns regarding the operational delivery of service at HMP Addiewell. Sodexo have developed a recovery plan, incorporating staff incentives that should reduce attrition rates, and a team from SPS will review progress against this in the forthcoming weeks.

HMP Kilmarnock

19. Confirmation of the end of contract and the transfer to SPS of the assets has been received from the Scottish Government and shared with KPSL and SERCO. Early work has started with SERCO to plan for the return of the establishment back to public ownership and SPS after expiry of the contract on 16 March 2024.

20. SPS has resolved the outstanding commercial issues and is working with SERCO to ensure full payment of existing service credits due before the end of the current financial year.

21. The Advisory Board thanked Mr Purdie for his helpful and informative update.

Horizon Scan

22. As advised at the July 2021 Advisory Board meeting, a horizon scanning paper is submitted fortnightly to the Executive Management Group (EMG) before circulating to senior staff and their teams within SPS. This paper will also now be shared with Advisory Board members. The paper draws out only the major public policy or prison policy-related activity within the 2 week reporting period for discussion and information.

Action: Ms Lawson

23. As the EMG meeting on 18 January was cancelled, no update had been provided. Members therefore considered the summary paper provided for this meeting and noted in particular that there is ongoing focus on Gender Recognition, Humans Right and Equalities. Mrs Medhurst advised that the Gender Recognition Bill will be laid in Parliament next month and it is expected that any new legislation will come into force over the coming year. It was agreed that this would be considered further following the conclusion of the consultation period. Members thanked Mr Strachan for the helpful update.

Items for Advice

24. There were no items for advice on the agenda for this meeting.

Items for Monitoring

AB(JAN)01/22: Financial Update/Budget Monitoring, including Risks and Priorities for SPS for 2022-23

25. This paper provided an update on the 2021-22 budget and set out the financial performance for the year to date and forecast position against the revised Spring Budget Revision (SBR) budget as at 31 December 2021.

26. Ms Clow queried if SPS is forecasting an increase in material costs into the capital project. Mr O'Donnell confirmed that this has been considered, adding that there has been an overall increase which features as part of the capital programme planning.

27. A COVID-19 project code within the SPS financial system continues to be used to record all COVID-19 related expenditure in 2021-22.

28. The Advisory Board noted the content of this paper and thanked Mr O'Donnell for his update.

AB(JAN)02/22: Implications and SPS' Response to the Recommendations Contained within HMCIP's Review of Deaths in Custody

29. In November 2019, the Cabinet Secretary for Justice asked Wendy Sinclair-Gieben, Her Majesty's Chief Inspector of Prisons for Scotland (HMCIPS), to undertake a review into deaths in prison custody. The Review was tasked with making recommendations on how to improve the response when a death occurs in one of Scotland's prisons. The Review was co-chaired by Wendy Sinclair-Gieben (HMCIPS), Prof Nancy Loucks, Families Outside Chief Executive, and Judith Robertson, Scottish Human Rights Commission Chair.

30. The Review was undertaken over a period of almost 2 years and was published on 30 November 2021. The Cabinet Secretary for Justice has indicated that a Justice Partners Roundtable Event will take place to discuss the report and agree a collective response to next steps. The Roundtable Event will create the base for a future action plan, however, there is a particular need to ensure that consideration is given to the issues raised by families who are grieving for loved ones and the role all trauma informed organisations have in supporting them.

31. Mrs Medhurst noted there has been increase in engagement from families which she feels may not have been possible without an independent review and that this has enabled them to engage more.

32. The Review makes a key recommendation, 6 advisory points and a further 26 recommendations which are grouped into 5 themes and members noted that the Independent Review highlighted a number of areas that will require further discussion and agreement with partners on the resulting action plan. As an organisation, a number of actions are already underway that will support an improvement in responding to deaths that occur in custody, including reviewing existing guidance and policies.

33. Members noted the contents of this report and Mrs Medhurst expressed her agreement at the independent investigation, highlighting that currently it can take up to 4-5 years for an FAI to be concluded and that this can be especially traumatic for families. Mrs Stillie advised that this report is viewed as a baseline which will enable SPS to highlight good practices and take important lessons and areas for improvement forward. Mrs Brookes highlighted that the delay in FAIs and significant backlog is an ongoing frustration for both families and staff.

AB(JAN)03/22: Prisoner Survey - Development Proposals

34. Introduced in 1991, the Prison Survey was originally conducted every 3 years in the 1990s, each year from 2001-09 and thereafter, every 2 years. The Survey is undertaken in each prison and involves all those held in custody in Scotland. It focuses on the core elements of prison life - living conditions, family contact, healthcare, relationships, atmosphere and perceived safety. Over the years, the Survey has introduced a range of new questions of topical interest and while it has provided a unique insight into life in Scottish prisons from the perspective of those who are in custodial care, it is recognised that the survey requires re-development to keep pace with wider strategy and improvement, as well as the changing evidence base in respect of best practice survey methodologies. The last survey was conducted in 2019 and published in 2020.

