

Our Ref FOI HQ 18062

Dear

03 July 2018

Thank you for your request dated 3 June 2018 under the Freedom of Information (Scotland) Act 2002 (FOISA) for the criteria noted below.

To clarify, SPS employee discipline procedures are governed by the SPS Code of Conduct policy within which there are two levels i.e. Misconduct and Gross Misconduct. We have interpreted your request to relate to the number of operational employees in each of our prison establishments investigated within both of these levels. The Conduct figures provided reflect relevant financial years as recorded by SPS. Please note that where the number of those contained within individual responses is solo as to potentially lead to the identification of an individual these are indicated as less than 5, as this information is exempt in terms of Section 38(1) of the Act.

1) Since 1st Jan 2010 until present date, please provide the number of disciplinary investigations undertaken at SPS Operational Staff per establishment.

Please break this figure down year on year until present date?

RFI1 Response – See Annex 1

2) In addition to the above information please provide how many of these investigations went to a formal disciplinary procedure and what type of disciplinary action was issued on each occasion (if any) in terms of your own policy and procedure such as No Action, Written Warning, Final Written Warning, etc.

RFI2 Response – See Annex 1

3) In addition to this information given in point 1, please break down the figures into operational staff banding and management staff for each year.

RFI3 Response – See Annex 1

4) Please provide the number of grievances submitted during the same time period, again broken down year on year in the same way.

RFI4 Response - Please note that the following information is shown in Calendar Years.

The summarised recording of grievance case information began in 2016. Prior to this, although some Establishments held summarised data, others held this information only within the employee's career file. To provide the data for the requested period would attract a cost exemption under section 12 of FOISA however the table below contains the information since 2016.

	2016	2017	2018	Grand Total
Number of Grievance Cases	63	69	31	163

Please also provide details as to how many of these grievances were deemed competent to be heard under the SPS Operational grievance policy & procedure.

In accordance with our Grievance Policy and ACAS best practice guidelines, we have always sought to resolve an employee's grievance informally in the first instance. Under our previous grievance policy, there was a requirement to complete an Informal Grievance Form, which was recorded by some, but not all of our local HR teams. The requirement to complete an Informal Grievance Form was withdrawn in 2017 as part of a policy review, hence the reduction in the number of grievances recorded since the implementation of the new policy. All of the grievances shown in the table above were deemed competent to be heard under the SPS Grievance Policy.

5) In addition to this information please detail how many grievances were upheld and how many of these grievances were individual and how many of these grievances were collective?

RF15 Response - The table below shows the number of grievances that were upheld either fully or partially.

	2016	2017	2018	Grand Total
Grievance Cases Upheld	11	16	6	33

The table below shows the Collective/Individual split of grievance cases.

	2016	2017	2018	Grand Total
Collective		3		3
Individual	63	66	31	160
Grand Total	63	69	31	163

6) Please state how many grievances were raised about bullying (i.e. something with specific regard to bullying in the initial grievance submission) and how many of these were upheld?

RF16 Response - The table below shows the number of grievances related to Bullying and Harassment.

	2016	2017	2018	Grand Total
Number of Cases	< 5	11	< 5	18

The table below shows the number of grievances related to Bullying and Harassment which were upheld.

	2016	2017	2018	Grand Total
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Number of Cases	< 5	< 5	< 5	4
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7) Please indicate your Operational staff (per establishment) turnover each year since 1st Jan 2010?

For the avoidance of doubt I mean the number of staff who have resigned or otherwise and it has been deemed necessary to replace them, as a percentage of the total Operational workforce at each establishment?

RFI7 Response – See Annex 1

8) How many section 11 injury at work applications were submitted as a result of absence from work due to work place bullying? And of these applications how many were successful?

RFI8 Response - We do endeavour to provide information whenever possible. However, in this instance the costs of locating, retrieving and providing the information requested would exceed the upper cost limit of £600. Identifying Section 11 Injury Benefit applications which contain reference to workplace bullying would necessitate a search of individual application files over the period requested. Under section 12 of FOISA public authorities are not required to comply with a request for information if the authority estimates that the cost of complying would exceed the upper cost limit, which is currently set at £600 by Regulations made under section 12.

We have now completed our search for the information you request.

If you are unhappy with this response to your request, you may ask us to carry out an internal review, by writing to The Chief Executive, Calton House, 5 Redheughs Rigg, Edinburgh, EH12 9HW. Your request should explain why you wish a review to be carried out, and should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If you are not satisfied with the result of the review, you then have the right to make a formal complaint to the Scottish Information Commissioner.

