

**MINUTES OF THE SCOTTISH PRISON SERVICE ADVISORY BOARD MEETING HELD IN THE BOARD ROOM, HMP SHOTTS ON 30 MARCH 2023**

**Present:** Ann McKechin, Non-Executive Director and Advisory Board Chair  
Teresa Medhurst, Chief Executive, SPS  
Sue Brookes, Interim Director of Strategy and Stakeholder Engagement, SPS  
Lynne Clow, Non-Executive Director  
Ian Harley, RMAC Chair and Non-Executive Director  
Adam Jobson, Head of Organisational Development, SPS  
Jim Kerr, Interim Deputy Chief Executive, SPS  
Gerry O'Donnell, Interim Director of Finance, SPS  
Ali Purdie, Interim Director of Operations, SPS  
Sharon Lawson, Advisory Board Secretariat, SPS  
Gill Stillie, Non-Executive Director  
Rob Strachan, Divisional Head of Strategy, Planning and Partnership, SPS  
Lisa Taylor, Branch Head, Office of the Chief Executive, SPS  
Stephen Uphill, Non-Executive Director

**Introduction and Welcome**

1. The Chair welcomed all present to the meeting and thanked the Chief Executive for facilitating the meeting at HMP Shotts, and the Governor and his team for hosting an excellent tour of the establishment for Advisory Board members prior to the meeting.
2. Ms McKechin thanked NEDs colleagues for their engagement in the self-evaluation exercise. She advised that she had also now met with the Chief Executive and will be implementing a number of changes to the Advisory Board's processes following those discussions.
3. The recent appointment of Humza Yousaf as First Minister and the subsequent changes in the Scottish Cabinet were noted.

**Apologies for Absence**

4. There were no apologies for absence received for this meeting.

**Declarations of Interest**

5. There were no new declarations of interest.

**Draft Minutes of the Advisory Board Meeting Held on 25 January, Action Points and Matters Arising**

6. The draft minutes of the meeting held on 25 January were agreed as a true record and the Action Tracker was updated during the course of the discussion.

**Chief Executive's Update**

7. The following points were included within the Chief Executive's update:
  - Mr O'Donnell had been appointed as SPS' substantive Director of Finance following a recent recruitment campaign. A number of other appointments within the Office of the Chief Executive and HQ had also been made, and the advertisement for the substantive Deputy Chief Executive vacancy was now live.

- There would be a number of Governor-in-Charge changes later this year pending the retirements of the current postholders.
- The Chief Executive had met with Caroline Lamb, Director General for Health and Social Care at the Scottish Government (SG), and following that discussion, the Strategic Leadership Group had been established. This Group met on 23 March and has agreed a programme of work to look at arrangements for prison health and the regimes and context within SPS to ensure improvements are made to the services.
- The Lord Advocate has announced that the investigation into the circumstances surrounding the death in custody of Allan Marshall would be re-opened by Police Scotland.
- SPS is responding to the Ministerial announcement regarding transgender individuals and continues to work through the implications of these changes. The launch of the new Gender Identity and Gender Re-Assignment policy has been postponed to consider these changes, but it is still the intention to publish this later in the year.
- The Chief Executive is due to meet with the new Cabinet Secretary for Justice and Home Affairs, Angela Constance, on 5 April to discuss prison issues.
- On Capital expenditure, there are concerns about the future funding of HMP Glasgow and arrangements have been made for the Permanent Secretary and Director General to visit HMP Barlinnie in April.

8. Members thanked Mrs Medhurst for her informative and helpful update.

### **Operational Update**

9. Mr Purdie advised members that:

- There were 7,508 people in SPS' care on 24 March.
- There were 46 significant incidents reported during the 2 months from 20 January-22 March.
- There were 3 deaths in custody reported within the reporting period: 2 as a result of apparent natural causes and one reported as suspicious circumstances. Mr Purdie advised that the number of deaths in custody has dropped positively from the last calendar year.

### Scottish Court Custody and Prisoner Escort Service (SCCPES)

10. The contractor continues to under-perform against minimum acceptable thresholds. Staff retention and recruitment continue to be an issue, as they have been since April 2022, despite the contractor having increased its pay rates.

11. There will be increased demand on the contractor as a result of the court expansion programme scheduled for 2023. Consideration is being given by partners as to how they can reduce the demand on current services to concentrate on delivery of the essential contracted core service requirements. Contingency planning continues in the event of contractor failure.

### HMP Addiewell

12. 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 static, however, turnover remains a risk. HMP Addiewell accounted for 73% of all incidents at height across all establishments and the operators have undertaken to bring in additional senior directors to improve performance. It was further noted that HMIPS would shortly issue a report on the operation of the establishment.

## HMP Kilmarnock

13. The Contract Management Unit (CMU) has agreed the outcome of the remaining legacy issues with the contractor (KPSL) and sub-contractor (Serco). All partners have agreed on a Notification of Change amendment which will conclude all outstanding matters, with the intention that this will soon be formalised and concluded with the contractor. This formal process was concluded in September 2022.

14. The CMU continue to liaise with SPS Estates and Technical Services on the surveys and reports required, including the Termination Survey, due in the last 12 months of the contract and any actions which may subsequently be required in conjunction with the contractor to ensure the contractual compliance with the condition of the asset at the expiration of the contract.

