

**MINUTES OF THE SCOTTISH PRISON SERVICE ADVISORY BOARD MEETING HELD IN THE COMMAND ROOM,  
SPS HEADQUARTERS ON 25 MAY 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  
Ali Purdie, Interim Director of Operations, SPS  
Sharon Lawson, Advisory Board Secretariat, SPS  
Gareth Rose, Head of Communications, SPS  
Gill Stillie, Non-Executive Director  
Rob Strachan, Head of Strategy and Improvement, SPS  
Lisa Taylor, Branch Head, Office of the Chief Executive, SPS

**Introduction and Welcome**

1. The Chair welcomed all present to the meeting. She advised that the NEDs in attendance had had a useful update meeting with the Chief Executive in advance of this meeting.

2. Members noted that the new Cabinet Secretary for Justice and Home Affairs had visited HMP Stirling earlier that morning, and that the recruitment campaign for a new Director General (Learning and Justice) had now closed.

**Apologies for Absence**

3. Apologies for absence were received from Messrs Kerr, O'Donnell and Uphill. The Chair noted, however, that Mr O'Donnell would attend the meeting virtually for the presentation of paper **AB(MAY)03/23** only.

**Declarations of Interest**

4. There were no new declarations of interest.

**Draft Minutes of the Advisory Board Meeting Held on 30 March, Action Points and Matters Arising**

5. The draft minutes of the meeting held on 30 March were agreed as a true record and the Action Tracker was updated during the course of the discussion.

**Chief Executive's Update**

6. The Chief Executive's update included the following points:

- Mrs Medhurst had attended a SG Short-Life Working Group on Healthcare in Prisons meeting earlier that day. The meetings were well represented at a higher level by Ministers, SG officials and NHS colleagues and concentrated on 3 themes - an operating model; , roles and responsibilities; and governance. The group had clear Ministerial engagement and was making good progress, with funding having been made available for digital improvements.
- A presentation on population projections had been given at the last Criminal Justice Board meeting and projections were that the population was set to rise to 8,000 people in our care by September which was acknowledged as a concerning trend. This was an area which both

the Permanent Secretary and Cabinet Secretary for Justice and Home Affairs were focusing on, and a Sub-Group was being established to review the situation.

- The Chief Executive and Mr Strachan had been engaged in work on a measurement framework in relation to the new Scottish Government (SG) Justice Vision and Test of Change projects.
- Mr Jobson and his team had been working on sick absence and capability and there was a real focus from all levels in the organisation on improvement. As a result, SPS was already seeing a statistically marked difference in both areas.
- HMP Stirling will officially open in June and as previously mentioned, the Cabinet Secretary, Ms Constance, had visited that morning. Members noted the amount of work undertaken by teams to get to this position - the third establishment for women opened in less than a year - and congratulated all involved in the process for their achievements.
- The Permanent Secretary and Director General (Learning and Justice) had visited HMP Barlinnie. Members noted the significant work to date by HMP Glasgow's Executive Team into development of the Business Case.

7. Members thanked Mrs Medhurst for her informative and helpful update. All agreed that there was lots of very positive news and proffered their congratulations to all involved for all that has been achieved to date. The Advisory Board agreed with Mrs Medhurst's recommendation that due to the scale and complexity of the HMP Glasgow project, the forthcoming recruitment for new Non-Executive Directors (NEDs) should be extended to include an additional NED with specific construction and capital management experience.

**Action: Ms Taylor/Ms Lawson**

### **Operational Update**

8. Mr Purdie advised members that:

- There were 7,644 people in SPS' care on 19 May.
- There were 45 significant incidents reported during the 2 months from 23 March-17 May.
- There was an attempted escape from HMP Barlinnie during the reporting period.
- There were 3 deaths in custody reported within the reporting period, all as a result of apparent natural causes.
- Work is being undertaken to consider options for dealing with the increasing numbers of prisoners.

9. Members thanked Mr Purdie for his update, noting that a fuller paper on the 3 major contracts for the delivery of custodial and prison escort services would be discussed later in the meeting. They requested that a discussion on 'prison population' be held at a future meeting.

**Action: Mr Purdie/Ms Lawson**

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

10. This paper provided the Advisory Board with an overview of planned Audit and Assurance activities spanning 3 substantive components of audit and assurance (internal audit, external audit, and operational audit) for the 2023-24 period.

11. The Annual Internal Audit Plan for 2023-24 proposes 7 areas of focus:

- Information Governance

- Estates Management and Strategy
- Business Continuity/Service Resilience
- Organisational Culture
- Organisational Learning and Development
- Stakeholder Engagement and Communications
- Business Planning and Change Management

12. The plan will be subject to regular review throughout the year to ensure it remains current and reflects the changing risk environment.

13. In 2022, Audit Scotland (AS) were appointed as the external auditors of SPS for the period 2022-23 to 2026-27 inclusive. In the first year of the audit appointment, AS note their intent to invest significant time gaining an understanding of the organisation and identifying and assessing the risks of material misstatement to the financial statements.

