

MINUTES OF THE SCOTTISH PRISON SERVICE ADVISORY BOARD MEETING HELD VIRTUALLY ON WEDNESDAY 24 NOVEMBER 2021

Present: Brigadier Hugh Monro, Non-Executive Director and Advisory Board Chair
Teresa Medhurst, Interim Chief Executive, SPS
Sue Brookes, Interim Director of Strategy and Stakeholder Engagement, SPS
Prof Kay Hampton, Non-Executive Director
Caroline Johnston, Interim Director of Corporate Services, SPS
Sharon Lawson, Executive Personal Assistant/Chief Executive, SPS (Minutes)
Rob Molan, Non-Executive Director
Gerry O'Donnell, Interim Finance Director, SPS
Allister Purdie, Interim Director of Operations, SPS
Gavin Scott, Risk Monitoring and Audit Committee (RMAC) Chair
Gill Stillie, Non-Executive Director
Rob Strachan, Divisional Head of Strategy, Planning and Partnership, SPS

Introduction and Welcome

1. The Chair welcomed all to the meeting, noting that this was both Messrs Scott's and Molan's last as their tenures as Chair of the Risk Monitoring and Audit Committee (RMAC) and Non-Executive Director respectively would end in December.

2. The Chief Executive advised members that recruitment for the Chairs of both the Advisory Board and RMAC, and Non-Executive Directors had taken place and that pre-employment checks had completed or were in train. Ann McKechin had been appointed as Chair of the Advisory Board, Ian Harley as Chair of RMAC and Lynne Crow and Stephen Uphill as Non-Executive Directors. It was hoped that they would all assume their roles in December and attend the next Advisory Board meeting in January 2022. Mrs Medhurst agreed to forward to current members the new colleagues' profiles once all pre-employment checks and contracts were complete. Mrs Stillie and Prof Hampton had both been offered extensions to their current contracts until November 2022.

Action: Chief Executive

3. Brigadier Monro thanked Mrs Medhurst for this update noting that these new appointments maintained continuity.

4. Brigadier Monro also gave his thanks to all staff who produce policy papers and to the NEDs for reading them. He acknowledged that both activities are more difficult during COVID and home working and applauded those who continue to do so.

Apologies for Absence

5. Apologies for absence were received from Ms Angus.

Declarations of Interest

6. There were no new declarations of interest.

Draft Minutes of the Advisory Board Meeting Held on 29 September, Action Points and Matters Arising

7. The minutes of the meeting held on 29 September were agreed as a true record, and the actions arising from that meeting were discussed and completed during the discussion.

Operational Update

8. Mr Purdie advised members that:
 - There were 7,575 people in our care on 19 November.
 - There were 47 significant incidents reported during the 2 months from 23 September-19 November.
 - There were a total of 5 deaths in custody reported within the reporting period.
9. The Scottish Court Custody and Prisoner Escort Services (SCCPES), and private prison contracts were discussed in more detail under paper AB(NOV)03/21 later in the agenda.
10. No persons were admitted to SPS custody during COP26 despite a number being admitted into police custody. However, arrangements were in place throughout SPS to manage any such intakes.
11. The Advisory Board thanked Mr Purdie for his helpful and informative update.

Chief Executive's Update

12. Mrs Medhurst advised that she and colleagues within the Office of the Chief Executive were currently working at pace and to tight timescales on the Scottish Child Abuse Inquiry.
13. Mrs Medhurst and Mr O'Donnell had attended the Criminal Justice Committee on Pre-Budget Scrutiny on 3 November and had also had discussions with Messrs Griffin and Rennick about the budget announcement. The current position in respect of SPS' financial settlement for 2022-23 was not favourable and Mrs Medhurst and Mr O'Donnell were continuing to work with SG colleagues in relation to SPS' requirements and consideration of the implications should there be additional pressures placed upon the organisation.
14. The HMCIP Review of Deaths in Custody initiated by the then Cabinet Secretary for Justice, Humza Yousaf, was due to publish on 30 November. It was agreed that it would be helpful to align with SG Communications in this respect.