15. Members discussed the GeoAmey contract in further detail before thanking Mr Purdie for his helpful update.

### **AB(MAR)06/23: Corporate Plan 2023-2028 Update**

16. The Advisory Board were invited to note the content of the 'near final' version of SPS' Corporate Plan 2023-28. The Plan sets out the organisation's strategic direction and priorities for the next 5 years and represents the developments that have taken place in response to Advisory Board members' comments, as well as wider input from stakeholders and SG.

17. At the point of publication, the plan will be accompanied by Equalities and Human Rights impact assessments, and a paper summarising the key evidence in support of priorities set. Over the course of the first year, a number of supporting documents will also be developed, including a measurement framework and logic models describing the 3 strategic objectives.

18. The Advisory Board thanked Messrs Kerr and Strachan for their work during this process and noted the feedback given by Executive Management Group (EMG) members which was that any work which does not require to go through either the Major Projects Management Group (MPMG) or Strategic Delivery Group (SDG) should be removed from the Corporate Plan and moved instead to Directorate plans. The NEDs agreed with that recommendation and provided some further specific comments and recommendations on the draft.

### **AB(MAR)01/23: Annual Audit and Assurance Plan**

19. This paper was withdrawn and would now be discussed at the May Advisory Board meeting.

### **AB(MAR)03/23: Financial Update/Budget Monitoring**

20. This paper provided the Advisory Board with an update on the 2022-23 financial position and following a discussion around some specific points raised by Mr O'Donnell, was noted by members.

### **AB(MAR)02/23: Budget Setting**

21. This paper provided an update on the status of the 2023-24 budget and financial planning position.

22. Mr O'Donnell advised that Resource budget submissions are currently being reviewed, with budget clarification meetings being held during March and April. Following these meetings, a paper will be drafted for the Chief Executive outlining the forecasted spend for 2023-24, the funding gap position and what options are available to mitigate the shortfall.

23. Members thanked Mr O'Donnell for his papers and subsequent helpful discussion in setting out the financial position and challenges for next year.

#### **AB(MAR)04/23: People Survey Analysis and Action 2022**

24. This paper provided analysis of the 2022 People Survey and an overview of activities being undertaken in response to the Survey.

25. Since 2010, SPS has participated in the annual Civil Service People Survey, which takes place each October. Conducted across approximately 100 Civil Service organisations, the People Survey covers 9 key themes that are known to shape peoples' motivation and experiences at work.

26. The overall response rate has increased significantly since 2021. The employee engagement level, as measured by the People Survey, has remained the same as 2021, the second highest level in the last 5 years.

27. Following discussion and specific concerns raised by members, Mr Jobson was asked to return to the Advisory Board with a further paper in November to consider these issues in further detail. Meanwhile, thanks were proffered to Mr Jobson and his team for this informative and detailed piece of work.

**Action: Mr Jobson/OCE**

#### **AB(MAR)05/23: Performance Monitoring, Planning and Risk (Q3)/Deaths in Custody Report**

28. This paper provided an update on organisational performance and risk for the Quarter 3 reporting period and was noted by members. They thanked Mr Strachan for the level of detail contained with the report and looked forward to a fuller discussion of the Quarter 4 report at the next Advisory Board meeting in May.

#### **AB(MAR)07/23: Estates Development Programme**

29. This paper summarised the progress of the Estates Major Infrastructure Works and Maintenance Works since March 2022.

30. The Estates capital and revenue funded projects are categorised into a number of different programmes of work, with the 2 principal programmes being the Major Infrastructure Works programme and the Planned Preventative Maintenance programme.

31. Members noted the contents of this informative paper and thanked Mr O'Donnell and the Estates team for its production.

#### **RMAC Chair Verbal Report**

32. Mr Harley advised that a self-assessment questionnaire had been issued to members for completion. The outcome of this exercise generally stated that RMAC was undertaking its remit, but there were some comments to take forward.

33. There had been a 'deep dive' of the Digital Strategy programme undertaken at the last meeting.

34. Audit Scotland, SPS' new External Auditors, had attended and taken an active part in the meeting. Members had already engaged with SPS' Finance team and an establishment visit would be arranged for them in due course.

35. Colleagues from SG Operational Audit had also attended the last meeting and shared their Annual Audit Plan with members.

#### **SPS Strategic Development Group (SDG) Verbal Update**

36. Ms Clow advised that she had attended 2 meetings of this group and it had been agreed to include 3 projects in the plan in relation to the Digital Strategy.

### **Major Projects Management Group (MPMG) Verbal Update**

37. Mr Uphill advised that there was discussion around HR transformation and some of the challenges being encountered, and the renewal of the Education contract and subsequent procurement process.

38. Mr Uphill thanked Mr Copeland for providing him with a quick turnaround of key points from the last meeting for today's discussion.

### **DIPLAR**

39. Mrs Stillie spoke about the DIPLAR process and advised that progress was consistent and moving forward. It was intended to carry out a 'deep dive' on this issue later in the year. The Chair asked that Mrs Brookes prepare a paper on deaths in prison custody for discussion at a future meeting.

**Action: Mrs Brookes/OCE**

### **Any Other Business**

40. It was anticipated that the NED recruitment process would commence in April.

41. Mrs Brookes was asked to arrange a visit to HMPYOI Polmont for those who wished to do so to review the C&R arrangements.

**Action: Mrs Brookes**

### **Draft Agenda for May Meeting**

42. The May meeting agenda was agreed as drafted.

### **Date of Next Meeting**

43. The next Advisory Board meeting will be held on 25 May from 1300-1600hrs at SPSC.

### **Advisory Board Secretariat March 2023**