35. Initial consultation is underway on the future purpose, content and process for the prison survey and it is anticipated that further detailed consultation will take place with staff, policy makers, service users and academia. It is critical that the future prison survey and wider qualitative work is aligned to future prisons outcomes and indicators, to be set out in the Justice Strategy refresh and the SPS Corporate Plan 2023-28.

36. It is anticipated that the next prison survey is undertaken in 2023 once the prisons outcomes have been finalised, and again in 2027 to inform the priorities for the Corporate Plan from 2028 onwards. The survey would then move to a 4 yearly cycle thereafter, shadowing the strategic planning cycle. This would be supplemented by more targeted qualitative work around agreed improvement priorities in the intervening periods. This multi-faceted approach will enable the prison survey to be slimmed down, be re-oriented towards a focus on service user experience and enable a more agile approach to service user voice in the intervening period around major prisons improvement priorities.

37. The Advisory Board noted the update and Ms McKechin highlighted that it may be beneficial to consider additional engagement in 2022 to pick up on any lessons learned/good practices that can be built on going forward. Mrs Brookes confirmed that whilst the main survey will take place next year, a limited piece of work took place at the start of the pandemic and there are plans to repeat that work this year.

Items for Noting

RMAC Minutes and Chair's Verbal Report

38. As the minutes of the RMAC meeting held on 8 December had yet to be approved, they were not included for discussion at this meeting. However, the Chief Executive and Mr Harley advised that:

- There will be an update to the External Audit contract and it is hoped to provide members with further information once the process concludes.
- There is work to be undertaken in respect of risk management going forward which has been discussed offline. He and Mrs Brookes will continue to liaise in this respect.

39. The Advisory Board thanked Mrs Medhurst and Mr Harley for their helpful updates.

Senior Leadership Update

40. The Chief Executive provided context for new colleagues regarding leadership positions within SPS and changes that were previously made to reduce senior posts. She noted that the reduced capacity has not always resulted in the optimal output and that the organisation has experienced a high turnover rate for senior posts. Ms McKechin advised her intention to discuss this with Mr Joe Griffin, Director General (Learning and Justice), Scottish Government, at their forthcoming meeting, and agreed that going forward, proper support to the Chief Executive and partners is important.

41. Ms McKechin was asked to arrange 1:2:1 calls with NED colleagues.

Action: Ms McKechin

Women's Strategy

42. Mrs Brookes advised that construction for the Women's National Facility (WNF) is progressing well, noting initial delays as a result of COVID. She shared a slide presentation with members which showed current progress and future expectations.

43. Input from a broad group of stakeholders and women in custody has been gathered to ensure the appropriateness of the facilities. The programme is entering its final year, however, completion dates have still to be confirmed. Currently, Dundee is expected to be completed in July, Glasgow in September and Stirling in November. Brigadier Monro advised that he was impressed with the Service and those involved in taking lessons learned forward and building on adapted requests from organisations. He added that whilst there is still progress to be made, immense strides have been taken.

44. Members were advised that the Community Custody Units (CCUs) provide an opportunity for women to live in less secure conditions, similar to the community environment. Additionally, risk assessments will be undertaken to ensure those entering CCUs are able to cope within the setting. The CCUs also provide the opportunity to prepare for future community access.

45. Mrs Stillie expressed concerns over the impact delays may have had on available resources that would have previously been allocated to the Women's Strategy. Mrs Brookes confirmed that SPS has maintained discussions with local authorities, in addition to running workshops with community partners, to ensure that progress is maintained.

Any Other Business

Draft Agenda for March Meeting

46. The draft agenda for the March Advisory Board meeting was agreed. It was noted that some future meeting dates conflict with pre-existing commitments for new NED members and consideration of new dates may be required. Adjustments to programmes going forward in relation to Finance data was also required.

Action: Ms Lawson

Induction/Discussion with New Advisory Board Colleagues

47. It was agreed that virtual induction sessions be arranged for new Advisory Board members.

Action: Ms McKechin

48. The new NEDs were asked to complete the 3 compulsory training modules on MYLO prior to the next meeting.

Action: Ms McKechin, Ms Clow, Mr Harley, Mr Uphill

Any Other Business

49. Mrs Medhurst and Advisory Board members expressed their thanks and appreciation to Brigadier Munro for his input, advice and support throughout his tenure as Non-Executive Director and Chair of the Advisory Board and wished him the very best for the future. Brigadier Monro's tenure would end on 31 January.

Date of Next Meeting

50. The next Advisory Board meeting will be held on Wednesday 30 March from 1300-1630hrs; the location and meeting platform will be confirmed in due course.

Action: Ms Lawson

Advisory Board Secretariat

January 2022