Action: Chief Executive/Tom Fox

15. A secondary statutory instrument relating to mail entering prisons was being laid which will give SPS the power to photocopy prisoners' mail and allow staff to be more flexible in their approach.
16. The Cabinet Secretary for Justice and Veterans, Keith Brown, had confirmed that HMP Kilmarnock would return to public sector operation at conclusion of the contract in March 2024.
17. Colleagues thanked Mrs Medhurst for her update and agreed that this should become a standing item on future agendas.

Action: Ms Lawson

Horizon Scan

18. As advised at the July Advisory Board meeting, a horizon scanning paper is submitted fortnightly to the Executive Management Group (EMG) and then circulated to senior staff and their teams within SPS. The paper draws out only the major public policy or prison policy-related activity within the 2 week reporting period for discussion and information.
19. There was some confusion caused as this paper did not contain the most recent EMG update, and this then led to a discussion about strategic items which required NED input. Mrs Brookes and Mr Strachan were asked to arrange a separate meeting to discuss this issue further.

Action: Mrs Brookes/Mr Strachan

20. It was agreed that this item should also become a standing item on future agendas.

Action: Ms Lawson

Items for Advice

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

Items for Monitoring

AB(NOV)01/21: Financial Update/Budget Monitoring

22. This paper provided an update on the 2021-22 budget and financial position and discussion followed around the underspend and general financial position.

23. Members thanked Mr O'Donnell for his paper, noting the forecast resource overspend and capital underspend for the 2021-22 financial year, and the key forecast differences from the last update given to the Advisory Board in September.

AB(NOV)02/21: Performance Monitoring

24. This report and accompanying presentation provided an update on performance across delivery plan updates; risk; procurement; equalities; IPM and HMIPS updates; and research and evaluation. It was recognised that this particular report was too long and the Improvement Team are continuing to refine the report and accompanying evidence with a view to making it more digestible moving forward.

25. Mrs Brookes apologised for providing both the paper and presentation at very short notice. Brigadier Monro commented that whilst he fully understood that Directors and other colleagues are extremely busy and they too have to work from home, he asked that they do not assume that NEDs will necessarily have the time to give documents the attention that they deserve when they are provided late.

26. In Quarter 2, SPS has taken its first tentative steps towards post-COVID recovery with the restoration of regimes, shift patterns and services across much of the estate. With considerable preparation, this has been largely successful but COVID-19 remains a significant on-going challenge for SPS. Operational delivery will remain challenging into Quarters 3-4 as SPS transitions into the winter period with continuing population pressures presenting an on-going risk. Any resurgence of COVID-19 is likely to undermine attempts to recover programmes delivery.

27. The Advisory Board noted the Quarter 2 performance and key delivery update and following discussion, advised they were content with the direction proposed within the paper.

AB(NOV)03/21: Six Month Performance Report on Private Sector Contracts

28. This paper advised the Advisory Board of the operational and contractual performance of the major private sector contracts managed by SPS over the period 1 April-30 September 2021. SPS has 3 major contracts for the delivery of custodial and prison escort services - the Scottish Court Custody and Prisoner Escort Services (SCCPES) contract, and those for the privately operated prisons at HMPs Addiewell and Kilmarnock.

COVID-19

29. The COVID-19 pandemic continues and impacts both private and public prisons alike. Some reductions in regime are still required but, in line with the SPS managed estate, both private prisons are working towards a more normal regime by the end of September under the Expansion of Services initiated by SPS during the reporting period. A contractual relaxation has been offered for specific failures, along with the ability to request additional relaxations when other COVID-19 impacts are experienced, including those highlighted in the amended Prison Rules.

HMP Kilmarnock

30. The contract for HMP Kilmarnock expires on 16 March 2024 and the project to transition the operation of the prison to the public sector, and to ensure the assets are received in optimum condition, will be complex. A procurement project is now underway to tender for a Dilapidation Survey which will be key to ensuring that the facility is handed back in the appropriate condition. KPSL have provided SPS with a copy of the contractually required Condition Survey which was recently carried out and this will be shared with the SPS survey team once an appointment has been made. KPSL are contractually obliged to carry out any remedial works required and continue to have liability to do so after contract handover.