14. Members thanked Mr Strachan for his paper and agreed that though it was helpful to see, it was for the Risk Monitoring and Audit Committee (RMAC) to take forward. It was therefore agreed that all future reports on the Plan should be amalgamated, as appropriate, with the RMAC Chair's Annual Report.

**Action: Mr Harley/Ms Lawson**

15. The Chair and Mr Harley agreed to catch-up outwith this meeting given Mr Harley's absence from the earlier NED discussion.

**Action: Ms McKechin/Mr Harley**

#### **AB(MAY)02/23: People Metrics**

16. This paper provided members with an update on the latest Equality, Diversity and Inclusion (EDI) statistics and trends within SPS.

17. Through its 2020 Equality Outcomes, SPS set itself a number of bold commitments aimed at building a workforce that will be more representative of Scottish population. These ambitions include a commitment to tackling occupational segregation amongst genders and developing an inclusive culture where all staff have confidence in providing diversity data.

18. EDI activities in 2022-23 included:

- Continuing to provide opportunities for entry at higher pay bands for women, supporting SPS' commitment to tackling occupational segregation and the Gender Pay Gap.
- The introduction of an Employee Menopause policy and a review of the Attendance Management policy with agreement for key areas of focus.
- An initial review of existing equality and diversity training provision, identifying the need to develop a new approach to upskilling staffing teams through targeted training aligned to work priorities, rather than a one size fits all approach.

19. EDI priorities for 2023-24 will include:

- Identification and development of opportunities to enhance the existing reporting metrics as part of the HR Digital Transformation journey.
- Developing the workforce's understanding of, and ability to, challenge behaviours not reflective of SPS' Values.

20. The Advisory Board discussed this update and the illustrative detail provided on employee diversity trends. Ms Clow offered her assistance to share her professional experience with Mr Jobson in respect of the points covered.

**Action: Mr Jobson/Ms Clow**

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

21. This paper provided an update on the 2022-23 year-end financial position.

22. SPS is reporting a resource overspend for the financial year 2022-23. This is due to payroll costs, the late identification of an under-accrual position in the calculation of holiday accrual and the announcement of a further supplementary pay award for 2022-23.

23. The capital charges budget is underspent; the primary reason being the identification of leases that had previously been forecasted to be depreciated under the accounting standard IRFS16 no longer being subject to this accounting treatment.

24. The resource budget position for 2023-24 is still being finalised with the aim to complete the exercise by the end of June. The capital budget for 2023-24 has been finalised and allocated. Known challenges for the year include a re-evaluation of non-domestic rates potentially resulting in significant cost increases, and increased food costs due to inflation.

25. Members noted this paper and that the Finance team were working to complete the 2022-23 accounts. They agreed to review the financial position in more detail at the July meeting.

**Action: Mr O'Donnell/Ms Lawson**

#### **AB(MAY)04/23: Performance Monitoring, Planning and Risk (Q4)/Deaths in Custody Report**

26. This paper provided a report on organisational performance and risk, as at the end of Quarter 4 (Q4).

27. Work on the development of SPS' Corporate Plan 2023-28 is nearing completion. In this quarter, the focus has been on the production and review of the plan's content, preparation and clarification of the authorising environment and processes, and the development of additional detail around the 5 year and one year Delivery Plans. The finalised Corporate Plan 2023-28 and Year One Annual Delivery Plan documents will be submitted to the Cabinet Secretary for Justice and Home Affairs for consideration early in Q1.

28. Moving into the new Corporate Plan period, SPS faces a number of overlapping challenges related to population (volume and complexity), case management provision (including risk management) and the performance of key private contracts - all of which are caused or compounded by the tightening financial and labour market context and the staffing challenges flowing from these across SPS. It is becoming clear that the solutions to these complex challenges are beyond any one Directorate or workstream and will require an integrated approach to delivery planning, layered up over the period of the new corporate planning cycle and beyond.

29. Members noted the key performance and risks reporting for Q4 and that as a consequence of the introduction of a new Corporate Plan, the Chair and Mr Strachan would discuss the future style of reporting to the Advisory Board prior to its next meeting in July.

**Action: Ms McKechin/Mr Strachan**

#### **AB(MAY)05/23: Private Sector Contracts Report**

30. 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 2022-31 March 2023.

31. SPS has 3 major contracts for the delivery of custodial and prison escort services. These contracts are the Scottish Court Custody and Prisoner Escort Services (SCCPES), and those for the privately operated prisons at HMPs Addiewell and Kilmarnock.

### HMP Kilmarnock

32. The contract for HMP Kilmarnock expires on 16 March 2024 and the SPS Transition Project Team is leading on the transfer.

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

33. Members discussed some of the key challenges of the SCCPES contract. An independent assessment of the viability of the contract is being undertaken.

### HMP Addiewell

34. HMP Addiewell also continues to experience staff attrition and recruitment issues, which is in line with the current market forces across the country. Overall, the staffing position is static; however, this increased turnover remains a risk with the increased proportion of inexperienced staff.