Yours sincerely

Annex 1

RFI1 Response

Please note that the following information is shown in Financial Years.

Establishment	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	Total
Aberdeen *	1	3	2	2	8						16
Barlinnie	16	9	6	5	17	7	4	11	8	3	86
Cornton Vale	3	6	8	4	4	8	7	5	2	1	48
Dumfries	4	7	1	1	2	1	1		3		20
Edinburgh	4	4	4	12	9	14	12	11	7		77
Glenochil	5	9	10	5	12	4	2	8	8	1	64
Grampian **						9	7	15	11		42
Greenock	3	1	4	7	2	1		1	1		20
Inverness	1	1	5	6	4		5	7	3		32
Low Moss ***			7	14	18	13	3	3	17	1	76
Open Estate		2	7	2	1		1			1	14
Perth	8	7	8	2	6	3	3	13	6	2	58
Peterhead ****	3	7	6	3	2						21
Polmont	7	12	15	2	4	8	2	9	11	2	72
Shotts	13	4	3	2	5	5	3	17	7	1	60
Grand Total	68	72	86	67	94	73	50	100	84	12	706

* HMP Aberdeen closed in early 2014

** HMP Grampian opened in early 2014

*** HMP Low Moss reopened in March 2012, the figures shown in 2011/2012 relate to the teams in place prior to opening.

**** HMP Peterhead closed in late 2013

RFI2 Response

Conduct Investigation Outcome	Grand Total
Verbal Warning Issued	100
Written Warning Issued	131
Final Written Warning Issued	81
No Case to Answer	292
Dismissal	49
Employee Resigned during Process	24
Employee Retired during Process	< 5
Investigation Withdrawn	< 5
Moved to Capability Process	< 5
Ongoing Investigation	23
Grand Total	706

RFI3 Response

Please note that the following information is shown in Financial Years.

Grade	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	Total
C+	12	17	19	18	29	25	9	17	28	5	179
D+	49	46	57	37	53	43	30	72	45	4	436
E+	6	8	7	8	11	5	11	9	11	< 5	77
F+			< 5	3	5			< 5		< 5	9
G+			< 5								<5
H+	< 5							< 5			<5
I+		< 5		< 5							<5
Total	68	72	86	67	94	73	50	100	84	12	706

RFI7 Response

Please note that the following information is shown in Financial Years.

Establishment	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
Aberdeen *	11.7%	4.2%	6.8%	8.7%	6.5%				
Barlinnie	2.1%	2.0%	1.6%	1.8%	3.4%	2.3%	2.7%	1.7%	5.6%
Castle Huntly	4.4%	1.4%	5.1%	1.3%	5.1%	1.3%	2.4%	2.4%	2.4%
Cornton Vale	1.9%	2.8%	4.5%	4.3%	3.4%	2.8%	2.9%	3.8%	4.6%
Dumfries	9.2%	2.7%	0.9%	5.7%	4.0%	7.7%	3.2%	4.6%	6.2%
Edinburgh	3.2%	1.1%	3.7%	2.7%	2.9%	2.3%	3.8%	4.5%	3.7%
Glenochil	2.4%	2.3%	3.0%	3.2%	2.5%	2.4%	5.6%	3.3%	5.9%
Grampian **				1.8%	3.7%	13.4%	6.9%	10.2%	10.0%
Greenock	2.1%	0.7%	3.5%	3.4%	4.5%	3.0%	3.0%	4.2%	2.4%
Inverness	3.8%	1.3%	4.8%	6.2%	6.6%	7.8%	2.1%	8.7%	6.9%
Low Moss ***			1.5%	4.2%	4.1%	1.4%	1.8%	2.8%	2.0%
Noranside ****	2.2%	4.4%	11.1%						
Perth	2.9%	4.5%	1.8%	1.8%	2.8%	4.3%	4.9%	3.1%	3.7%
Peterhead *****	5.7%	5.7%	17.5%	6.2%	7.1%				
Polmont	3.8%	2.6%	2.2%	1.2%	2.7%	2.0%	2.0%	3.5%	1.6%
Shotts	2.5%	3.0%	2.4%	3.1%	0.3%	2.0%	3.4%	2.0%	1.0%

* HMP Aberdeen closed in early 2014

** HMP Grampian opened fully in early 2014, the turnover figures for the year ending 2013 relate to the initial Project team based at HMP Grampian

*** HMP Low Moss reopened in March 2012

**** HMP Peterhead closed in late 2013