SCCPES

31. The SCCPES contract is experiencing severe difficulties with staffing due to a higher than average attrition rate, difficulty in recruitment and absence due to COVID-related illness. Performance continues to deteriorate with failure to achieve key performance levels and SPS has taken steps to ensure that all protocols and procedures necessary for potential intervention are reviewed and available. All MALG partners have been notified and asked to review their own procedures should the worst case scenario be realised and a future date for a partner contingency planning review is being scheduled.

32. GEOAmev played a significant role in the delivery of the Criminal Justice plans for COP26, delivering the additional services required over the period of the conference.

HMP Addiewell

33. During the reporting period, HMP Addiewell has been quoted in the National Press. Sodexo have kept SPS well informed regarding all matters, however, the decision was taken to deploy a team of Senior Managers into HMP Addiewell for a short period of time to gain a better understanding of the potential issues. This report has been shared with the Chief Executive and Sodexo have developed a recovery plan, incorporating staff incentives that should reduce attrition rates.

34. Members thanked Mr Purdie for his update, and whilst concerned about the GEOAmev contract, noted that the the Contract Management Unit (CMU) continue to work closely with all 3 private sector partners.

Items for Noting

RMAC Minutes and Chair's Verbal Report

35. The minutes of the RMAC meeting held on 8 October had previously been circulated to members for their information.

36. Mr Scott advised that:

- Mr O'Donnell had attended the last RMAC meeting and Mr Scott was pleased to note that the plans he spoke about at that time were now coming into fruition.
- Mr Strachan had attended the meeting to speak about improvement planning in advance of the paper he had provided for this meeting.
- A deep dive was undertaken into the risk relating to progression and RMAC members were reasonably re-assured that legal requirements were continuing to be met.
- In relation to resourcing of the Internal Audit function, Mrs Medhurst spoke about the shared services option that had been agreed with SG.

37. The Advisory Board were pleased to note the progress being made to address the risks facing the

organisation and thanked Mr Scott for his helpful update.

Any Other Business

Draft Agenda for January 2022 Meeting

38. The draft agenda for the January Advisory Board meeting was agreed, subject to some modification, as follows:

- The full analysis of the Staff Survey results would not now be available until end December/beginning January, meaning that the scheduled update for the Advisory Board would be delayed until March.

Action: Ms Lawson/Mrs Johnston

- The Prisoner Survey paper would not be produced - instead, a paper on development proposals would be provided.

Action: Ms Lawson/Mrs Brookes

- 'Update from the Chief Executive' and 'Horizon Scan' to be added to all future agendas.

Action: Ms Lawson

- Mr O'Donnell to discuss with the Chief Executive and provide a further paper on Risks and Priorities for SPS for 2022-23 following the announcement of the budget implications.

Action: Ms Lawson/Mr O'Donnell/Mrs Medhurst

- A paper on the implications and response to the recommendations contained within HMCIP's Review of Deaths in Custody to be provided by Mrs Brookes.

Action: Ms Lawson/Mrs Brookes

Any Other Business

39. Mrs Medhurst advised that Mr Kerr had indicated that he wished to complete his secondment to SG at the end of year 2 and would therefore return to SPS in March 2022.

40. Mrs Medhurst and Brigadier Monro expressed their thanks and appreciation to Messrs Scott and Molan for their time with SPS on RMAC and the Advisory Board. It was acknowledged that their input, advice and support throughout their tenures had been extremely helpful and beneficial, particularly so during the pandemic, and they were both wished the very best for the future by all Advisory Board members.

41. Prof Hampton intimated her apologies for the next Advisory Board meeting in January.

Date of Next Meeting

42. The next Advisory Board meeting will be held on Wednesday 26 January 2022 from 1230-1600hrs; the location and meeting platform would be confirmed in due course, but the Chair asked that an in person meeting be held if possible. As it was likely that the new Chairs and NED colleagues would attend the meeting, he also asked that colleagues gather earlier to allow for informal introductions to take place prior to the meeting.

Action: Mrs Johnston/Ms Lawson

Advisory Board Secretariat

November 2021