35. HMIPS completed a Full Inspection in November 2022, however due to concerns, a follow-up visit was conducted in January 2023. The findings from the Inspection and follow-up identified serious concerns across most of the prison, mainly that they assessed the establishment to be unsafe. The Full Inspection report launched on 3 May and attracted media attention and a lot of work had been undertaken by SPS staff in preparing for this publication. The SPS Controller team has been increased with additional tasking to actively monitor the day-to-day operations, but the Chief Executive advised that she still had concerns about the performance of the prison. A meeting with the Cabinet Secretary and Sodexo has been arranged to seek assurance that improvement plans will be prioritised.

36. A Fire Enforcement Notice (FEN) has been served on the prison. A follow-up visit by SFRS took place on 24 April; indications at this time are that SFRS is content with the actions taken to address the FEN, however a full audit of responses has still to take place. The SPS Controllers are monitoring closely the requirements of the FEN and ensuring that the contractor is taking all appropriate and necessary actions.

37. Members thanked Mr Purdie for his update noting that the Contract Management Unit (CMU) continues to work closely with all private sector contractors in order to monitor performance against contractual expectations. They discussed the performance of GeoAmey and the concerns surrounding HMP Addiewell in greater detail and looked forward to hearing more about both contracts at future meetings.

**Action: Mr Purdie/Ms Lawson**

### **AB(MAY)06/23: RMAC Chair's Annual Report**

38. Mr Harley provided the Advisory Board with a summary of the activity of RMAC covering the year to 31 March.

39. The role of RMAC is to act as an independent scrutiny body, without executive powers, advising the Agency Accountable Officer (Chief Executive) and to support the Advisory Board in their responsibilities for issues of governance, risk and control including associated assurance, through a process of constructive challenge. RMAC met formally 5 times during the year. Mr Harley continued as Chair, with Ms Clow also continuing in her role as RMAC member. During the period, Prof Hampton stood down from the Committee and was replaced by Mr Uphill.

40. The year saw relationships between the Scottish Government (SG) Internal Audit (IA) team and RMAC strengthen. The IA team has delivered well throughout 2022-23, the first year of delivering its own audit plan. The SG IA team has reported an improving culture within SPS. Mr Harley signalled support for further improvement of SPS' culture during the March RMAC meeting with an intention for RMAC to more closely scrutinise delivery of remedial actions against agreed timescales.

41. In July 2022, RMAC considered Azets' annual report in a meeting which was not quorate due to extended periods of leave, noting that there were no qualifications to the accounts. During the year, Azets'

term as external auditor of SPS concluded and Audit Scotland was appointed as the new auditor. The Audit Scotland team has already commenced familiarisation activity and annual accounts planning and attended the March RMAC meeting.

42. A discussion was held with the Advisory Board Chair and Chief Executive to discuss the relative responsibilities of RMAC and the Advisory Board. This was useful and led to a streamlining of duties including the removal of the corporate plan and management accounting/budget updates from the RMAC agenda to avoid duplication. The Terms of Reference (ToR) are due for a full review during the 2023-24 period.

43. In conclusion, RMAC is pleased with the progress made in improving and using the corporate risk register. This will continue to embed and evolve, with establishments and major projects also moving to a consistent approach to risk registers.

44. The Advisory Board thanked Mr Harley and RMAC for its hard and diligent work over the last year and agreed that it was heartening to see continuing improvement of the Risk Register.

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

45. Ms Clow advised that since the last Advisory Board, the SDG has met once, and the group is continuing to evolve and refine its purpose and ways of working. The relationship between SDG and SPS' other governance groups has been an area of discussion and will be further explored at the Terms of Reference review point later in the year.

46. Project start-up documentation has been commissioned for Case Management, Population Management, Net Zero and Health and Wellbeing. In addition, scoping discussions will be taking place regarding Digital and Organisational Development work to define what elements of these would be best suited to oversight through SDG. The development of this project start-up paperwork will allow the SDG to review delivery of, and the inter-connections and dependencies between, the major pieces of work.

47. Members thanked Ms Clow for her update.

48. The NEDs were advised that the Chief Executive and Directors had arranged a half day workshop for 31 May to review the Corporate Deliverables.

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

49. Given Mr Uphill's absence, no specific update was provided, though members had noted the position regarding HMPs Glasgow and Stirling earlier in the meeting.

#### **Any Other Business**

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

#### **Draft Agenda for July Meeting**

51. The July meeting agenda was agreed with the inclusion of a death in custody deep dive and increasing prison numbers.

**Action: Ms Lawson**

#### **Date of Next Meeting**

52. The next Advisory Board meeting will be held on 26 July from 1300-1600hrs, in a venue to be confirmed by Mr Purdie in due course.

53. Members asked that the September Advisory Board meeting be held at SPS College given the large agenda.

54. The November Advisory Board meeting to start with a Development Session. It was hoped that the newly appointed NED members would attend that meeting.

**Advisory Board Secretariat**  
**May 2023**